

Union Area School District

Special Education Handbook

2020-2021



Special Education Mission and Vision

Our vision is that all special education students will graduate with a variety of postsecondary options available so they may become responsible, productive, and confident citizens.

Our mission is to provide all special education students an individualized education in the least restrictive environment. In an inclusive setting, each student will have high expectations to succeed within the scope of their ability. With the collaborative support of teaching staff, administration, parents, and community agencies, students will develop self-advocacy skills and feel valued, as well as included in order to achieve lifelong success.

Glossary of Acronyms

AT--Assistive Technology

ER--Initial Evaluation Report

ESY--Extended School Year

FAPE--Free Appropriate Public Education

FBA--Functional Behavior Assessment

ID--Intellectual Disability

IDEA--Individuals with Disabilities Education Act

IEE--Independent Educational Evaluation

IEP--Individualized Education Plan

MIU4--Midwestern Intermediate Unit IV

PTE--Permission to Evaluate

PTR--Permission to Reevaluate

PBSP--Positive Behavior Support Plan

RR--Reevaluation

NOREP/PWR--Notice of Recommended Educational Placement/Prior Written Notice

UASD--Union Area School District

Initial Evaluation Procedure

****UASD Request:**

1. A student can be referred for an ER following a pre-referral intervention (IST, SAP, Title I). The teacher will contact the Special Education Director to discuss an appropriate intervention and plan.
2. UASD staff must consult with the Special Education Director before suggesting an ER to a parent.
3. The Special Education Director will contact the parents to discuss the referral.
4. The Special Education Director will issue a PTE form with a Procedural Safeguard Notice.
 - If UASD does not receive the signed PTE back, a 2nd notice will be sent via mail.
 - Prior to sending a 3rd notice, the Special Education Director will contact the parent by phone to again discuss the PTE and purpose. The 3rd notice will be sent via mail. All communication dates will be documented in the student's file.
5. When the PTE is received, the date will be documented on the form. A copy of the ER must be presented to the parent no later than 60 calendar days (excluding summer break) from the receipt date.
6. If the student is eligible for special education, an IEP meeting will be convened within 30 days of the ER. If the student is not eligible for special education, the Special Education Director will issue a NOREP.

****Parent Request:**

1. If a parent makes an oral request to any school professional or administrator, a PTE and Procedural Safeguards Notice must be issued by the Special Education Director within 10 calendar days.
2. If a parent makes a request in writing, a PTE and Procedural Safeguards Notice must be issued in a timely manner.
3. A parent may request an ER once per year.
 - If UASD does not receive the signed PTE back, a 2nd notice will be sent via mail.
 - Prior to sending a 3rd notice, the Special Education Director will contact the parent by phone to again discuss the PTE and purpose. The 3rd notice will be sent via mail. All communication dates will be documented in the student's file.
4. When the PTE is received, the date will be documented on the form. A copy of the ER must be presented to the parent no later than 60 calendar days (excluding summer break) from the receipt date.
5. If the student is eligible for special education, an IEP meeting will be convened within 30 days of the ER. If the student is not eligible for special education, the Special Education Director will issue a (NOREP).

Reevaluation Procedures

RRs are required once every three years for all disability categories, except for individuals with an ID. Students with ID must be reevaluated every two years.

1. If the IEP team reviews existing data, determines that no additional data is needed, and the student still qualifies for special education, then the RR report can be completed and a copy will be sent to the parent. An IEP meeting will be held within 30 days of the RR report.
2. If the IEP team determines that additional data is needed to complete the RR, then the Special Education Director will issue a PTR and Procedural Safeguards Notice.
 - If UASD does not receive the signed PTR back, a 2nd notice will be sent via mail.
 - Prior to sending a 3rd notice, the Special Education Director will contact the parent by phone to again discuss the PTR and purpose. The 3rd notice will be sent via mail. All communication dates will be documented in the student's file.
 - If parental consent cannot be obtained, UASD may proceed to collect additional data
3. When the PTR is received, the date will be documented on the form. A copy of the RR must be presented to the parent no later than 60 calendar days (excluding summer break) from the receipt date.
4. If the student continues to be eligible for special education, an IEP meeting will be convened within 30 days of the RR. If the student is no longer eligible for special education, the Special Education Director will issue a NOREP.

