

ANNUAL NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS INCLUDING CHILD FIND NOTICE

Each charter school and school district, along with other public education agencies in the Commonwealth, must establish and implement procedures to identify, locate and evaluate all students who need and may need special education and related services or other accommodations because of a student's disability. This notice, highlighting special education services and identification activities and procedures, is to help find these students, offer assistance to parent/guardians, and to describe their rights concerning confidentiality of information which is maintained not only during the identification process, but also throughout students' enrollment at Lindley Academy Charter School (LACS). LACS performs identification activities in order to locate not only these exceptional students, but also protected handicapped students and mentally gifted ones, so that all students enrolled at LACS are provided with suitable programs and services.

IDENTIFICATION ACTIVITY ("CHILD FIND")

"Child Find" refers to identification activities performed by public education agencies such as charter schools to identify, locate, and evaluate students who are suspected of having a disability that may interfere with their learning, unless special education programs and related services are provided, in accordance with the federal Individuals with Disabilities Education Act and corresponding federal and state regulations. The purpose of locating such students is so that a free, appropriate, public education (FAPE) can be made available to them, regardless of the severity of their disability.

The types of disabilities that, if found to cause a student to need services, are:

- Autism
- Deaf-blindness
- Deafness
- Developmental delay
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment due to chronic or acute health problems

- Specific learning disability
- Speech and language impairment
- Traumatic brain injury
- Visual impairment including blindness

The identification activities, which are sometimes called screening activities, may include: review of group data (i.e., cumulative records, enrollment records, health records, and report cards), conducting hearing and vision screening, assessment of the student's academic functioning, observation of the student displaying difficulty in behavior, and determining the student's response to attempted remediation. Input from parents/guardians is another information source of identification.

Though scheduled annually, screening activities at LACS also occur in an ongoing fashion throughout the school year. LACS annually evaluates the effectiveness of its screening process.

Once a student is identified for suspected disability, he or she is evaluated by LACS, but only if the parent/guardian has given written permission to proceed with the evaluation process. Regardless of screening activities, at any time that parents/guardians feel that their student may qualify for special education, they may initiate testing procedures by forwarding a written statement stating the parent/guardian's concerns about the student, and that the parent/guardian wishes for the student to be tested. Verbal requests may be presented to administrators and staff, but should be followed up in writing as well. Before LACS may proceed with an evaluation, it must notify the parent/guardian of the specific types of testing and assessment proposed and of the parent's/guardian's rights, which are fully explained and contained in Procedural Safeguards. A copy of Procedural Safeguards must be given to parents/guardians once a year and in certain circumstances, including initial referral or parent's/guardian's request for an evaluation. Once a parent/guardian has given necessary written permission to enable LACS to commence evaluation testing, LACS has sixty (60) school days to complete the evaluation process. If LACS denies a request from a parent/guardian for an evaluation, the parent/guardian has the right to challenge the denial through an impartial hearing or voluntary alternative dispute resolution.

After the evaluation is completed and a report is prepared, a meeting will be held to discuss the results. If the student qualifies for special education and related services, the parent/guardian has the right to offer input into the educational programming and annual goals to be developed for his/her student. Together as a team, LACS and the parent/guardian determine the type and intensity of special education and related services according to particular student needs. Tailored to the student's unique needs, the educational program is described in writing in an individualized education program or "IEP," after joint development by an IEP team consisting of educators, parents/guardians, and other persons with special expertise or familiarity with the student.

Public schools including LACS must reevaluate school-age students receiving special education services every three years, though students with intellectual disabilities are reevaluated every two years. By agreement of the IEP team, including the parent/guardian, a reevaluation may be waived in some cases; however, waivers are not allowed in the case of a student with intellectual impairment.

Any parent/guardian wishing to initiate an evaluation may forward a written request with a statement of concerns or oral request to the Special Education Coordinator or persons listed in this notice.

Other Identification Activities

LACS' Child Find Identification activities extend to homeless students, wards of the state, highly mobile students including migrant students, and students with disabilities enrolled by their parents/guardians in private schools necessary to provide them with equitable services.

Child Find activities are also conducted for students with a disability who may not need special education, but who may be eligible for services or accommodations under Section 504 of the Rehabilitation Act of 1973 and companion federal and state regulations. Parents/guardians who believe that their student may be eligible for disability accommodations in school may submit, at any time, a written request with a statement of concerns to the Special Education Coordinator or any person listed in this notice.

