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Laci Stetzler, 6, a first grade student at Perry Elementary school, wears a mask as she walks into school on the first day of class. The Hamburg School District, which Perry Elementary is part of, is the only school district in Berks County that is opening 5 days a week for in person instruction during the coronavirus / COVID-19 outbreak.

EDUCATION

ANOTHER GO ROUND

School districts armed with pandemic plans, options after lessons learned

By David Mekeel
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It has been a long, complex, exhausting journey for school leaders, but a bit of normalcy might be around the corner.

The past year and a half has featured curveball after curveball, challenge stacked atop challenge. The COVID-19 pandemic came barging into town, set up shop and went to work making life much, much more difficult.

It shut down schools for the last few months of the 2019-20 school year, forcing classes online and cancel-

ing in-person moments like proms and graduations. It kept administrators working overtime trying to figure out how to educate students while keeping them safe from a deadly, highly-infectious disease.

That led to teachers and students clad in masks, to students splitting time between classrooms and computers set up at their homes, to buildings being shut down.

It led to a school year unlike anything anyone had ever seen before.

"Nobody has caught their breath since March of 2020," Gov. Mifflin Superintendent Bill McKay said.

But as another new school year creeps closer, the second to start amid the global pandemic, there's hope that things are finally getting back to normal. Or at least closer to it.

Easing restrictions

Schools across Berks will start welcoming the 2021-22 school year in the next few weeks, with three districts leading the way with open-



MEDIANEWS GROUP FILE

Wilson High School custodian Jordan Whaley sanitizes desks in October. Some of the federal COVID relief money heading to Berks County school districts can be used for sanitation and cleaning supplies. At Wilson High School in West Lawn, PA Thursday afternoon October 22, 2020 where the school has been taking precautions for students doing in person school to prevent the spread of Coronavirus / COVID-19.

ing days on Aug. 23.

When they do, many of the more noticeable changes the pandemic forced last school year will be gone.

All 18 districts in Berks are currently planning to start the school year fully in-person. Last year, the county saw a mix of face-to-face and virtual learning.

Some districts, like Tulpehocken, offered full

in-person learning all year. Others, like Reading, were fully virtual for nearly the entire school year.

Some districts fell in between, offering a mix of in-person and virtual learning in what is commonly referred to as a hybrid system. Students would spend some days in classrooms and others learning from home, which meant fewer students were in buildings at one time and made social distancing easier.

Most districts will also offer their own fully virtual options for families who don't want to send students back into classrooms. District-run virtual academies were something that were already becoming more popular across the county before the pandemic and became vital pieces of the educational pie during it.

When students were physically inside schools, they were all required to wear masks. So were teachers and other staff members.



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In March, above, masks were mandated but to start 2021-22 they are optional.



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Round

FROM PAGE 20

The mask issue

A statewide mask mandate was in effect, which meant masks were required inside all public, indoor spaces. But that mandate expired in late June.

The U.S. Centers for Disease Control and Prevention, which had earlier this summer said vaccinated individuals no longer needed to wear masks, recently updated its guidance. It is now recommending everyone inside schools, vaccinated and unvaccinated students and staff, wear masks to start the school year.

The state Department of Education and Department of Health are taking a hands-off approach, saying they are not going to issue their own guidance. Instead, they are encouraging districts to follow CDC recommendations.

But based on health and safety plans that districts had to submit to the state by the end of July and information provided by school officials, masks won't be requirements in Berks schools.

All 18 districts are currently making mask-wearing optional, although some school leaders have said that could change based on how the pandemic progresses locally.

Masks will be worn on school buses, however. A federal mandate requires them on all types of public transportation.

Many other COVID protocols will remain in place to start the new school year.

School leaders have said enhanced cleaning procedures will continue, and many have said things like plexiglass dividers will still be used in some areas. Schools are still asking students and staff to monitor their health and to stay home if ill, and suspected or confirmed COVID cases will be reported to the state.

And, of course, the expanded emphasis on hand-washing and respiratory hygiene — like covering your mouth when you sneeze or cough — will continue.

'We've done a year'

Preparing for last school year was, simply, difficult.

School leaders found themselves wading through mandates and recommendations, studying data and trying their best to become public health experts on the fly.

They attempted to find balance between education and safety, trying to figure out the best path for students, staff and communities.

And now, they're doing it all again. At least this time they have a bit of experience to rely on.

"For us, we've done a year so we have that under our belts," McKay said about Gov. Mifflin. "We know what we need to do."

The last year and a half was a trial by fire, McKay said. School leaders were thrust into positions they never imagined finding themselves in, were forced to make decisions they never dreamed they'd have to make.

But, he said, getting through it all has made them better prepared for the 2021-22 school year.

"Last year a lot was unknown. We were unsure of a lot of things. A lot of things were untested," he said. "This year it's 'here's our plan and we're ready to switch if we need to.'

"If we need to go back to distancing and mask wearing, whatever it may be, the nice thing is that we have the confidence. We've been there. We've done that."

Dr. Heidi Rochlin, Antietam superintendent, agreed that what districts went through last school year made them better prepared for this one.

"I know we still have a myriad of challenges to face coming into this year," she said. "I won't be naive and think that we can just snap

back to normal on that first day of school. But, our teachers, students and administrators are excited to get back into the buildings and tackle the new school year.

"We have many more tools in our collective toolbox as we navigate the upcoming year, and I know we can all work together as a community to make the best of whatever situations we face."

Pandemic curveball

Andrew Netznik, Tulpehocken superintendent, said he's also confident students and staff will be able to handle whatever the new school year holds. After all, he said, the district managed to provide in-person instruction all last year.

But that doesn't mean everything is simple and easy, especially as the pandemic has begun a fourth wave that has sent infection numbers and hospitalizations skyrocketing in many areas of the country.

"I think it was easier up until about a week and a half ago," Netznik said. "At the end of last school year, as we found out cases were dropping, you kind of saw that light at the end of the tunnel and it kind of made it easy to put plans in place."

But with case numbers rising, and a large portion of the student body too young to get vaccinated, things have become tricky yet again.

Netznik said he has found it difficult to know what information to trust.

"Everybody has some spin as to what guidance you should be following," he said. "At this point, if you listen to the news there's a major surge of COVID cases and people aren't being vaccinated. But when you pare it down to Pennsylvania, we're the eighth highest vaccinated state.

"And if you pare it down a little more to the local level, the situation in Berks County isn't as bad as other parts of the state."

Netznik said he has been

looking at local case data and trying to make decisions based on the actual situation on the ground.

"At this point, we're going to do what we think is in the best interest of our school district and our community," he said.

Netznik said that while he appreciated that local school districts are being allowed to make their own choices, he does wish the state would provide a little more clarity on what the CDC guidance means for Pennsylvania schools.

McKay agrees.

"Without a doubt it's a difficult situation," he said. "The state has made it pretty clear that their idea is that everyone needs to get vaccinated. Beyond that they're just saying look to the CDC."

McKay shared Netznik's outlook that decision making has gotten harder the past few weeks.

"As we rolled into summer it looked more and

more like things would be getting back to what we'd call the traditional normal," he said. "But watching what is starting to happen, with numbers rising and transmission numbers up, we may move from moderate risk of transmission to substantial or high."

Roll with the punches

The CDC has four categories for how much COVID is being transmitted in different areas: low, moderate, substantial and high. Berks is in the moderate category.

