

Notice of Special Education Services

Family Educational Rights and Privacy Act (FERPA)

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

- (8) Multiple disabilities support for the child, including assistance in multiple areas affected

Screening

The Allentown School District undertakes screening activities before referring students for evaluation. Screening activities could involve a variety of Supports, commonly referred to as "Tier 1" or "Universal" Intervention, commonly referred to as "Tier 2" or "Targeted" Intervention, commonly referred to as "Tier 3" or "Intensive" Intervention. Regardless of the particular intervention employed, the screening process must include (1) hearing assessments by the school nurse as required by Code and (2) screening at reasonable intervals. If students are performing based on grade-level standards in academic subjects. If intervention and screening do not result in or no improvement after a reasonable period of time, remediation, the "MTSS" or "RTI" team will refer the multidisciplinary team for an evaluation. If a student is in intervention, screening and evaluation for a student is by contacting the principal or counselor in the school.

Multidisciplinary Team Evaluations

The Allentown School District must conduct a multidisciplinary evaluation of every child who is thought to have a disability. A multidisciplinary team is a group of professionals who are experienced with the testing, assessment, and evaluation to determine whether they have disabilities and to identify their primary educational strengths and needs. The multidisciplinary team. The Allentown School District will reevaluate school-age students receiving special education every three years. The Allentown School District will children with intellectual disabilities and children receiving special education services every three years. They must request a multidisciplinary team evaluation. They must do so in writing. The Allentown School District procedure in place by which parents can request information about the procedures applicable to elementary, middle, or high school which will be used to evaluate the child.

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 these rights is in a full detailed version of this notice at www.allentownsd.org. Interested persons may request a written summary of the rights and protections together with information about free or reduced cost legal advice, by contacting their school district's special education services department at the address and telephone number at the end of this notice.

Preschool Children with Special Needs

**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, Other Meetings and related Reevaluation Reports, IEPs, Educational Placement and related Investigation Reports, Mediation Officer Decisions are no longer educationally relevant at the conclusion of the sixth year from the date of graduation from High School, cease to be educationally relevant for reasons other than placement in a new school or attains age twenty-one, whichever occurs first. The Allentown School District and the CLIU maintain records maintained by the Allentown School District educationally relevant at the conclusion of the school year on the date on which the student turns 21.
- (5) Parents and guardians have the right to request the Allentown School District/CLIU to destroy records deemed no longer educationally relevant. The Allentown School District/CLIU #21, at its discretion, may destroy such records without further notification to the parents or guardians of the students.

For questions regarding services for special education students

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") the right to inspect and review 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 the 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 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, in the course of an 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 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. Adequate procedures 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 official is considered to have a legitimate educational interest if the official is employed by the LEA as an administrator, supervisor, instructor, or support staff member (including health or medical personnel) or a school board member sitting in executive session in consideration of matters concerning a student upon whom the records reflect. An LEA official also may include a volunteer or contractor outside of the school who performs an institutional service or function for the LEA, who would otherwise use its employees and who is under the direct control of the LEA with respect to the use and maintenance of the records, such as an attorney, auditor, medical consultant, or therapist. An LEA official has a legitimate educational interest if the official is acting in the course of his or her professional responsibility.

Upon request, the LEA discloses education records without consent to officials of another LEA in which a student seeks to enroll, or receives services, if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires that the LEA make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it will not make such an attempt.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with 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 before disclosing personally identifiable information from your child's education records. However, LEAs may disclose appropriate "directory information" without written consent, unless you have advised the LEA to the contrary in accordance with LEA procedures. The 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.

- 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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, is disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that market products or services to students, yearbooks. In addition, federal law requires LEAs receiving assistance under the *Every Student Succeeds Act* (ESSA) to provide directory information to institutions of higher education, upon request, with the following information – names, addresses, and telephone listings unless parents or eligible students do not want their student's information disclosed without their prior written consent. ⁱ