LACS engages in screening activities to identify students who may be mentally gifted, and uses the data generated during regular classroom instruction to determine whether a Gifted Multidisciplinary Evaluation (GMDT) is warranted. Parents/Guardians may request gifted screening or a GMDT evaluation at any time, in writing to the Special Education Coordinator or any person listed in this notice.

Signs of Potential Developmental Delays and Other Risk Factors that Could Indicate Disability

Students develop at their own pace, and the rate of normal development varies by the individual student. However, it is helpful for parents/guardians to be aware of signs of potential developmental delays or other risk factors that could indicate disability -- and need for evaluation and/or support and services in school -- particularly if, when compared to other students of the same age, problems are noticed in one or more areas of physical development, gross motor skills, cognitive development, communication development, social and emotional development and adaptive skills:

- Speech or Language Skills -- involving ability to express and receive information at age-appropriate levels
- Cognitive Skills -- involving ability to learn, solve problems and remember tasks

- Gross Motor Skills -- involving ability to use the large muscle groups that assist in walking, running, standing, sitting, changing positions and maintaining balance and coordination
- Fine Motor Skills -- involving ability to grasp, pinch and eat and dress
- Social and Emotional Skills -- involving ability to interact with others, understand social rules, demonstrate social reciprocity and self-regulation
- Adaptive Behavior -- involving everyday skills for functioning such as bathing, dressing, grooming, feeding one's self or performing age-appropriate skills independently

Risk factors for developmental delay are genetic, environmental or a complex mix of factors.

Questions or concerns, as well as written requests for an evaluation, may be directed at any time to the Special Education Coordinator or any person listed in this notice.

Confidentiality of Information

LACS maintains records concerning all students enrolled in the school, including students with a disability or suspected of having a disability, in accordance with state law and federal law, namely, The Family Educational Rights and Privacy Act ("FERPA"). Confidentiality requirements applicable to use of information pertaining to disabled students apply equally to gifted students.

Identification activities undertaken by LACS for a particular student constitutes an education record for him or her that LACS maintains in the strictest confidence, as it does for all other education records that contain confidential and personally identifiable information. FERPA serves to protect education records and personally identifiable information such as the student's name, the name of the parent/guardian or other family member, the address of the student or family, student number or biometric record, indirect identifiers such as the student's date of birth or mother's maiden name, or a list of characteristics or other information that would make the student's identity easily traceable.

LACS will gather information regarding a student's academic, intellectual, physical, mental, emotional and health functioning through testing and assessment, observation of the student, as well as through review of any records made available to the school from the student's physician and/or other providers of services such as any outside agencies.

LACS stores all education records and personally identifiable information of students receiving special education services, disability accommodations or gifted 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. These safeguards are assured by one school official being responsible for ensuring the confidentiality of the records. Training is provided to all persons

who need to use the information. A current list of employees by names and positions who may have access to the information is maintained for public inspection.

Consent of the parent/guardian is required before personally identifiable information contained in a student's education records is disclosed to anyone other than officials of the school collecting or using the information for purposes of identification activities and evaluation, or for any other purpose in order to make available FAPE to the student. School officials have a legitimate educational interest in the education record if review of the education record is necessary in order to fulfill their professional responsibility. Additionally, upon request, LACS discloses records without consent to officials of another school or school district in which a student seeks or intends to enroll.

Parents/guardians have a number of rights regarding the confidentiality of their student's records, including the right to inspect and review any education records pertaining to their student that are collected, maintained or used by LACS. LACS will comply with a parent/guardian's request to review the records without unnecessary delay, and before any meeting regarding planning for a student's special education program or Individual Education Program (IEP), and before a hearing in the event of disagreement about a student's special education needs. In no event may LACS take more than 45 days to furnish a parent/guardian with the opportunity to inspect and review the student's records.

A parent/guardian of a student with, or suspected of having, a disability, has the right: to an explanation of the records; to be provided with a copy of the records if otherwise the parent/guardian would be effectively prevented from exercising the right to inspect and review the records; and to have a representative inspect and review the records upon authorization of parent/guardian.

LACS will not charge a fee to search for or to retrieve information in response to a request from a parent/guardian. LACS may charge a fee of \$0.10 per page for copies of records that are made for parents/guardians, so long as the fee does not effectively prevent them from exercising their right to inspect and review those records. Upon request, LACS will provide the parent/guardian with a list of the types and location of education records collected, maintained or used by LACS.