The CDC uses those transmission rates in crafting its guidance. For example, in areas of substantial or high transmission the CDC recommends both unvaccinated and vaccinated individuals wear face masks in indoor, public spaces.

McKay said that as he and his team plan for the new school year, keeping kids learning in-person is the No. 1 priority. That means that some CDC guid-

ance, like recommendations on social distancing, can't be met.

"Physical distancing is hard for us at the secondary level," he said. "We can't do six feet and have kids in school."

"At the end of the day what we have to do is rely on the Gov. Mifflin School District — the school board, the community, the staff — and move forward. I talk constantly with the school board and get input from the public. Ultimately, decisions will be made on what we think is best for our students and our community."

And, McKay said, those decisions can't be set in stone.

"From when the pandemic first started in March 2020, we've learned from then to now what we as a district need to do," he said. "We were not prepared in March 2020. At this point it's all about being prepared and being ready to make changes."



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IN-PERSON CLASSES

Fake COVID-19 vaccination cards worry college officials

By Roselyn Romero
The Associated Press

SAN LUIS OBISPO » As the delta variant of the coronavirus sweeps across the United States, a growing number of colleges and universities are requiring proof of COVID-19 vaccination for students to attend in-person classes. But the new mandate has opened the door for those opposed to getting the vaccine to cheat the system, according to interviews with students, education and law enforcement officials.

Both faculty and students at dozens of schools interviewed by The Associated Press say they are concerned about how easy it is to get fake vaccine cards.

Across the internet, a cottage industry has sprung up to accommodate people who say they won't get vaccinated for either personal or religious reasons.

An Instagram account with the username "vaccinationcards" sells laminated COVID-19 vaccination cards for \$25 each. A user on the encrypted messaging app, Telegram, offers "COVID-19 Vaccine Cards Certificates," for as much as \$200 apiece.

An increasing number of inquiries to these sites and similar ones appear to be from those who are trying to get fake vaccination cards for college.

A Reddit user commented on a thread about falsifying COVID-19 vaccination cards, saying, in part, "I need one, too, for college. I refuse to be a guinea pig."

On Twitter, one user with more than 70,000 followers tweeted, "My daughter bought 2 fake ID's online for \$50 while in college. Shipped from China. Anyone have the link for vaccine cards?"

According to a tally by The Chronicle of Higher Education, at least 675 colleges and universities now require proof of COVID-19 inoculations. The process to confirm vaccination at many schools can be as simple as uploading a picture of the vaccine card to the student's portal.

In Nashville, Vanderbilt University places a hold on a student's course registration until

their vaccine record has been verified unless they have an approved medical accommodation or religious exemption.

The University of Michigan says it has a system in place to confirm employee and student vaccinations. A spokesman for the college told the AP the school has not encountered any problems so far with students forging their COVID-19 vaccination record cards.

But Benjamin Mason Meier, a global health policy professor at the University of North Carolina at Chapel Hill, questions how institutions can verify those records.

"The United States, unlike most countries which have electronic systems in place, is basing its vaccination on a flimsy paper card," he said.

Meier tweeted last week that he spoke with several students who were worried about the accessibility of fraudulent vaccine cards and that they knew a fellow student who had submitted one to the university.

"There need to be policies in place for accountability to make sure that every student is operating in the collective interest of the entire campus," he said.

In a statement to the AP, UNC said it conducts periodic verification of documents and that lying about vaccination status or falsifying documents is a violation of the university's COVID-19 community standards and may result in disciplinary action.

"It's important to note that UNC-Chapel Hill has not found any instances of a student uploading a fake vaccine card. Those claims are simply hearsay at this point," the school said.

But other university staff and faculty have expressed their concern over the alleged forgery of vaccine cards. Rebecca Williams, a research associate at UNC's Lineberger Comprehensive Cancer Center and Center for Health Promotion and Disease Prevention, said while she is concerned by these claims, she isn't surprised.

"This is why I think the devel-



JOSH BACHMAN — NEW MEXICO STATE UNIVERSITY VIA AP

This photo provided by New Mexico State University shows Aggie Health and Wellness Center Nurse Marissa Archuleta, administering a Johnson and Johnson COVID-19 Vaccine to Lauren Naranjo at a walk in clinic at Corbett Center in Las Cruces, New Mexico. May 13, 2021. New Mexico's institutions of higher learning are spearheading efforts to vaccinate young people across the state. With and without vaccine mandates, leaders at colleges and universities say they're on track to increasing vaccination rates on campus to levels far higher than the surrounding community.

opment of a reliable national digital vaccine passport app is very important for the sake of all the organizations and businesses that want to require proof of vaccination for employees, students, or business patrons," Williams said.

The AP spoke with several students across the country who did not want to be identified but said they were aware of attempts to obtain fake cards.

Some school officials acknowledge that a foolproof system is impossible.

"As with anything that potentially requires a certification, there is the possibility for an individual to falsify documentation," said Michael Uhlenkamp, a spokesman for the chancellor's office at California State University. The school system, which is the largest in the nation, oversees about 486,000 students each year on 23 campuses.

Dr. Sarah Van Orman, the chief health officer at the University of Southern California and COVID-19 task force member for the American College Health Association, said college campuses are especially challenging envi-

ronments to control the spread of COVID-19 since tens of thousands of students move into campus from all over the world. But even if students falsify their vaccination status, it may have limited impact, she said.

"I think that the numbers of students who would do that would be so very small that it wouldn't affect our kind of ability to get good community immunity," Orman said.

In March, the concern over fake COVID-19 vaccination cards prompted the FBI to issue a joint statement with the U.S. Department of Health and Human Services urging people not to buy, create or sell fabricated vaccine cards.

The unauthorized use of the seal of an official government agency such as HHS or the Centers for Disease Control and Prevention is a federal crime that carries a possible fine and a maximum of five years in prison.

In April, a bipartisan coalition of 47 state attorneys general sent a letter to the CEOs of Twitter, Shopify and eBay to take down ads or links selling the bo-

gus cards.

Many of the sites have black-listed keywords related to fake cards, but places to buy the documents are still popping up on messaging apps, chat forums and the dark web.

Sellers on websites such as Counterfeit Center, Jimmy Black Market, and Buy Express Documents list COVID-19 vaccine cards, certificates and passports for sale, some costing €400 Euros or about \$473.49.

An advertisement on the website Buy Real Fake Passport reads vendors can produce fake vaccination cards by the thousands, if not tens of thousands, based on the demand.

"It is hiding under our noses. If you want it, you can find it out," said Saoud Khalifah, founder and CEO of scam-detecting software Fakespot. "If we are seeing signs where things like Lollapalooza and other festivals are getting fake cards to gain entrance, the trend is just going to continue into these universities."

In July, the U.S. Department of Justice announced its first federal criminal fraud prosecution involving a fake COVID-19 immunization and vaccination card scheme. Juli A. Mazi, 41, a naturopathic physician in Napa, California, was arrested and charged with one count of wire fraud and one count of false statements related to health care matters.

Court documents allege she sold fake vaccination cards to customers that appeared to show that they had received Moderna vaccines. In some cases, the documents show Mazi herself filled out the cards, writing her own name, and purported Moderna "lot numbers" for a vaccine she had not in fact administered. For other customers, she provided blank CDC COVID-19 vaccination record cards and told each customer to write that she had administered a Moderna vaccine with a specified lot number.