Waiving an RR

If UASD and the parent agree that a RR is not necessary, the Special Education Director will issue the Agreement to Waive Reevaluation form. UASD must indicate on the form the reasons it has made this determination. The parent may agree to waive or proceed with the RR. If parental consent is obtained, then no PTR is issued and no RR report is written. The RR is then waived for three years from that date of the parent signature.

****Waiving an RR is not an option for an ID student.**

Independent Educational Evaluation

According to IDEA, The parents of a child with a disability have the right to obtain an IEE of their child. An independent evaluation means an evaluation conducted by a qualified examiner who is not employed by UASD.

After reviewing the ER or RR conducted by UASD's school psychologist, the parent may disagree with the findings by completing a written request for an evaluation at public expense. All requests for an IEE will be submitted to the Special Education Director, who will then discuss the request with the Superintendent. The Special Education Director will be responsible for responding to the request, in writing, within 10 days.

If the IEE request is approved by the LEA, the Special Education Director will send the parent a letter outlining the procedures for an independent evaluation and a list of IEE evaluators. The parent is responsible for arranging the evaluation and contacting the Special Educator Director for payment. UASD will not pay for the evaluation until the report is received directly from the evaluator.

If UASD denies the IEE request, the parent will be notified by the Special Education Director in writing via NOREP/PWN that the evaluation was denied and the reasons for denying the request. UASD will file a due process complaint to request a hearing to defend the public evaluation. If the hearing officer decides that the evaluation is appropriate, UASD will not have to pay for an IEE. If a hearing officer determines that the evaluation was not appropriate, UASD must pay for the cost of the IEE.

If parents obtain an IEE at private expense, it must be shared with UASD. The results of the evaluation shall be considered by UASD in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a due-process hearing regarding the child.

If an IEE is conducted at UASD's expense, the criteria under which the evaluation is obtained, including the location of the valuation and the qualifications of the examiner, must be the same as the criteria which the UASD uses when it conducts an evaluation. A parent is only entitled to one IEE at public expense per ER/RR conducted by UASD. The Special Education Director shall maintain a qualified independent evaluators for parent reference.

Independent Education Evaluators

CENTER FOR PEDIATRIC NEUROPSYCHOLOGY--SOUTH OFFICE

615 Washington Road
Suite 500
Pittsburgh, PA 15228
Phone: 412-343-6416
Fax: 412-343-6418

CENTER FOR PEDIATRIC NEUROPSYCHOLOGY--EAST OFFICE

795 Pine Valley Drive
Suite 18
Pittsburgh, PA 15239
Phone: 724-519-7150
Fax: 724-519-7704

Brian Anderson
333 Arrowwood Lane
Canonsburg, PA 15317
724-366-9470
bpanderson317@gmail.com

Sharon Brenzy
538 Thomas Dr.
Uniontown, PA 15401
724-963-6580
sbrenzy@gmail.com

California University of Pennsylvania School Psychology Clinic

250 University Drive
California, PA 15419
724-938-4403
<http://www.calu.edu>

Children's Therapy Center
1000 Waterdam Plaza Dr.
McMurray, PA 15317
724-942-6100

<http://www.washingtonhospital.org/services/childtherapy>

Dr. Deborah Gilman
1386 Old Freeport Rd, #3B
Pittsburgh, PA 15238
www.drdebgilman.com

Jennifer Myers, Ph.D.
Mountaineer Psychological Services
4000 Coombs Farm Drive
Building D, Unit 102
Morgantown, WV 26508
304-948-5677
jmyers@mountaineerpsyc.com

Heidi Neville
242 East McMurray Road
McMurray, PA 15317
724-941-7075

Kimberly O'Brien
504 Paul Court
Uniontown, PA 15401
412-582-3273
cob1227@atlanticbb.net

Carol Rigatti-Drum
501 Valley Brook Road
Suite 205
Canonsburg, PA 15317
724-941-8824