A parent/guardian of a student with, or suspected of having, a disability has the right to request the amendment of the student's education records, which the parent/guardian believes are inaccurate or misleading, or violates the privacy or other rights of the student. LACS will decide whether to amend the records within a reasonable time of receipt of a parent/guardian's request. If LACS refuses to amend the records, the parent/guardian will be notified of the refusal and right to a hearing. The parent/guardian will be given, at that time, additional information regarding the hearing procedures. Upon request, LACS will provide the parent/guardian with a records hearing to challenge information in the student's education files. If, as a result of the hearing, LACS still decides not to amend the record, the parent/guardian has the right to insert a statement which remains with the contested part of the student's record for as long as the record is maintained.

These amendment procedures under FERPA cannot be used to challenge a grade, an individual's opinion, or a substantive decision made by LACS about the student.

When the educational record for a student with a disability is transferred to a public agency, private school, approved private school or private agency from LACS, LACS shall forward the student's educational records, including the most recent IEP, within 10 school days after LACS is notified in writing that the student is enrolled at another public agency, private school, approved private school or private agency.

In the event of reporting of a crime committed by a student with a disability, LACS must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom LACS reports the crime, only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Once a student graduates from or leaves LACS, LACS will maintain a permanent record of the former student's name, telephone number, grades, achievement, attendance, classes attended, grade level completed and year completed, without time limitation. When information gathered is no longer needed to provide educational services to the student, such information shall be destroyed upon request of the parent/guardian or after written notice to the parent/guardian.

LACS will ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family. No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.

When a student reaches age 18, the rights of the parent/guardian regarding confidentiality of personally identifiable information is transferred to the student. A parent/guardian may file a written complaint alleging that the rights described in this notice were not provided to the following:

Pennsylvania Department of Education, Bureau of Special Education
Compliance Division
333 Market St.
Harrisburg, PA 17126-0333

Complaints alleging failure regarding confidentiality of personally identifiable information may also be filed with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

Description of Special Education Programs and Services

LACS provides appropriate special education programs and related services that are:

- at no cost to parents/guardians;
- under the authority of LACS directly, or by referral or contract;
- individualized to meet the student's unique educational needs; and
- reasonably calculated to produce meaningful educational benefit and progress through an IEP, developed with meaningful input of parent/guardian.

Related services available to students, if appropriate to address their particular needs, include transportation, speech therapy, occupational therapy, school health services, hearing services, vision services, counseling and training.

For more information about LACS' Special Education Programs and Services, please see the Annual Public Notice of Special Education Programs and Services and Services for Protected Handicapped Students and Gifted Students. Questions or concerns also may be directed to the Special Education Coordinator or any person listed in this notice.

Outreach Activities

LACS performs awareness activities to inform the public of its efforts to locate and identify students thought to be eligible for special education services and programs, procedures for requesting services, and processes ensure confidentiality of information pertaining to students with disabilities. Outreach efforts include, but are not limited to, any of the following: parent/teacher conferences, resources in the school building, materials mailed home, and/or generally accessible print or electronic media as appropriate such as publication in the Student-Parent Handbook and posting on the school's website.

Information about LACS' special education programs and services, and the manner in which such services may be requested and accessed, also is made available to health and mental health professionals, daycare providers, county agency personnel and other interested professionals who work with homeless students, wards of the state, highly mobile students including migrant students, and students with disabilities enrolled by their parents/guardians in private schools.

Equal Opportunity in Educational Programs and Activities

LACS does not discriminate in educational programs or activities based on race, color, national origin, age, sex, sexual orientation, handicap, creed, marital status or disability. No student enrolled at LACS will be denied equal opportunity to participate in age and program-appropriate instruction or activities for any reason prohibited by federal or state law.

Contact

Parents/guardians who wish to learn more, or who believe that their student may need to be identified, are encouraged to contact:

Dr. Margery Covello – Chief Executive Officer
Mrs. Nancy White - K-5 Principal

Mr. Ralph Lovelidge - 6-8 Principal
Mrs. Elaine Latimer - Director of Special Education

Lindley Academy Charter School
900 Lindley Avenue
Philadelphia, PA 19141

Mode of Communication

The content of this notice has been written in straightforward, simple language. If a person does not understand any of this notice, he or she should contact any person listed above or the Director of Special Education.

LACS will arrange for an interpreter for parents/guardians with limited English proficiency. If a parent is deaf or blind or has no written language, LACS will arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, Braille, or oral communication).