Requiring vaccinations to attend class at colleges and universities has become a contentious political issue in some states. Pub-

STUDENT HEALTH

When school nurses are not enough

By Jane E. Brody

The New York Times News Service

School children have had an especially challenging time navigating the tedious months of the pandemic, with recent reports showing that students fell four to seven months behind in math and reading compared to previous years, and with the most vulnerable students showing the steepest declines.

But while schools have typically tried to improve student achievement by focusing on academic testing and additional classes, they have too often neglected a major factor in their success: physical, mental and social health. This is especially true for children living in economically disadvantaged communities, who unlike their peers in wealthier communities often lack access to quality health care and resources.

There are many reasons such children often struggle to do well in school, but education specialists say there is no better time than now to devote more resources to their often-limited access to needed health services. Just as shouting doesn't enable a deaf person to hear or better lighting a blind person to see, feeding facts and figures to youngsters with untreated health problems is unlikely to help them learn.

Charles E. Basch, a professor of health and education at Columbia University's Teachers College, wrote

in a special issue of the Journal of School Health in 2011: "Healthier students are better learners," a fact he called "a missing link in school reforms to close the achievement gap." In the report, he said that schools trying to enhance academic achievement should target their efforts on reducing health disparities that might impair a student's education.

"The health needs of children have not been considered a central mission of schools," Basch told me. "Yet there's a clear connection between mental and physical health and the ability of children to learn." And by not adequately addressing such needs, he said, "society is losing talent."

Bringing health care to schools

Enter school-based health centers — facilities either in the school itself or nearby that not only tend to acute health issues like cuts and bruises, but also provide a suite of health services including primary, mental and dental care; substance abuse counseling; nutrition education and more. "They bring health care to where the children are, and they're a very good way to provide health care to children who might not otherwise get it," said Nicholas Freudenberg, a professor of public health at the City University of New York School of Public Health.

School-based health cen-

ters are a cardinal feature of community schools and other public schools that have increasingly recognized how difficult it is for many children to get their health problems adequately detected and treated. Such challenges may be especially acute for those living in low-income urban centers or rural areas. If a parent has to take time off from work or find a babysitter, or if transportation is unavailable or unaffordable to get a child to a medical visit, needed services are too often neglected until there's a crisis, experts have said.

The nonprofit Paramount Health Data Project, which recently published a report on students' health conditions in public and private schools in Indiana, found that the more often children visited the school nurse, the poorer their academic achievement on statewide tests, Azure Angelov, the project's director, told me. The project's data suggest "that students who are frequent visitors to the school nurse are simply unhealthy and frequently do not feel well during the school day," Angelov and colleagues wrote in the report. "This is impacting their ability to learn."

Although the majority of public schools have at least one full-time or part-time nurse, that's hardly adequate to care for kids who often have complex and interrelated health problems

that can get in the way of learning. For example, a child with poorly controlled asthma may avoid exercise and have trouble sleeping, which is when the brain consolidates memory. In addition to medication and routine follow-up, that child may need dietary and exercise advice and assistance in clearing allergens from the home.

A multipronged approach Basch said too often education reformers focus on addressing single issues, like children who come to school hungry.

"Providing breakfast alone won't cut it," he said, "no one thing will have a consistent effect on a child's ability to learn." A coordinated strategy that addresses multiple problems at once, Basch added, will better help children succeed.

It is just this kind of coordination and follow-through provided by school-based health centers, thousands of which now exist nationwide, Freudenberg said.

Although hunger and nutrition are increasingly being addressed by schools and supported by federal programs, mental health issues like depression and anxiety often fall under the radar. When teachers think a child is struggling with emotional issues, having publicly supported services in or near the school can improve that child's academic performance, Freud-



BRYNN ANDERSON — THE ASSOCIATED PRESS

A student raises their hand in a classroom at Tussahaw Elementary school on Wednesday, Aug. 4, 2021, in McDonough, Ga.

enberg said.

Furthermore, school-based health centers are often open to families and can connect parents to needed health services for themselves or others in the household.

"The pandemic emphasized the fact that many children in poor communities don't have healthy foods or access to mental health services," he said, adding that as the pandemic wanes and children return to school, community support for their unmet health needs will be critical.

And not just for young or poor children or those who lost close family members to COVID-19. Many high school students are also now facing significant health issues, especially if they experienced crippling depression or anxiety related to pandemic-induced disruptions in their lives.

"Students K through 12

are likely to have health concerns during the course of their lives that can and should be addressed by schools to improve learning as well as their health," Freudenberg said. "Schools can help them learn how to cope with difficult interpersonal situations."

For example, in New York City, he said, school-based health programs that provide sexual and reproductive care have helped lower the rates of sexually transmitted infections and teen pregnancy, enabling more young people to stay in school.

Still, Basch and his co-authors emphasized in a 2015 report on health barriers to learning that "schools alone cannot close the gaps in education or eliminate health disparities. Families, communities, health care systems, legislators and the media each have essential roles."

College

FROM PAGE 22

lic colleges in at least 13 states including Ohio, Utah, Tennessee and Florida cannot legally require COVID-19 vaccinations due to state legislation, but pri-

ate institutions in those same states can.

Among the states introducing and passing bills barring educational institutions from mandating COVID-19 vaccines, infringement on individual rights or liberties is often cited as the main concern.

But according to a statement

released by the American College Health Association and other educational organizations, these restrictions impede on universities' abilities to operate fully and safely.

"The science of good public health has gotten lost in some of the decisions that have been made in some places," Orman said. "It has not always been held up by

our political leaders."

Some college students have taken to social media platforms like Twitter and TikTok to voice their outrage over other students possessing fraudulent vaccine cards.

Maliha Reza, an electrical engineering student at Pennsylvania State University, said it is mind-

boggling that students would pay for fake vaccination cards when they could get the COVID-19 vaccine at no cost.

"I'm angry about that, like there is more anger than I could describe right now," Reza said. "It's dumb considering the vaccine is free and it is accessible across the country."

NOTICE OF SPECIAL EDUCATION SERVICES

The public school districts and charter schools of Delaware County, Pennsylvania, and the Delaware County Intermediate Unit ("the Delaware County school entities"), provide special education and related service to resident children with disabilities who are ages three through twenty-one. The purpose of this notice is to describe (1) the types of disabilities that might qualify the child for such programs and services, (2) the special education programs and related services that are available, (3) the process by which each of the Delaware County School entities screens and evaluates such students to determine eligibility, and (4) the special rights that pertain to such children and their parents or legal guardians.

What types of disability might qualify a child for special education and related services?

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 disability, (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, or (12) for preschool age children, developmental delays. If a child has more than one of the above-mentioned disabilities, the child could qualify for special education and related services as having multiple disabilities. Children ages three through nine years old may also be eligible if they have developmental delays and, as a result, need special education and related services.

The legal definitions of these disabilities, which the public schools are required to apply under the IDEA, may differ from those used in medical or clinical practice. Moreover, the IDEA definitions could apply to children with disabilities that have very different medical or clinical disorders. A child with attention deficit hyperactivity disorder, for example, could qualify for special education and related services as a child with "other health impairments," "serious emotional disturbance," or "specific learning disabilities" if the child meets the eligibility criteria under one or more of these disability categories and if the child needs special education and related services as a result.

Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, some school age children with disabilities who do not meet the eligibility criteria under the IDEA might nevertheless be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program.

Information regarding potential signs of developmental delays and other risk factors that could indicate disabilities can be found in our Handbook and on our website.

What programs and services are available for children with disabilities?

Each of the Delaware County public school entities must ensure that children with disabilities are educated to the maximum extent appropriate in settings with their non-disabled peers, commonly referred to as the least restrictive environment. Programs and services available to students with disabilities, in descending order of preference, are (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, (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom, (4) part time special education class placement in a regular public school or alternative setting, and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting.

Depending on the nature and severity of the disability, a Delaware County School entity can provide special education programs and services in (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) approved out-of-state program, or (7) the home.

Special education services are provided according to the primary educational needs of the child, not the category of disability. The types of service available are (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 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 deafness, (5) blind or visually impaired support, for students who primarily need assistance with 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, and (8) multiple disabilities support, for student who primarily need assistance in multiple areas affected by their disabilities.

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services are speech and language therapy, occupational therapy, physical therapy, nursing services, audiologist services, counseling, and family training.

Children of preschool age are served by the Delaware County Intermediate Unit 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 are educated with non-disabled peers.

Each Delaware County School entity, in conjunction with the parents of each identified child, determines the type and intensity of special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child. The child's program is described in writing in an individualized education program, commonly referred to as an "IEP," which is developed by an IEP team consisting of educators, parents, and other persons with special expertise or familiarity the child. The parents of the child have the right to be notified of and to participate in all meetings of their child's IEP team. The IEP is revised as often as circumstances warrant but at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational progress to the student at all times. IEPs contain, at a minimum, the projected start date and duration for the IEP, a statement of the child's present levels of educational and functional performance, an enumeration of annual goals, a description of how the child's progress toward meeting the annual goals will be measured and reported, a statement of the special education, program modifications, and related services to be provided, an explanation of the extent, if any, to which the child will not participate with non-disabled children, the anticipated frequency and location of the services and a statement of any accommodations necessary to measure academic achievement and functional performance of the child on state and district wide assessments. For children aged sixteen and older, the IEP must also include a transition plan to assist in the attainment of post-secondary objectives. The public school must invite the

child to the IEP team meeting if a purpose of the meeting will be the consideration of the post-secondary goals and transition services needed for the child.

All Delaware County School entities are required to allow parents of children with disabilities reasonable access to their child's classrooms, subject to the provisions of each entity's school visitation policy or guidelines.

How do the public schools screen and evaluate children to determine eligibility for special education and related services?

Multidisciplinary Team Evaluation

Delaware County School entities must conduct a multidisciplinary team evaluation of every child who is thought to have a disability. The 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 members of the multidisciplinary team. Delaware County School entities must reevaluate school-age students receiving special education services every three years and must reevaluate children with mental retardation 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. Every public school has a procedure in place by which parents can request an evaluation. For information about each Delaware County School entity's procedures applicable to your child, contact the elementary, middle, or high school which your child attends. Telephone numbers and addresses for these schools can be found at the School entity's website. Parents of preschool age children, age three through five, may request an evaluation in writing by addressing a letter as follows: Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. The telephone number for the Early Intervention Program is (610) 938-2830.

Parents of children in private schools may request a multidisciplinary team evaluation of their children without enrolling in their public schools. However, while some services might be available to some private school children who are found eligible by the responsible Delaware County School entity, that entity is not required to provide all or any of the special education and related services those children would receive if enrolled in the public schools. If, after an evaluation, the multidisciplinary team determines that the child is eligible for special education and related services, the responsible Delaware County School entity must offer the parents an IEP and a public school-sponsored placement, unless the parents of the child are not interested in such an offer. If parents wish to take advantage of such an offer, they may have to enroll or re-enroll their child in the responsible Delaware County School entity to do so.

Before a Delaware County School entity can proceed with an evaluation, it must notify the parents in writing of the specific types of testing and assessment it proposes to conduct, of the date and time of the evaluation, and of the parents' rights. The evaluation cannot begin until the parent has signed the written notice indicating that he or she consents to the proposed testing and assessments and has returned the notice to the public school.

Screening

Each Delaware County school entity is responsible to adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within its jurisdiction, including homeless children, wards of the state, and those attending private schools. Written information shall be published in the district's handbook and website. All Delaware County School entities undertake screening activities before referring students for a multidisciplinary team evaluation. Screening activities could involve an instructional support team, commonly referred to as the "IST," or an alternative screening process. Regardless of the particular 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 screening activities produce little or no improvement within sixty (60) school days, the child will then be referred for a multidisciplinary team evaluation.

For information about the dates of various screening activities in your child's school or to request screening activities for a particular child, contact the local public school directly. Telephone numbers and addresses for these schools can be found in the blue pages section of the telephone book under the heading "Schools." Parents of preschool age children, age three through five, may obtain information about screening activities, or may request a screening of their children, by calling or writing the Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. The telephone number for the Early Intervention Program is (610) 938-2830.

Private school administrators, teachers, and parent groups, or individual parents of students in private schools, who are interested in establishing systems in those schools for locating and identifying children with disabilities who might need a multidisciplinary team evaluation may contact the Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. The telephone number for the Early Intervention Program is (610) 938-2830.

What special rights and protections do children with disabilities and their parents have?

State and federal law affords many rights and protections to children with disabilities and their parents. A summary of those rights and protections follows. 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 in the blue pages section of the telephone book under the heading "Schools." The written summary is also available through the Delaware County Intermediate Unit, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000.

Rights and Protections

Prior Written Notice. The responsible Delaware County School entity must notify you in writing whenever it proposes to initiate or to change the identification, evaluation, educational program or placement of a child or whenever it refuses to initiate or make a change in the identification, evaluation, educational program or placement requested by a parent. Such notice must be accompanied by a written description of the action proposed or rejected, the reasons for the proposal or refusal, a description of the evaluation information and other relevant factors used as a basis for the decision, the other options considered, if any, the reasons why such options were rejected and a statement that the parent has the right to procedural safeguards.

Consent. Delaware County School entities cannot proceed with an evaluation or reevaluation, or with the initial provision of special education and related services, without the written consent of the parents. However, a Delaware County School entity may attempt to override the lack of consent for an initial evaluation or reevaluation by requesting the approval of an impartial hearing officer by filing a due process request. Additionally, in the case of a parent's failure to respond to a request to conduct a reevaluation, a Delaware County School entity may proceed with the proposed reevaluation without parental consent if it can show that it made a reasonable effort to obtain parental consent and that the parent failed to respond. A public school may not seek a hearing to override the refusal of a parent to consent to an initial placement in special education.

Protection in Evaluation Procedures. Evaluations to determine eligibility and the current need for special education and related services must be administered in a manner that is free of racial, cultural, or linguistic bias and in the native language of the child. The evaluation must assess the child in all areas related to the suspected disability and include a variety of technically sound instruments, assessment tools and strategies. The assessments and evaluation materials must be used for the purposes for which the assessments or measure are valid and reliable, must be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment and must be talked to assess special areas of need. Moreover, evaluation determinations cannot be based upon any single measure or assessment.