West Virginia University Klingberg Center
Morgantown, WV 26506
304-293-7331

<http://medicine.hsc.wvu.edu/pediatrics/faculty-staff/neurology/klingberg-center>

ASSISTIVE TECHNOLOGY

IDEA and Pennsylvania Chapters 14 and 711 require that IEP teams consider AT needs for every student with an IEP. An AT device is defined by IDEA 2004 *as any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.* If the IEP team concludes that a student may need an AT device, the following procedures are followed:

1. The special education director will put in a request for an AT evaluation with MIU4.
2. MIU4 and the IEP team will consider the following:
 - Student's activities and routines
 - Academic tasks
 - AT options
 - AT devices that have been already used
3. Using the above information, the IEP team will select an appropriate AT device.
 - In the IEP, assistive technology must be checked "yes" under special considerations
 - The AT device must be listed in the student's specially designed instruction
4. MUI4 will train the student, staff, and parents on AT device usage.
5. The student will receive the related service of AT consultation at least once per semester for maintenance.

**If an AT device needs repaired, the special education teacher will contact MIU4's AT consultant.

1. The teacher and AT consultant will troubleshoot to see if the device needs sent out for repair.
2. If it needs repaired, the special education teacher will arrange pick up of the device with the AT consultant.
3. The device is shipped out from MIU4.
4. The AT consultant will get a loaner device or a backup system for the student to use until the repair is complete.
5. MIU4 pays for the repair and the AT device is placed back with the student.

Monitoring the Functioning of Hearing Aids

Students with hearing loss that wear hearing aids and/or use assistive technology that is included in a 504 Plan or an IEP, have their equipment monitored by a teacher of the deaf or audiologist to ensure it is working properly. Batteries, cleaning supplies, and some general parts such as: tubing, ear hooks, and battery doors are provided by MIU4's Hearing Support Services and Audiology staff for personal hearing aids. Assistive technology such as: FM/DM systems are monitored, maintained and updated and replaced as needed by MIU4. The amount of time hearing aids and/or assistive technology such as FM/DM systems are monitored are based on the amount of service provided, and stated on individual IEP's or 504 Plans.

CHILD FIND: ANNUAL PUBLIC NOTICE

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 school district to fulfill this notice requirement by providing an annual public notice. The school district 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 school districts must follow. In Pennsylvania a school age child with disabilities who needs special education and related services is 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-Orthopedic Impairment-Deaf-Blindness-
Other Health Impairment-Deafness-
Specific Learning Disability-Emotional Disturbance-Speech or Language
Impairment-Hearing Impairment-Traumatic Brain Injury-Mental Retardation-
Visual Impairment Including Blindness-Multiple Disabilities***

In Pennsylvania, students also qualify as exceptional if they require specially designed instruction and are determined to be mentally gifted. Also, school districts 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.

Early Intervention - 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 developmental delay or one or more of the physical or mental disabilities listed above is identified as a child with a disability. A Developmental Delayed Child is a child who is younger than the age of a beginner, is at least 3 years old, and for whom one of the following exists: **(i)** the child's score, on a developmental assessment device, 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 additional information you may contact the Early Intervention Program Supervisor at Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 or (724) 458-6700. 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 school district must establish and implement procedures to locate, identify, and evaluate students suspected of being exceptional. These procedures include screening activities, which include but are not limited to: review of group-based data (cumulative record, enrollment records, health records, and report cards); hearing screening (at a minimum of kindergarten, special ungraded class, first, second, third, seventh, and eleventh grades); vision screening (every grade level); motor screening; and speech and language screening. In schools which have an Instructional Support Team (IST) child study team or Response to Instruction and Intervention (RtII), the above screening activities may be a consideration used by these teams as another level of screening. Parents and members of the professional staff of the student's school have the right to request screening by the IST or child study team. 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 school unless other arrangements are necessary. Telephone numbers and addresses can be found at the end of this notice for more information.

