

Special Education

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Section 1: Educational Evaluations

1. The District will follow all procedures for evaluations as specified in the Individuals with Disabilities Education Improvement Act (IDEIA) and its implementing regulations (20 U.S.C.S. § 1414; 34 C.F.R. § 300.301 to § 300.305) as well as in the Pennsylvania State Board of Education Regulations (22 Pa. Code § 14.123 to § 14.124). These include but are not limited to the following:
 - a. The District will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.
 - b. The District will not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability.
 - c. The District will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to behavioral or developmental factors.

Independent Educational Evaluation

A parent who disagrees with the evaluation obtained by the District may request an independent educational evaluation at public expense.

Independent Educational Evaluation means an evaluation conducted by a qualified examiner who is not employed by the District.

Public Expense means that the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

The District will follow all required procedures regarding parent requests for independent educational evaluations as promulgated in the Individuals with Disabilities Education Improvement Act (IDEIA) and its implementing regulations (20 U.S.C.S. § 1415(b)(1) and (d)(2)(A); 34 C.F.R. § 300.502).

When the District receives a request for an independent educational evaluation, the Office of Individualized Student Services will review the most recent evaluation completed by the District to determine if it is appropriate and satisfies the requirements for an evaluation in the IDEA regulations. (34 C.F.R. § 300.301 to § 300.311).

If the Office of Individualized Student Services determines that the most recent evaluation completed by the District complies with the IDEA regulations, they shall inform the parents that the District will not provide an independent educational evaluation. The Office of Individualized Student Services shall then submit a due process complaint to establish the appropriateness of the District's most recent evaluation, as required by IDEA regulation. (34 C.F.R. § 300.502(b)(2)(i).)

If the Office of Individualized Student Services determines that the most recent evaluation completed by the District does not comply with the IDEA regulations, they shall inform the parents that the District will provide an independent educational evaluation at District expense unless the parent(s)/guardian(s) agree to allow the District to perform the new evaluation. The Office of Individualized Student Services shall provide to parents information about where an independent educational evaluation may be obtained, and the District's criteria applicable for independent educational evaluations.

District Criteria for Independent Educational Evaluations

An appropriate evaluation, whether conducted by school district staff or persons not employed by the school district, shall consist of the administration of all testing and the use of all assessment procedures required to rule in or rule out the existence of all legally-defined disabilities that school staff, parents, or the evaluator reasonably suspect the child might have.

The evaluation need include only that testing and those assessment techniques that are required in light of information already available from previous evaluations, information from school staff familiar with the performance of the child, and education records concerning the child. The evaluator shall review all such sources of information prior to conducting testing and assessment.

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure, if any, and in compliance with applicable and authoritatively recognized professional principles and ethical tenets and shall report any factor that might affect the validity of any results obtained.

The evaluation shall include an observation of the student in an educational setting, unless the student is not then in such a setting, and the evaluator shall obtain information concerning the performance of the student directly from at least one current teacher of the child, unless the child does not have a current teacher.

The evaluator shall hold an active certification from the Pennsylvania Department of Education that qualifies the evaluator to conduct the type of evaluation that they are conducting of the student. If certification from the Pennsylvania Department of Education is not issued for the particular area of professional practice in which the evaluator is otherwise lawfully engaged, the evaluator shall hold such license or other credentialing as is required for the area of professional practice under Pennsylvania law.

The evaluator shall prepare and sign a full report of the evaluation containing (a) a clear explanation of the testing and assessment results; (b) a complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and subtest scores reported in standard, scaled, or T-score format; (c) a complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator; and (d) specific recommendations for educational programming and, if possible, placement.

Section 2: Child Find and Screening

Public Awareness

The District shall adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within the jurisdiction of the District, regardless of whether those children are homeless, wards of the state, or attend public or private schools as follows:

1. Directly or through Chester County Intermediate Unit, publish once annually a written notice, in a newspaper or other media with circulation adequate to notify parents throughout the District of child identification activities, of District and other public early intervention and special education services and programs, of the manner in which to request services and programs, about information regarding potential signs of developmental delays and other risk factors that could indicate disabilities, and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children in accordance with state and federal law;
2. Post conspicuously on the Internet home page of the District the information described in subsection 1;
3. Publish in the District handbook the information described in subsection 1;
4. Directly or through Chester County Intermediate Unit, consult annually with private school administrators and representatives concerning the development of, and then develop, child find activities designed to identify, locate, evaluate, and offer special education services and programs to children with disabilities who are within the District's jurisdiction and who attend private schools, provided, however, that nothing in this policy shall be construed to authorize the provision of special education programs and services in or on the premises of private schools;

5. Display conspicuously in every public school building in the District printed circulars or pamphlets containing the information described in subsection 1.