Independent Educational Evaluation. If parents disagree with the evaluation conducted by the responsible Delaware County School entity, they may request in writing an independent educational evaluation, commonly referred to as an "IEE," at public expense. If an IEE is provided at public expense, the criteria under which the IEE is privately obtained must be the same as the criteria that the responsible Delaware County School entity uses when it initiates an evaluation. Information concerning each school entity's evaluation criteria can be obtained through the Office of Special Education or Student Services of that entity. If the Delaware County School entity refuses to pay for the IEE, it must immediately request a special education due process hearing to defend the appropriateness of its evaluation.

Due Process Hearing Procedures

The parent or local educational agency (commonly referred to as the "LEA") may request a due process hearing with respect to any matter relating to the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education (commonly referred to as "FAPE"). The party requesting the hearing must submit a "Due Process Hearing Request" form to the Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112; telephone (800) 222-3353; TTY (800) 654-5984. A due process hearing will not proceed until all required information is provided and procedures followed.

Timeline for Requesting Due Process. The parent or LEA must request a due process hearing by filing a Due Process Hearing Request within two (2) years of the date the parent or LEA knew or should have known about the alleged action that forms the basis of the request. There are limited exceptions to this timeline. This timeline will not apply to the parent if the parent was prevented from filing a Due Process Hearing Request due to either (1) specific misrepresentations by the LEA that it had resolved the problem forming the basis of the hearing request, or (2) the LEA's withholding of information from the parent that the LEA was required to provide.

Filing and Service of the Due Process Hearing Request. The party requesting the hearing must send a copy of the Due Process Hearing Request to the other party and, at the same time, to the Office for Dispute Resolution by mail addressed to the Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112, or by electronic mail addressed to ODR.pattan.net, or by facsimile at (717) 657-5983.

Contents of Due Process Hearing Request. The Due Process Hearing Request must contain the following information:

1. The name of the child, the address where the child lives, and the name of the school the child is attending or, if the child is homeless, available contact information for the child and the name of the school the child is attending;
2. A description of the nature of the problem, including facts relating to such problem; and
3. A proposed resolution of the problem to the extent known and available to the party filing the Due Process Hearing Request.

Challenging Sufficiency of the Due Process Hearing Request. The Due Process Hearing Request will be considered to be sufficient unless the party receiving it notifies the Hearing Officer and the other party in writing within fifteen (15) days of receipt that the receiving party believes the Request does not meet the requirements listed above.

Response to Request. If the LEA has not sent a prior written notice, such as a Notice of Recommended Educational Placement (commonly referred to as a "NOREP") to the parent regarding the subject matter contained in the parent's Due Process Hearing Request, the LEA must send to the parent, within ten (10) days of receiving the Due Process Hearing Request, a response including the following information: (1) an explanation of why the LEA proposed or refused to take the action raised in the Hearing Request, (2) a description of other options the Individualized Education Program ("IEP") Team considered, if any, (3) and the reasons why those options were rejected, (4) a description of each evaluation procedure, assessment, record, or report the LEA used as the basis for the proposed or refused action and (5) a description of the factors that are relevant to the proposal or refusal. Filing this response to the parent's Due Process Hearing Request does not prevent the LEA from challenging the sufficiency of the Due Process Hearing Request. If it is the parent receiving the Due Process Hearing Request, then a response to the Due Process Hearing Request must be sent to the other side within ten (10) days of receipt of the request. The response should specifically address the issues raised in the Due Process Hearing Request.

Hearing Officer Determination of Sufficiency of the Due Process Hearing Request. Within five (5) days of receiving a party's challenge to the sufficiency of the Due Process Hearing Request, the Hearing Officer must make a determination based solely on the information contained within the Request whether the Request meets content requirements listed above. The Hearing Officer must immediately notify both parties in writing of his or her determination.

Subject Matter of the Hearing. The party requesting the due process hearing is not permitted to raise issues at the due process hearing that were not raised in the Due Process Hearing Request (or Amended Due Process Hearing Request) unless the other party agrees otherwise.

Resolution Session. Before a due process hearing can take place, the LEA must convene a preliminary meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the Due Process Hearing Request in an attempt to resolve those issues without the need to proceed to a due process hearing. This preliminary meeting must be convened within fifteen (15) days of the receipt of the Due Process Hearing Request. A representative of the LEA who has decision-making authority must be present at this meeting. The LEA may not have an attorney attend the meeting unless the parent is also accompanied by an attorney. Parent advocates may attend the meeting. At

the meeting, the parent will discuss the Due Process Hearing Request, and the LEA will be provided the opportunity to resolve the Due Process Hearing Request unless the parent and the LEA agree, in writing, to waive this meeting, or agree to use the mediation process. If the parent and LEA resolve the issues in the Due Process Hearing Request at the preliminary meeting, they must put the agreement terms in writing, and both the parent and a representative of the LEA who has the authority to bind the LEA must sign the agreement. The agreement is a legally-binding document and may be enforced by a court. Either the parent or LEA may void the agreement within three (3) business days of the date of the agreement. After three (3) business days, the agreement is binding on both parties.

Amended Due Process Hearing Request. Either the parent or LEA may amend its Due Process Hearing Request only if the other party consents in writing to the amendment and is given the opportunity to resolve the issues raised in the Due Process Hearing Request through a resolution session, or the Hearing Officer grants permission for the party to amend the Due Process Hearing Request. However, the Hearing Officer may grant this permission not later than five (5) days before a due process hearing occurs.

Timeline for Completion of Due Process Hearing. If the LEA has not resolved the Due Process Hearing Request within thirty (30) days of receiving it, or within thirty (30) days of receiving the Amended Due Process Hearing Request the due process hearing may proceed and applicable timelines commence. The timeline for completion of due process hearings is forty-five (45) days, unless the Hearing Officer grants specific extensions of time at the request of either party.

Disclosure of Evaluations and Recommendations. Not less than five (5) business days prior to a due process hearing, each party must disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party's evaluations that the party intends to use at the due process hearing. Failure to disclose this information may result in a Hearing Officer prohibiting the party from introducing the information at the hearing unless the other party consents to its introduction.

Due Process Hearing Rights. The hearing for a child with a disability or thought to have a disability must be conducted and held in the LEA at a place and time reasonably convenient to the parent and child involved. The hearing must be an oral, personal hearing and must be closed to the public unless the parent requests an open hearing. If the hearing is open, the decision issued in the case, and only the decision, will be available to the public. If the hearing is closed, the decision will be treated as a record of the child and may not be available to the public. The decision of the Hearing Officer must include findings of fact, discussion, and conclusions of law. Although technical rules of evidence will not be followed, the decision must be based upon substantial evidence presented at the hearing. A written or, at the option of the parent, electronic verbatim record of the hearing will be provided to the parent at no cost. Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities. Parents or parent representatives must be given access to educational records, including any tests or reports upon which the proposed action is based. A party has the right to compel the attendance of and question witnesses who may have evidence upon which the proposed action might be based. A party has the right to present evidence and confront and cross-examine witnesses. A party has the right to present evidence and testimony, including expert medical, psychological, or educational testimony.

Decision of Hearing Officer. A decision made by a Hearing Officer must be made on substantive grounds, based upon a determination of whether the child received a FAPE. In disputes alleging procedural violations, a Hearing Officer may award remedies only if the procedural inadequacies impeded the child's right to a FAPE; significantly impeded the parents opportunity to participate in the decision-making process regarding the provision of a FAPE to the child; or caused a deprivation of educational benefits. A Hearing Officer may still order a LEA to comply with procedural requirements even if the Hearing Officer determines that the child received a FAPE. The parent may still file a Complaint with the Bureau of Special Education within the Pennsylvania Department of Education regarding procedural violations.