Evaluation - When screening indicates that a student may be exceptional, the school district 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 a school psychologist, a teacher 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 school district 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 school district conduct a multidisciplinary evaluation. This request should be made in writing to the Coordinator of Special Education Office. If a parent makes an oral request for a multidisciplinary evaluation the school district shall provide the parent with a form for written permission. Instructional Support (IS) activities or RtII do not serve as a bar to the right of a parent to request, at any time, including prior to or during the provision of instructional support activities, a multidisciplinary evaluation. For information about procedures applicable to your child, contact the school which your child attends. Telephone numbers and addresses can be found at the end of this notice. Parents of preschool age children three through five may request an evaluation in writing by addressing a letter to the Early Intervention Program Supervisor at Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 or by contacting the Preschool Connection at 1-800-345-0033. Parents also have the right to obtain an independent educational evaluation. The school district must provide to parents, on request, information about where an independent educational evaluation may be obtained.

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 at www.pattan.net or by requesting a copy at either school. Once written parental consent is obtained, the school district, intermediate unit or charter school will proceed with the evaluation process. If the parent disagrees with the evaluation, the parent can request an independent education 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.

Educational Placement - A single test or procedure may not be the sole factor in determining that a child is exceptional. The IEP team must include a district representative, the student's teacher, special education teacher 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. Once the IEP team develops the program, and determines the educational placement, school district staff, intermediate unit staff, or charter school staff will issue a Notice Of Recommended Educational Placement/Prior Written Notice. Your written consent is required before initial services can be provided. Parents have the right to revoke consent after initial placement.

Services for Protected Handicapped Students - Students who are not eligible to receive special education programs and services may qualify as protected handicapped students and therefore be protected by other federal and state laws intended to prevent discrimination. The school district must ensure that protected handicapped students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for the individual student. In compliance with state and federal law, the school district will provide to each protected handicapped student without discrimination or cost to the student or family, those related aides, 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. In order to qualify as a protected handicapped student the child must be of school age with a physical or mental disability, which substantially limits or prohibits participation in or access to an aspect of the school program. These services and protections for protected handicapped students are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs. The school district or parent may initiate an evaluation of a student under the laws, which protect handicapped students. Parents who wish to have a child evaluated should contact the building principal or the Office of Special Education.

Confidentiality - Each school district 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. The age of majority in Pennsylvania is 21. 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 school principal (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 school to amend a record that they believe is inaccurate. They should write the school principal (or appropriate school official) and clearly identify the part of the record they want changed, and specify why it is inaccurate. 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 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 or eligible student 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. One exception, which permits disclosure without consent is disclosure to school officials with legitimate education interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her task. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.
- 4.) 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 school district 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 school district 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 school district may release “directory information” without parental consent unless a prior written objection to the release of such information is provided to

the school district by the parent(s). "Directory information" includes the following: student's name, address, telephone listing, date and place of birth, photographs, videotapes, major fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, duties of attendance, honors and awards received. If you object to the disclosure of this information, you must submit a written letter of objection to the school district. Written objections for students 3-5 years old should be mailed to Midwestern Intermediate Unit IV at 453 Maple Street, Grove City, PA 16127. For additional information related to student records, the parent can refer to the FERPA at the following url:

<http://www.ed.gov/policy/gen/quid/fpco/ferpa/index.html>

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 school district must notify parents in writing whenever it wants to begin, change, or discontinue special education and related services. Along with this notification, the school district will provide the parents with a comprehensive, written description of their rights. Parents who disagree with such actions proposed or refused by the school district have the right to request a hearing by an impartial third party using a procedure called due process. Before a due process hearing will take place, the district must convene a preliminary meeting with the parent and the relevant member(s) of the IEP team in an attempt to resolve issues without the need for a due process hearing. Pennsylvania has also made mediation services available throughout the Commonwealth at Commonwealth expense. Mediation 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. Mediation is completely voluntary. Mediation does not deny or delay a party's right to a due process hearing. School districts 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. Throughout due process, an attorney may represent parents. 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. Each school district 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 principal and/or the Office of Special Education.