Outreach

The District will conduct the following outreach activities concerning programs and services for children with disabilities who are within the District's jurisdiction, regardless of whether those children attend public or private schools:

1. Directly or through Chester County Intermediate Unit, offer parent and family training and information activities and publicize the availability of such activities to all parents;
2. Directly or through Chester County Intermediate Unit, provide to physicians, hospitals, mental health professionals, daycare providers, and County agency personnel training or other information concerning the types of special education programs and services available in and through the District and the manner in which parents can access those services;
3. Directly or through Chester County Intermediate Unit, provide periodic training to regular education staff of the District and, by invitation, of the private schools concerning the identification and evaluation of, and provision for special education programs and services to, students with disabilities.

Screening Process

The screening process described in District policy shall include:

1. Hearing and vision screening in accordance with Section 1402 of the School Code for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education;
2. Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects;
3. For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards;
4. For students with behavioral concerns, a systematic observation of the student's behavior in the classroom or school area in which the student is displaying difficulty;
5. A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments conducted in accordance with subsections 2. or 3. above;
6. An assessment of the student's response to the intervention;

7. A determination of whether or not the assessed difficulties of the student are the result of a lack of instruction or limited English proficiency;
8. A determination of whether or not the student's needs exceed the functional capacity of the regular education program, without special education programs and services, to maintain the student at an instructional level appropriate to the level and pace of instruction provided in that program;
9. Activities designed to gain the participation of parents;
10. Controls to ensure that if screening activities have produced little or no improvement within 60 school days after initiation, the student shall be referred for a multidisciplinary team evaluation.

Section 3: Intellectual Disability

“Intellectual Disability,” when used to describe a district resident of school age, means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. The following terms shall have the following meaning as used in this definition:

1. Significantly subaverage general intellectual functioning. Either—
 - (a) on a validly administered and reliable standardized test of intelligence, allowing for the standard error of measurement, a full scale or general intelligence quotient (IQ) of seventy or lower, when the standard deviation for the test instrument used equals fifteen scale points and the norm is one-hundred scale points, or a similar score representing general intelligence that falls at least two standard deviations below the norm for the test instrument used or at the second percentile or below, or
 - (b) general intelligence in the range commensurate with such a quotient or standard deviation below norm, as determined through other valid and reliable means of assessing intelligence,

provided, however, that in either case, the determination that a child has “significantly subaverage general intellectual functioning” shall be corroborated by a finding that other valid and reliable factors, such as educational performance, achievement, or education-related behavior, or the attainment of developmental milestones, are consistent with the results of the testing or assessment of general intelligence. A finding of “significantly subaverage general intellectual functioning” can be supported when the full scale intelligence quotient is above seventy but below eighty only when such other valid and reliable factors, and deficits in adaptive behavior as defined below, strongly support such a finding. When a full scale IQ score exceeds seventy-nine, the standard error of

measurement of the test shall not be used to support a finding of “significantly subaverage general intellectual functioning.”

2. Deficits in adaptive behavior. Scores on standardized or criterion-referenced, validly administered tests, assessments, or inventories of adaptive behavior that are
3. commensurate with testing or assessment establishing significantly subaverage general intelligence, provided, however, that results of such tests, assessments, or
4. inventories are (a) derived from a reliable source or informant; and (b) not the primary result of a history of abuse or neglect, cultural factors, or socio-economic status.
5. Developmental period. The period from birth through the attainment of age eighteen.

School age residents of the District whom multidisciplinary teams have identified, in accordance with Pennsylvania law, as having Intellectual Disability prior to June 9, 2001 shall continue to be entitled to all services and protections appurtenant to such identification until such time as they graduate from high school, are no longer school age, or are deemed not to be eligible for special education in accordance with the criteria under which they were initially identified.