Civil Action. A party that disagrees with the findings and decision of the Hearing Officer has the right to file an appeal in state or federal court. In notifying the parties of the decision, the Hearing officer shall indicate the courts to which an appeal may be taken. The party filing an appeal is encouraged to seek legal counsel to determine the appropriate court with which to file an appeal. A party filing an appeal to state or federal court has ninety (90) days from the date of the decision to do so.

Attorney's Fees. A court, in its discretion, may award reasonable attorney's fees to the parent of a child who is a prevailing party or to a State Educational Agency or LEA against the attorney of the parent who files a Due Process Hearing Request or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of the parent who continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation; or to a prevailing State Educational Agency or LEA against the attorney of the parent, or against the parent, if the parent's Due Process Hearing Request or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. Fees awarded will be based on rates prevailing in the community in which the action or proceeding arose for the kind and quantity of attorney services furnished.

The federal law imposes certain requirements upon the parent and LEA and in some circumstances may limit attorney fee awards. Parents should consult with their legal counsel regarding these matters. The following rules apply: Attorney's fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to the parent if the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedures, or, in the case of an administrative hearing, at any time more than ten (10) days before the proceeding begins; the offer is not accepted within ten (10) days; and the court finds that the relief finally obtained by the parent is not more favorable to the parent than the offer of settlement. Attorney's fees may not be awarded for time spent attending any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action. A due process resolution session is not considered to be a meeting convened as a result of an administrative hearing or judicial action, nor an administrative hearing or judicial action for purposes of reimbursing attorney's fees. The Court may reduce the amount of any attorney's fee award when: (a) the parent, or the parent's attorney, during the course of the action or proceeding unreasonably protracted the final resolution of the controversy; (b) the amount of the attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; (c) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or (d) the attorney representing the parent did not provide to LEA the appropriate information in the Due Process Hearing Request. These reductions do not apply in any action or proceeding if the court finds that the State or LEA unreasonably protracted the final resolution of the action or proceeding.

Child's Status During Administrative Proceedings. Except for discipline cases, which have specific rules, while the due process case, including appeal to a court of competent jurisdiction, is pending, the child must remain in his or her present educational placement unless the parent and LEA or State agree otherwise. If the due process hearing involves an application for initial admission to public school, the child, with parental consent, must be placed in the public school program until completion of all the proceedings, unless the parent and LEA agree otherwise.

Private School Tuition Reimbursement. In some cases, parents of children who were identified by the public school as eligible for special education and related services and who received such services can recover in a due process hearing or from a court an award of private school tuition reimbursement. Parents can also receive such awards if their child was in need of special education and related services but were not offered such services in a timely manner. To obtain an award of tuition reimbursement, parents must notify their public school of their

intent to enroll their child in a private school either verbally at the last IEP team meeting prior to withdrawing their child or in writing received by the public school at least ten (10) days prior to the date on which the child is withdrawn from public school. Parents can obtain tuition only when they can prove at a special education due process hearing that (1) the public school failed to offer an appropriate program or placement to the child, (2) the parents therefore placed their child in a private school, and (3) the private school placement was proper. Tuition reimbursement awards can be denied or reduced if the parents' behavior was improper or if the parents delay unreasonably in asserting a claim against the public school in a due process hearing. **Such awards can also be denied or reduced if the parents fail to do one of the following: (1) notify the public school of their intent to place the child in a private school at the last IEP team meeting prior to the planned placement or (2) notify the public school in writing of their intent to place the student in a private school at least ten days before withdrawing the student for that purpose.**

Mediation. Parties may agree to submit their dispute to the mediation process by requesting mediation from the Office for Dispute Resolution. Mediation may be requested in place of or in addition to a due process hearing. If a hearing is also requested, mediation cannot delay the scheduling of the due process hearing, unless the Hearing Officer grants a continuance for that purpose at the request of a party. An impartial, trained mediator facilitates the mediation process, which is scheduled at a time and location convenient to the parties. The parties are not permitted to have attorneys participate in the process. Any resolution reached through mediation must be reduced to writing, which will be binding on the parties.

Rights Under Section 504 of the Rehabilitation Act of 1973. As noted above, some students with disabilities who are not in need of special education and related services are nevertheless entitled to adaptations and accommodations in their school program or in the physical environment of school buildings, grounds, vehicles, and equipment, when such adaptations or accommodations are required to enable the student to access and participate meaningfully in educational programming and extracurricular activities. Parents are entitled to a written description of the adaptations and accommodations that the public school is willing to offer. This written description is called a "service agreement" or "accommodation plan." The rights and protections described above under the headings "Notice," "Consent," "Protection in Evaluation Procedures," and "Maintenance of Placement" apply to students receiving adaptations and accommodations under Section 504. Parents who have complaints concerning the evaluation, program, placement, or provision of services to a student may request either an informal conference with the public school or a due process hearing. The hearing must be held before an impartial hearing officer at a time and location convenient to the parents. Parents have the right to request a free written or electronic transcript or recording of the proceedings, to present evidence and witnesses disclosed to the public school, to confront evidence and testimony presented by the public school, to review their child's complete educational record on request before the hearing, to receive a written decision from the hearing officer, and to be represented by counsel or an advocate of their choice. An appeal may be taken from the decision of the hearing officer to a court of competent jurisdiction.

Compliance Complaints. In addition to the above hearing rights, parents and others with complaints concerning the education of a child with disabilities or violations of rights guaranteed by either the IDEA or Section 504 may file complaints with the Pennsylvania Department of Education, which must investigate such complaints and issue written findings and conclusions. Information concerning such complaints can be obtained at the following address:

Pennsylvania Department of Education
Bureau of Special Education
Division of Compliance Monitoring and Planning
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333
(800) 879-2301

Students Who are Mentally Gifted

All Delaware County School entities, except charter schools, also offer special education services, in the form of acceleration or enrichment, for students who are identified by a gifted multidisciplinary team ("GMDT") as "mentally gifted." A child is considered mentally gifted when his or her cognitive ability or other factors, as determined by a multidisciplinary team evaluation, indicate that he or she has outstanding intellectual ability the development of which requires special programs and services not ordinarily available in the general education program. The District engages in screening activities during regular classroom instruction and uses the data thus generated to determine whether a GMDT evaluation is warranted. In addition, parents may request gifted screening or a GMDT evaluation at any time. Parents are part of the GMDT and, if their child is determined to be mentally gifted, are part of the development and annual review and revision of their child's gifted individualized educational program ("GIEP") as a member of the GIEP team. The GIEP describes the present levels, annual goals and measurable objectives, and specially designed instruction and related services through which the District will provide the enrichment or acceleration, or both, that is needed to develop the outstanding mental ability of the child. Parents of students who are mentally gifted have the right to request a special education due process hearing or to file a compliance complaint with the Pennsylvania Department of Education at the above address. Details concerning the procedures governing hearing requests can be found on the Website of the Office for Dispute Resolution as www.pattan.k12.pa.us.

A child can be identified as both a child with a disability and mentally gifted. In such cases, the rights of the child and his or her parents are governed by the rules applicable to children with disabilities and their parents, as described above.