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 school district or IU and request an explanation. The school district or IU will arrange for an interpreter for a parent with limited English proficiency. If a parent is deaf or blind or has no written language, the school district or IU will arrange for communication of this notice in the mode normally used by the parent (e.g. sign language, Braille, or oral communication). The school district, intermediate unit or charter school will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, disability, age, religion, ancestry, or any other legally protected classification. Announcements of this policy are in accordance with the state and federal laws, including Title VI of the Civil Rights Act of 1966.

Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. For information regarding grievance procedures, services, activities, programs and facilities that are accessible to and usable by handicapped persons or, for inquires regarding compliance with the above nondiscriminatory policies, please contact the Superintendent of Schools at your local school district, or Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 (724-458-6700). The school district 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 Superintendent of Schools, Americans with Disabilities Act Coordinator at the school district in which you reside listed above or the Director of Special Education at Midwestern Intermediate Unit IV at (724)458-6700.

For further information contact:

Union Area School District

Mrs. Marisa Federici, Special Education Director
106 Camden Ave. **New Castle, PA 16101
(724) 658-4501

Dr. Michael Ross, Superintendent
2106 Camden Avenue **New Castle, PA 16101
(724) 658-4775

Mr. Rob Nogay, Principal
Union Middle/High School
2106 Camden Ave. **New Castle, PA 16101
(724) 658-4501

Mrs. Linda O'Neill, Principal
Union Memorial School
500 S. Scotland Lane **New Castle, PA 16101
(724) 658-4775

Intermediate Unit IV
(724) 458-6700

Union Website

www.union.k12.pa.us

The Union Area School District will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, disability, age, religion, ancestry, or any other legally protected classification. Announcements of this policy are in accordance with the state and federal laws, including Title VI of the Civil Rights Act of 1966. Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. For information regarding grievance procedures, services, activities, programs and facilities that are accessible to and usable by handicapped persons or, for inquires regarding compliance with the above nondiscriminatory policies, please contact the Superintendent of Schools. The Union Area School District 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 Superintendent of Schools, Americans with Disabilities Act.

POSITIVE BEHAVIOR SUPPORT POLICY

The IEP team for a student with a disability shall develop a PBSP if the student requires specific interventions to address behavior that interferes with their learning. Development of a separate PBSP is not required when appropriate behavioral interventions, strategies, and supports can be incorporated into a student's IEP. When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive necessary. All interventions shall be predicated upon clear, direct, specific, and concrete communications. The communication pattern shall be based upon an interaction between school, student, and family.

FBA is a process for gathering information to understand the function of behavior in order to write an effective PBSP in an IEP. The PBSP should be individualized and monitored by the special education teacher. A PTE/PTR must be issued by the Special Education Director and parental consent must be obtained as outlined in previous procedures.

An FBA is necessary when:

- The IEP team checks "yes" in the special considerations section of the IEP about the student's behavior impeding his/her learning or the learning of others
- The behavior violates "Code of Student Conduct" and is determined to be a manifestation of the student's disability
- The student is removed from school due to weapon possession, drug possession, and/or serious bodily injury
- School contacts law enforcement

Physical Restraints

Annually, UASD special education staff are trained and certified in Safety Care. Physical management will be used only with positive behavior support and with the teaching of socially acceptable behavior. Safety Care procedures will be documented in the student's IEP and parental permission will be obtained prior to the use of restraints.

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.[\[1\]](#)

The Special Education Supervisor shall notify the parent/guardian as soon as possible of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs an FBA, RR, a new or revised PBSP, or a change of placement to address the inappropriate behavior. The Special Education Director will report the restraint to the Department of Education in a timely manner.

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP only if:[\[1\]](#)

1. The restraint is used with specific component elements of a positive Behavior Support Plan.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
3. Staff are authorized to use the restraint and have received appropriate training.
4. Behavior Support Plan includes efforts to eliminate the use of restraints.

Mechanical Restraints

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/guardians.[\[1\]](#)

Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.

Aversive Techniques

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:[\[1\]](#)

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. Suspensions constituting a pattern as defined in state regulations.[\[12\]](#)
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

CONFIDENTIALITY

Authority

The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.[1]

The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.[2]

The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the district or an outside program provided through the district.[3][4]

Definitions

Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.[5]

Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.[6]

Education Records, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.[7][6][8]

Personally identifiable information includes, but is not limited to:[6][9]

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.

