

Notice of Special Education Services

Family Educational Rights and Privacy Act (FERPA) Notice

The Allentown School District provides special education and related service to resident children with disabilities who are ages three through twenty-one. The purpose of this notice is to briefly describe (1) the types of disabilities that might qualify the child for such programs and services, (2) the special education programs and available related services, (3) the process by which the Allentown School District screens and evaluates such students to determine eligibility, and (4) the special rights that pertain to such children and their parents or legal guardians. **For a full detailed version of this notice, please visit www.allentownsd.org.**

Types of Disabilities Served

Under the Individuals with Disabilities Education Act, commonly referred to as the "IDEA," children qualify for special education and related services if they have one or more of the following disabilities and, as a result, demonstrate a need for special education and related services:

- (1) Intellectual disabilities
- (2) Hearing impairments including deafness
- (3) Speech or language impairments
- (4) Visual impairments, including blindness
- (5) Serious emotional disturbance
- (6) Orthopedic impairments
- (7) Autism, including pervasive developmental disorders
- (8) Traumatic brain injury
- (9) Other health impairment
- (10) Specific learning disabilities
- (11) Multiple disabilities
- (12) For preschool-age children, developmental delays

Programs and Services Available

- (1) Regular class placement with supplementary aides and services provided as needed in that environment
- (2) Regular class placement for most of the school day with itinerant service by a special education teacher either in or out of the regular classroom for 20 percent or less of the school day
- (3) Regular class placement for some of the school day with supplemental instruction provided by a special education teacher for more than 20 percent, but less than 80 percent of the school day
- (4) Instruction provided by a special education teacher for more than 80 percent of the school day
- (5) Special education services, with or without regular classroom placement, either in an alternative public school setting or in a private school, treatment facility, hospital, detention center or prison, on a day or residential basis.

Location of Services

- (1) The public school, the child, would attend if not disabled
- (2) An alternative regular public school either in or outside the school district of residence
- (3) A special education center operated by a public school entity
- (4) An approved private school or other private facility licensed to serve children with disabilities
- (5) A residential school
- (6) An approved out-of-state program
- (7) The home

Types of Service Available

- (1) Learning support, for students who primarily need assistance with the acquisition of academic skills
- (2) Life skills support, for students who primarily need assistance with the development of skills for independent living
- (3) Emotional support, for students who primarily need assistance with social or emotional development
- (4) Deaf or hearing-impaired support, for students who primarily need assistance with compensatory skills to address deafness
- (5) Blind or visually impaired support, for students who primarily need assistance with compensatory skills to address blindness,
- (6) Physical support, for students who primarily require physical assistance in the learning environment
- (7) Autistic support, for students who primarily need assistance in the areas affected by autism spectrum disorders

- (8) Multiple disabilities support for the student who primarily needs assistance in multiple areas affected by their disabilities.

Screening

The Allentown School District undertakes intervention and screening activities before referring students for a multidisciplinary team evaluation. Screening activities could involve the Multi-Tiered System of Supports, commonly referred to as the "MTSS," or Response to Intervention, commonly referred to as "RTI," an alternative screening process. Regardless of the particular intervention and screening method employed, the screening process must include (1) periodic vision and hearing assessments by the school nurse as mandated by the School Code and (2) screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects. If intervention and screening activities produce little or no improvement after a reasonable period of intervention or remediation, the "MTSS" or "RTI" team refers the child to a multidisciplinary team for an evaluation. Parents who wish to request intervention, screening and evaluation for their child may do so by contacting the principal or counselor in their child's school building.

Multidisciplinary Team Evaluations

The Allentown School District must conduct a multidisciplinary team evaluation of every child who is thought to have a disability. A multidisciplinary team is a group of professionals who are trained in and experienced with the testing, assessment, and observation of children to determine whether they have disabilities and, if so, to identify their primary educational strengths and needs. Parents are also members of the multidisciplinary team. The Allentown School District must reevaluate school-age students receiving special education services every three years. The Allentown School District must reevaluate children with intellectual disabilities and pre-school-age children receiving special education services every two years. Parents may request a multidisciplinary team evaluation of their children at any time. They must do so in writing. The Allentown School District has a procedure in place by which parents can request an evaluation. For information about the procedures applicable to your child, contact the elementary, middle, or high school which your child attends.

Special Rights and Protections of Children with Disabilities and their Parents/Legal Guardians

State and federal law afford many rights and protections to children with disabilities and their parents. A summary of those rights and protections is in a full detailed version of this notice, located at www.allentownsd.org. Interested persons may obtain a complete written summary of the rights and protections afforded by the law, together with information about free or low-cost legal services and advice, by contacting their school district's special education or student services department at the address and telephone number listed at the end of this notice.

Preschool Children with Special Needs

Children preschool age three through five, are provided with services by the Allentown School District through the Carbon-Lehigh Intermediate Unit #21 in a variety of home and school-based settings that take into account the chronological and developmental age and primary needs of the child. As with school-age programs, preschool programs must ensure that to the maximum extent appropriate, children with disabilities receive an education with non-disabled peers at no cost to the parent. Parents/guardians of these children may obtain information about screening, evaluation, programs, therapy, parent involvement, and referral to community agencies by calling or writing the Carbon Lehigh Intermediate Unit, Early Intervention Services, 4210 Independence Drive, Schnecksville, Pennsylvania 18078-2580. The telephone number for the Early Intervention Program is (610) 769-4111 ext. 1256.