Student Records – Record Retention and Confidentiality of Information

All Delaware County School entities maintain records concerning all children enrolled in public school, including students with disabilities. Records containing personally identifiable information about or related to children with disabilities could include, but are not limited to, cumulative grade reports, discipline records, enrollment and attendance records, health records, individualized education programs, notices of recommended assignment, notices of intent to evaluate and reevaluate, comprehensive evaluation reports, other evaluation reports by public school staff and by outside evaluators, work samples, test data, data entered into the Penn Data system, correspondence between school staff and home, instructional support team documents, referral data, memoranda, and other education-related documents. Records can be maintained on paper, on microfiche, on audio or videotape, and electronically. Records can be located in the central administrative offices of the public school, the administrative offices of the Delaware County Intermediate Unit, the school building or building at which the student attended or attends school, private schools and facilities at which the public school has placed the child for educational purposes, central storage facilities and electronic storage systems, and in the secure possession of teachers, building administrators, specialists, psychologists, counselors, and other school staff with a legitimate educational interest in the information contained therein. All records are maintained in the strictest confidentiality.

Records are maintained as long as they remain educationally relevant. The purposes of collecting and maintaining records are (1) to ensure that the child receives programs and services consistent with his or her IEP; (2) to monitor the ongoing effectiveness of programming for the child; (3) to document for the public school and the parents that the student is making

meaningful progress; (4) to satisfy the requirements of state and federal agencies who have an interest in inspecting or reviewing documents concerning particular students or groups of students for purposes of compliance monitoring, complaint investigation, and fiscal and program audits; and (5) to inform future programming for and evaluations of the child. When educational records, other than those which must be maintained, are no longer educationally relevant, the public school must so notify the parents in writing and *may* destroy the records or, at the request of the parents, *must* destroy them. Public schools are not required to destroy records that are no longer educationally relevant unless the parents so request in writing.

In accordance with 34 CFR § 300.624, the following retention/destruction schedule for the Pennsylvania Alternate System of Assessment (PASA), Pennsylvania System of School Assessment (PSSA), and Keystone Exam related materials will be in effect at the start of the 2018-19 school year:

- PSSA, Keystone Exam, and PASA test booklets will be destroyed one year after student reports are delivered for the administration associated with the test booklets.
- PSSA and Keystone Exam answer booklets and PASA media recordings will be destroyed three years after completion of the assessment.

Parent consent. Parent consent is required in writing prior to the release of any personally identifiable information concerning a child with disabilities. Parent consent is not required, however, prior to the release of information (1) to a hearing officer in a special education due process hearing; (2) to public school staff and contractors with a legitimate educational interest in the information; (3) to officials or staff of other schools and school systems at which the student is enrolled or intends to enroll; (4) to federal or state education officials and agencies and to the Comptroller of the United States; (5) to accrediting organizations to carry out their accrediting functions; (6) to comply with a lawful subpoena or judicial order; (7) in conjunction with a health or safety emergency to the extent necessary to protect the health and safety of the child or others; or (8) that the public schools have designated as “directory information.” Disclosure without consent of the parent is subject to certain conditions more fully described in the Family Educational Rights and Privacy Act, 20 U.S.C § 1332g, and its implementing regulation, 34 C.F.R. Part 99.

Parent access. Upon submitting a request to do so in writing, parents have the right to access the educational records of their child within forty-five (45) days or before any due process hearing or IEP team meeting, whichever is sooner. Access entitles the parent to the following: (1) an explanation and interpretation of the records by public school personnel; (2) copies of the records if providing copies is the only means by which the parent can effectively exercise his or her right of inspection and review; and (3) inspection and review of the records by a representative of the parent’s choosing upon presentation to the records custodian of a written authorization from the parent. The public school can charge a fee not to exceed its actual costs for copying records.

“Directory information.” Public school entities designate certain kinds of information as “directory information.” The public schools of Delaware County typically designate the following as “directory information”: (1) the name, address, telephone number, and photographs of the child; (2) the date and place of birth of the child; (3) participation in school clubs and extracurricular activities; (4) weight and height of members of athletic teams; (5) dates of attendance; (6) diplomas and awards received; (7) the most recent previous institution or school attended by the child; and (8) names of parents, siblings, and other family members. The District will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. Parents who do not want the District to disclose such information *must so notify the District in writing on or before the first day of the school term.* Written notice must identify the specific types of directory information that the parent does not want the District to disclose without consent. If the parent fails to notify the District in writing by the first day of the school term, the District may release directory information upon request and without consent.

Disclosure of records containing personally identifiable information to other schools and institutions. Public school entities disclose personally identifiable information concerning students to educational agencies or institutions at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records.

Access to records by school officials with a “legitimate educational interest.” School officials with a legitimate educational interest in the personally-identifiable information contained in education records can have access to personally identifiable information without parent or student consent. Each school entity designates in its education records policy those persons who have a “legitimate educational interest” that would allow such access to education records. Such persons typically include teachers of the child, building administrators, guidance counselors to whom the child is assigned, members of instructional support and multidisciplinary teams in the course of screening and evaluation activities, records custodians and clerks, public school administrators with responsibility for programs in which the student is enrolled or intends to be enrolled, school board members sitting in executive session in consideration of matters concerning the child upon which only the school board can act, program specialists and instructional aides working with the child, therapeutic staff working with the child, and substitutes for any of the foregoing persons.

Amendment of education records. After reviewing records, a parent or a student who has attained the age of eighteen (18) can request that records be amended. The school will make the requested changes or reject the request within forty-five (45) days of the receipt of the request in writing. If the school rejects the request, the parent or student may request an informal hearing. The hearing can be held before any public school official who does not have a direct interest in its outcome. If the parents are dissatisfied with the outcome of the informal hearing, they may submit to the public school a statement outlining their disagreement with the record. The school thereafter must attach a copy of that statement to all copies of the record disclosed to third parties.

Complaints to the United States Department of Education. Complaints concerning alleged failure of a public school entity to comply with the requirements of the Family Educational Rights and Privacy Act may be addressed to the United States Department of Education as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

This notice is only a summary of the special education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents and is not a legally binding promise to provide particular services, as each child’s needs vary. In addition, this notice does not take precedence over applicable laws and regulations, or amendments thereto. For more information or to request evaluation or screening of a public or private school child contact the responsible Delaware County School entity listed below.

For preschool age children, information can also be obtained, and screenings and evaluations requested, by contacting the Delaware County Intermediate Unit.