4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Guidelines

Parental Access Rights

The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student. [\[10\]\[11\]](#)

The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.

The district shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law. [\[12\]\[11\]](#)

The district shall comply with a parental request for review within forty-five (45) days following receipt of the request. [\[10\]\[11\]](#)

A parent's/guardian's right to inspect and review education records includes the right to:

1. A response from the district to reasonable requests for explanations and interpretations of the records;
2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the

records; and

3. Have a representative inspect and review the records.

If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.[\[13\]](#)[\[14\]](#)

The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.[\[15\]](#)

Fees

The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.[\[16\]](#)[\[17\]](#)

The district shall not charge a fee to search for or to retrieve information in response to a parental request.

Record of Access

The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees.[\[18\]](#)

The district's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records Upon Parental Request

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information.[\[19\]](#)[\[20\]](#)

The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.

If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.

Records Hearing

The district shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing. [\[21\]](#)[\[22\]](#)[\[23\]](#)

Hearing Procedures

A hearing to challenge information in education records must meet the following requirements: [\[24\]](#)[\[25\]](#)

1. The district shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The district shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The district shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one (1) or more individuals of his/her choice, including an attorney.
5. The district shall inform parents/guardians of its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Result of Hearing

If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall amend the information accordingly and inform the parent/guardian in writing.[\[21\]](#)[\[26\]](#)

If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.

Any explanation placed in the student's records shall be:

1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention and Destruction of Information

The district shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.[\[27\]](#)

The district shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.[\[27\]](#)

In order to comply with state compliance monitoring requirements, the district shall maintain education records for students receiving special education services for at least six (6) years.[\[8\]](#)

The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.[\[28\]](#)

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.[\[10\]](#)

The district may maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.[\[28\]](#)

The district shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.[\[27\]](#)

Disclosure to Third Parties

The district shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.[\[29\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)[\[33\]](#)[\[34\]](#)[\[8\]](#)

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.[\[32\]](#)

If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's/guardian's residence.[\[32\]](#)

Delegation of Responsibility

In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Special Education Supervisor or designee to coordinate the district's efforts to comply with this policy and applicable laws and regulations.[\[27\]](#)

All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.[\[27\]](#)

Extended School Year

ESY services are special education and related services that are provided to students with disabilities beyond the 180-day school year. In accordance with the IDEA, school districts must provide ESY services to students who need it to ensure FAPE.

1. The IEP team will discuss ESY each year for every student with a disability.
2. The IEP team will review data that has been collected from the current school year. Data may include, but is not limited to: progress reports, parent input, teacher observations, agency reports, results of various assessments, progress monitoring.
3. The IEP team will then consider the following seven factors to make an ESY determination:
 - Regression--reverts to a lower level of functioning
 - Recoupment--trouble recovering skills
 - Regression and recoupment--reverts to a lower level of functioning and trouble recovering skills
 - Mastery--extent to which an important skill was consolidated
 - Self-sufficiency and independence--skill is crucial for independence from caretakers
 - Successive interruptions--extent student withdraws from learning process
 - Severity of disability--student is a member of the Armstrong Group
4. Students with severe disabilities (autism, serious emotional disturbance, intellectual disability, multiple disabilities), who are members of the Armstrong Target group, must have an IEP team review of ESY no later than February 28th of each school year.
5. If ESY is needed for FAPE, the Special Education Director will issue a NOREP/PWR by March 31st of each school year.
6. If the IEP team cannot reach an agreement regarding ESY, UASD will issue a NOREP/PWN, along with a Procedural Safeguards Notice, to the parent. The parent can then request another IEP meeting, mediation, or due process.

Transfer Students with IEPs

For students transferring districts within Pennsylvania, UASD must provide services comparable to those described in the current IEP.

