## Special Education, Gifted Education and Protected Handicapped

Big Spring School District, along with other public agencies in the Commonwealth, must establish and implement procedures to identify, locate and evaluate all children who need special education programs or Protected Handicapped services because of the child’s disability as well as programming for students who are eligible for Gifted Services. The information below is designed to help find these children, to offer assistance to parents, and to describe the parent’s rights with regards to confidentiality of information that will be obtained during this process. The information below is presented in abbreviated format. A more detailed version of this notice can be found on the District web page.

Big Spring School District provides free parent training on special education topics at least 4 times per school year through a joint effort with several of our neighboring School Districts. Updated information on topics, locations and times for these trainings can be found on the District web page by clicking Departments/Special Ed. on the home page.

References:

* Individuals with Disabilities Education Act (IDEIA) – 34 CFR Part 300
* Americans with Disabilities Act
* Section 504 of the Rehabilitation Act of 1973
* Chapter 14 “Special Education” – 22 PA School Code
* Chapter 15 “Protected Handicapped” – 22 PA School Code
* Chapter 16 “Gifted Education” – 22 PA School Code

## Law

In Pennsylvania, all exceptional and gifted children have the right to a “free appropriate public education” (FAPE). A FAPE is a planned program of specially designed instruction and related services that accounts for the child’s individual needs and allows the child to make “meaningful” progress. The term “exceptional” includes children with physical, emotional, mental, and learning disabilities. State law recognizes the following types of classes for identified exceptional and gifted children:

* + LEARNING SUPPORT – for students whose primary need is for help in academic areas such as reading and mathematics because of some disability.
	+ EMOTIONAL SUPPORT – for students whose primary need is social, emotional, and/or behavioral.
	+ LIFE SKILLS SUPPORT – for students whose primary need is to learn the skills necessary for independent living.
	+ VISION AND HEARING SUPPORT – for students who have hearing or vision impairments.
	+ SPEECH AND/OR LANGUAGE SUPPORT – for students who have impairments with speech and/or language.
	+ PHYSICAL SUPPORT – for students who need a program that is modified to take account of their physical disabilities.
	+ AUTISTIC SUPPORT – for students who are autistic.
	+ MULTI-HANDICAPPED SUPPORT – for students with severe multiple disabilities.
		- GIFTED EDUCATION – for students who meet eligibility criteria under 22 PA Code Chapter 16 “gifted education.”

In the case of a child that is of preschool age, a developmental delay may create a need for special education and related services. A preschool-age child is considered to have a developmental delay when the results of either a developmental assessment or a standardized test indicate a delay in one or more developmental areas, including cognitive, communicative, physical, social/emotional, and/or self-help development.

Big Spring contracts with other service providers for additional classroom placements and for services in hearing, vision, occupational therapy, and physical therapy. These providers may also assist with different types of assessments, evaluations, and instruction.

Big Spring is also required to provide accommodations for students who have an impairment of a major life function as a result of a disability as defined by the American’s With Disabilities act, Section 504 of the Rehabilitation Act of 1973 and 22 PA Code Chapter 15 “Protected Handicapped”

## Process for Identification

* 1. If a parent has a child whom the family feels may fall into one of the above categories and should be identified as exceptional, gifted or in need of section 504 accommodations in order to receive help, a written request for evaluation should be forwarded by the parent to the building principal.
	2. A student may also be referred based on screening activities such as reviewing of group data, conducting hearing and vision screening, assessment of student’s academic functioning, observation of the student displaying difficulty in behavior, and determining the student’s response to intervention.
	3. The District will convene a Multidisciplinary Team (MDT) or Gifted Multidisciplinary Team (GMDT) of which the parent is a member. Other members of the MDT/GMDT should be the guidance counselor, school psychologist, principal, Director of Pupil Services, supervisor, teachers, and other staff who are necessary and qualified to evaluate the student’s needs. The evaluation may include testing of the child.
	4. Once the MDT/GMDT concludes its evaluation, an Evaluation Report (ER) or Gifted Written Report (GWR) is generated and sent to each member of the team including the parent(s).

## Parent/Student Procedural Safeguards

* 1. A child is entitled to:
		+ specially designed instruction and related services provided by an IEP if he/she is identified as exceptional
		+ accommodations provided by a 504 Service Contract if he/she is eligible and is in need
		+ Gifted services if he/she is gifted and is in need.
	2. The parent must approve of all special education IEP’s, gifted IEP’s, 504 Service Contracts and placement changes.
	3. There are several specific time-lines that apply from the time the parent gives consent for an evaluation which may or may not include formal testing. The time-lines are as follows.
		1. 60 Calendar days for the evaluation to be completed and a written report to be distributed.
		2. 10 days for the parent(s) to review the report.
		3. 30 Calendar days to conduct an IEP, GIEP or Service Contract meeting.
		4. Other timelines may apply. If you have questions, please contact the Director of Pupil Personnel.
	4. All parents have the right to have all materials presented to them in their native language. Upon request, the district will provide translated materials and interpreters to assist parents with their understanding of the Special Education, Section 504 or Gifted Education process. Such services can be obtained by contacting the Director of Pupil Personnel.
1. E. Disagreements with the District
	1. Parents of special needs, Section 504 or gifted students always have the right to disagree with the District. The District must give written notice regarding placement, change of placement, significant changes in the IEP/GIEP/Service Contract, and evaluation or re- evaluation. If the parent disagrees they should indicate their disagreement on the notice or by providing a written reason for disagreement to the Director of Pupil Personnel.
	2. To initiate any of the following, please contact the Director of Pupil Personnel.
		1. Mediation: Mediation is a process where parents and school officials agree to have a specially trained person provided by Pennsylvania’s Office for Dispute Resolution serve as a mediator. The mediator meets with each side separately and then attempts to bring the two sides together in decision making. The results are not binding unless both sides agree to the terms.
		2. Due Process Hearing:
			1. Parent(s) sends a written request to the Director of Pupil Personnel. The request should include a statement of the problem that will be the focus of the hearing.
			2. The School District will notify the Office for Dispute Resolution.
			3. A hearing will be set up with a hearing officer from the Office for Dispute Resolution. The hearing officer will render a decision in the matter that must be enforced.

## Special Education Individual Education Program (IEP), Gifted IEP (GIEP) Service Contract (504 Plan)

An IEP, GIEP or Service Contract is a written plan for an eligible child’s education. The plan is developed by a team that includes the child’s parents, a regular education teacher, a special education /gifted teacher, a school district administrator, any other professionals who may have relevant input, and, when appropriate, the child.

IEP and GIEP’s will include goals as well as a list of specially designed instruction and related services to be provided for the child; a statement that explains the extent to which the child will take part in a regular educational program; the dates for beginning and reviewing the IEP/GIEP; and in some cases the IEP may also include objectives.

Service Contracts will include a list of accommodations and the dates for beginning and reviewing the Service Contract.

For Special Education/Gifted Students, if a student is not making progress toward reaching the goals in his/ her program, or if there is a change in the special services received, a revision of the IEP/GIEP may be needed.

IEPs/GIEPs/Service Contracts must be reviewed once a year. Parents will have the opportunity to discuss their child’s progress at a conference with District members of the team.

## Student Records

Big Spring School District, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and other applicable federal and state laws, protects the confidentiality of personally identifiable information. Parents have the right to review their child’s records. This may be done by submitting a written request to the building principal. Parents are also entitled to obtain copies of any of their child’s school records. The district may request that parents pay a nominal copying charge. For more information on student records please visit the District’s web page and review the annual special education notice.