Nonpublic Schools/Private Schools

Duties owed to students with disabilities enrolled in private schools by their parents are limited to child find activities and a genuine offer of a Free Appropriate Program of Education (FAPE) from the Allentown School District to their children of residence. Students unilaterally enrolled in private schools by their parents have a right to participate in services; however, no private school child with a disability is entitled to any particular service or any amount of service. (300.455(2)) Parents/guardians of these children may obtain information by contacting the Allentown School District, 31 S. Penn Street, Allentown, Pennsylvania 18102. The telephone number is (484) 765-4162.

**Destruction of Information Concerning Students with Disabilities
Who are Receiving or Who have Received Special Education
Services or Received an Evaluation for Such Services**

The Allentown School District and the Carbon-Lehigh Intermediate Unit #21 are required to notify parents and guardians when personally-identifiable information concerning students with disabilities, or students who received an evaluation to determine the need for special education services, is no longer needed to provide educational services to the student (“no longer educationally relevant”). The District considers certain records to be no longer educationally relevant based on the following schedule:

- (1) All test protocols and other raw data used as part of an evaluation or reevaluation are no longer educationally relevant at the conclusion of the school year during which the evaluation or reevaluation has occurred.
- (2) All IEP progress monitoring data are no longer educationally relevant as of the date on which the Allentown School District or the Carbon-Lehigh Intermediate Unit #21 reports such data to parents or guardians in a progress report or at the conclusion of the school year during which the Allentown School District or Carbon-Lehigh Intermediate Unit #21 collects such data, whichever is sooner.
- (3) All notes of IEP team members and draft IEPs, if any, will be considered no longer educationally relevant as of the date that the IEP to which such notes of drafts pertain is issued to the parents or guardian.

- (4) All Permissions to Evaluate or Reevaluate, Invitations to IEP or Other Meetings and related documents, Evaluation or Reevaluation Reports, IEPs, Notices of Recommended Educational Placement and related documents, Complaint Investigation Reports, Mediation Agreements, and Hearing Officer Decisions are no longer educationally relevant at the conclusion of the sixth year from the date on which the student graduates from High School, ceases residency in the District for reasons other than placement in a hospital or treatment facility, or attains age twenty-one, whichever is sooner. The Allentown School District and the CLIU #21 consider the records maintained by the Allentown School District no longer educationally relevant at the conclusion of the sixth year from the date on which the student turns age 21.
- (5) Parents and guardians have the right to request, in writing, that the Allentown School District/CLIU #21 destroy any or all records deemed no longer educationally relevant. The Allentown School District/CLIU #21, at its discretion, may also destroy such records without further notice to parents, guardians, or students.

For questions regarding services for special needs children, contact:

The Allentown School District
Mr. Brian Siket (484) 765-4070
Director of Special Education
31 S. Penn Street
Allentown, PA 18102

Annual Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("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 date the LEA (Local Education Agency) receives a written request for access, or before any due process hearing or IEP team meeting, whichever is sooner.

Parents or eligible students should submit to the appropriate LEA official a written request that identifies the records they wish to inspect. The LEA official will make arrangements for access and notify the parent or eligible student of the time and place where they can inspect the records. If, upon inspection, a parent or eligible student requests copies of such records, the LEA may charge a fee.

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 LEA to amend a record should write the appropriate LEA official, clearly identify the part of the record they want changing, and specify why it should be changed. If the LEA decides not to amend the record as requested by the parent or eligible student, the LEA will notify the parent or eligible student of the decision and 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 LEA discloses personally identifiable information (PII) 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 LEA officials with legitimate educational interests. An LEA official is a person employed by the LEA as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a school board member sitting in executive session in consideration of matters concerning a student upon which the school board may act. An LEA official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the LEA would otherwise use its employees and who is under the direct control of the LEA with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. An LEA official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

Upon request, the LEA discloses education records without consent to officials of another LEA in which a student seeks or intends to enroll, or is already enrolled, or receives services, if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires an LEA to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

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:

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

Family Educational Rights and Privacy Act (FERPA) Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that LEAs, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, LEAs may disclose appropriately designated "directory information" without written consent, unless you have advised the LEA to the contrary in accordance with LEA procedures. The primary purpose of directory information is to allow the LEA to include this type of information from your child's education records in certain school publications. Examples include:

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

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, federal law requires LEAs receiving assistance under the *Every Student Succeeds Act* (ESSA) to provide armed forces recruiters or institutions of higher education, 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.¹

If you do not want the LEA to disclose directory information from your child's education records without your prior written consent, you must notify the LEA in writing by the start of the current school term. The Allentown School District and the CLIU#21 have designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph/video image
- Date and place of birth
- Major field of study
- The most recent educational agency or institution attended
- Dates of attendance
- Grade level
- Degrees, honors, and awards received
- The student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot access education records without a PIN, password, etc. (A student's SN, in whole or in part, cannot be used for this purpose)

¹ Every Student Succeeds Act (ESSA), P.L. 114-95 at Section 8025 (a)(2)(A) (Dec. 10, 2015)