1. The Special Education Supervisor will review incoming transfer records to determine if the IEP can be implemented within the district or an outside placement. This may occur no later than five business days of application to the district.
 - UASD shall take steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the child.
 - If the records cannot be provided, the Special Education Director will ask the parent questions regarding the type of program and the amount of services their child may have received. Comparable services will be provided until the completion of an ER.
2. If the transfer student's IEP is current and can be implemented, the IEP will be adopted by UASD.
3. If the transfer student's IEP cannot be implemented, UASD will create and implement a new IEP.

For students transferring from districts in another state, the IDEA requires that UASD must provide services comparable to those described in the current IEP until an ER is completed.

1. The Special Education Supervisor will review incoming transfer records to determine if the IEP can be implemented within the district or an outside placement. This may occur no later than five business days of application to the district.
 - UASD shall take steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the child.
 - If the records cannot be provided, the Special Education Director will ask the parent questions regarding the type of program and the amount of services their child may have received. Comparable services will be provided until the completion of an initial evaluation.
2. The Special Education Supervisor will issue a PTE form to the parents in order to conduct an ER to determine eligibility for special education and services in Pennsylvania. Once the PTE is signed and returned, the district has 60 days to complete the ER.
3. The ER report will be provided to the parents and a new IEP will be created within 30 days of the ER report.

Surrogate Parents

A surrogate parent is defined by IDEA as a person who acts in the place of the parent to make educational decisions on behalf of children who are or may be eligible for special education services. They may make decisions relating to identification, evaluation, educational placement, and provision of a free appropriate public education. A surrogate parent will be assigned by UASD when the parents of a child are unknown. Once a child is identified as needing a surrogate parent, UASD must assign one within 30 calendar days.

A child may be identified as needing a surrogate parent when:

- No parent can be identified
- The child is an unaccompanied homeless youth, as defined in the McKinney-Vento Homeless Assistance Act
- UASD, after reasonable efforts, cannot locate the parent. Reasonable efforts may include:
 - Documented phone calls
 - Letters
 - Certified letters with return receipts
 - Documented visits to the parent's last known address
 - Copy of the court order terminating parental rights

Once it is determined that a child needs a surrogate parent, the following procedures will be followed:

1. The Special Education Director will complete a referral for Obtaining a Surrogate Parent: and submit it to MIU4's Surrogate Parent Coordinator.
2. The Surrogate Parent Coordinator will assign a trained and qualified surrogate parent to the child within 30 calendar days. If no such qualified surrogate is found, the Surrogate Parent Coordinator and UASD will work together to recruit a qualified person.
3. The Surrogate Parent Coordinator will arrange a training program for the surrogate parent prior to the assignment of the student.

Psychological Counseling as a Related Service

Among the related services available through the Individuals with Disabilities Education Act (IDEA) are counseling and psychological services. Counseling services are defined by idea as services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. Psychological services are defined as administering and interpreting assessments, obtaining and interpreting information about child behavior, consulting with other staff, planning and managing a program of psychological services, and assisting in developing positive behavioral intervention strategies.

If the IEP team determines that a student would benefit from psychological counseling, it must be included in the IEP, and delivered until it is no longer a need. The following steps will be used to determine the need for psychological counseling as a related services:

1. An initial evaluation (ER) or reevaluation (RR) must occur. Steps for completing an ER/RR will be followed.
2. The ER/RR will include a record review, behavioral rating scales, direct observations, a clinical/diagnostic interview, and a Functional Behavior Assessment (FBA).
3. Using the assessment data, the IEP team will determine if psychological counseling as a related service is a student need. Psychological counseling must be deemed necessary for the student to make educational progress.
4. The IEP team will develop a measurable annual IEP goal based on identified needs, determine what type of psychological counseling will be used, and how often it will occur.
5. The Special Education Director will set up the counseling sessions with either the guidance counselor, school psychologist, or contracted social worker.
6. Psychological counseling will have the goal of increasing positive behaviors and decreasing negative behaviors at school. It will focus on school-related issues such as appropriate classroom behavior, coping skills, or social functioning.
7. Ongoing analysis of summative and formative behavior data will determine the need for intensification or fading of psychological counseling services.

**Parents are not charged for psychological counseling services if they are required as a necessary related service in the student's IEP.