<p>Chester Charter Scholars Academy Dr. Martina Hussein Special Education Director 1500 Highland Avenue Chester, PA 19013 610-859-3010</p>	<p>Delaware County Intermediate Unit Early Intervention Program Ms. Sherri Roam Supervisor 100 Crozerville Road Aston, PA 19014 610-938-2830 ext. 6141 Ms. Patricia Bell and Ms. Kimberly Doyle Supervisors, Marple Education Center 85 N. Malin Road Broomall, PA 19008 610-938-2830 ext. 6503</p>	<p>Garnet Valley School District Ms. Theresa Bracken Director of Special Education 80 Station Road Glen Mills, PA 19342 610-579-7301</p>	<p>Ridley School District Dr. Gina Ciallella Director of Specialized Learning 1001 Morton Avenue Folsom, PA 19033 610-534-1900 ext. 1189</p>	<p>Wallingford-Swarthmore School District Ms. Jean Solecki Special Education Supervisor 200 S. Providence Road Wallingford, PA 19086 610-892-3470 ext. 1505</p>
<p>Chester Community Charter School Dr. David Clark Chief Executive Officer 302 East 5th Street Chester, PA 19013 610-447-0400</p>		<p>School District of Haverford Township Ms. Nicole Battestelli Director of Pupil Services/Special Education 50 East Eagle Road Havertown, PA 19083 610-853-5900 ext. 7236</p>	<p>Rose Tree Media School District Dr. Frances K. Garner Director of Student Services 308 North Olive Street Media, PA 19063 610-627-6028</p>	<p>Widener Partnership Charter School Mrs. Kelly D'Eletto, Special Education Director 1450 Edgemont Avenue Chester, PA 19013 610-990-8941</p>
<p>Chester Upland School District Dr. Purcell Whittaker Director of Student Services 232 West 9th Street, 1st Floor Chester, PA 19013 610-447-3880</p>	<p>Delaware County Intermediate Unit Delaware County Technical Schools Aston, Folcroft Campuses Dr. Stephen Butz Director, Career/Technical Education 100 Crozerville Road Aston, PA 19014 610-459-3050 ext. 3568</p>	<p>Interboro School District Ms. Rachel Lambert Director of Student Services 900 Washington Avenue Prospect Park, PA 19076 610-461-6700</p>	<p>Southeast Delco School District Dr. Debbie Gibbs-Tapper Director of Special Education 1560 Delmar Drive Folcroft, PA 19032 610-522-4300 ext. 5311</p>	<p>William Penn School District Ms. Geena Germana Supervisor of Special Education Services 100 Green Avenue Annex Lansdowne, PA 19050 610-284-8005 ext.1248</p>
<p>Elwyn Chester SEEDS (Special Education for Early Developmental Success) Chester MAWA Mr. Kelly Parker, Director 419 Avenue of the States, Third Floor Chester, PA 19013 610-872-4590</p>	<p>Delaware County Homeless Youth Division of Adult and Family Services 20 South 69th Street Upper Darby, PA 19082 610-713-2365</p>	<p>Marple Newtown School District Ms. Gina Ross Director of Pupil Services 26 Media Line Road, Suite 110 Newtown Square, PA 19073 610-359-5907</p>	<p>Springfield School District Dr. Kristin Nash Director of Special Education 200 South Rolling Road Springfield, PA 19064 610-938-6017</p>	
<p>Chichester School District Ms. Stephanie Hallowell Director of Pupil Services 401 Cherry Tree Road Aston, PA 19014 610-485-6881 ext. 5042</p>	<p>Delaware County Juvenile Detention Center Rose Tree Media School District Dr. Frances Garner Director of Student Services 308 North Olive Street Media, PA 19063 610-627-6028</p>	<p>Penn Delco School District Ms. Regina McClure Director of Pupil Services/Special Education 2821 Concord Road Aston, PA 19014 610-497-6300 ext. 1320</p>	<p>Upper Darby School District Mr. Edward Marshaleck Assistant Superintendent of Student Services 4611 Bond Avenue Drexel Hill, PA 19026 610-789-7200 ext. 3208</p>	
<p>Delaware County Intermediate Unit Dr. Kevin Kane, Assistant to the Executive Director for Student Services Ms. Natalie Hess and Ms. Kimberly Mecca Assistant Directors of Student Services 200 Yale Avenue Morton, PA 19070 610-938-9000 ext. 2284</p>	<p>Delaware County Prison Garnet Valley School District Ms. Theresa Bracken Director of Special Education 80 Station Road Glen Mills, PA 19342 610-579-7301</p>	<p>Radnor Township School District Ms. Jenny Le Sage Director of Special Education 135 South Wayne Avenue Wayne, PA 19087 610-688-8100 ext. 6087</p>	<p>Vision Academy Charter School Mr. Ky Adderley Chief Executive Officer/Principal 716 Emerson Avenue East Lansdowne, PA 19050 484-466-2124</p>	



The Delaware County Intermediate Unit and the Delaware County Technical Schools are equal opportunity education institutions and will not discriminate on the basis of race, color, religion, national origin, age, sex, equal pay, disability or genetic information in their activities, programs or employment practices as required by Title VI, VII, IX, Section 504, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act of 2008. For information regarding civil rights or grievance procedures, contact the Director of Human Resources or the Section 504 Coordinator at 200 Yale Avenue, Morton, PA 19070, 610-938-9000. For information regarding services, activities and facilities that are accessible to and useable by handicapped persons, contact the Supervisor of Facilities at 610-938-9000.

Aviso de Servicios de Educación Especial

Los distritos escolares y las escuelas públicas "charter" del Condado de Delaware, Pensilvania, así como la Unidad Intermedia del Condado de Delaware (las entidades escolares del Condado de Delaware), proveen educación especial y servicios asociados a los niños residentes entre las edades de tres y veintiún años. El propósito de este aviso es describir (1) los tipos de incapacidad que puedan calificar al niño para tales programas y servicios, (2) los programas de educación especial y los servicios asociados que hay disponibles, (3) el proceso mediante el cual cada una de las entidades escolares del Condado de Delaware ciernen y evalúan a tales estudiantes para determinar su elegibilidad, y (4) los derechos especiales pertinentes a dichos niños y a sus padres o sus representantes legales.

¿Que tipos de incapacidad pueden calificar a un niño para educación especial y servicios asociados?

Bajo la Ley de Educación para Individuos con Incapacidades, comúnmente referida como la 'IDEA', un niño califica para educación especial y servicios asociados si tiene una o más de las siguientes incapacidades y, como resultado, muestra una necesidad de educación especial y servicios asociados a esta: (1) discapacidad intelectual; (2) problemas de audición, incluyendo sordera; (3) problemas de habla o lenguaje; (4) problemas de la vista, incluyendo ceguera; (5) serios problemas emocionales; (6) problemas ortopédicos; (7) autismo, incluyendo trastornos generalizados del desarrollo; (8) lesión traumática al cerebro; (9) otros trastornos de salud; (10) otros problemas de aprendizaje; (11) múltiples incapacidades; o (12) para niños de edad preescolar con retrasos del desarrollo. Si un niño tiene más de una de las incapacidades antes mencionadas, el niño puede calificar para educación especial y servicios asociados por incapacidades múltiples. Niños entre tres y nueve años de edad también pueden reunir los requisitos si tienen retrasos de desarrollo y en consecuencia requieren educación especial y servicios asociados.

Las definiciones legales de estas incapacidades que deben aplicar las escuelas públicas bajo la IDEA, pueden diferir de aquellas utilizadas en los ambientes médicos o clínicos. Aún más, las definiciones de IDEA podrían aplicar a niños con incapacidades que tengan trastornos médicos o clínicos muy diferentes. Por ejemplo, un niño con trastorno de hiperactividad y déficit de atención puede calificar para educación especial y servicios asociados, como un niño con "otros problemas de salud", "serios problemas emocionales", o "problemas de aprendizaje específicos" si el niño cumple con los criterios de elegibilidad bajo una o más de las categorías de incapacidad y como resultado el niño requiere educación especial y servicios asociados.

Bajo la Sección 504 de la Ley de Rehabilitación de 1973 y la Ley de Americanos con Incapacidades, algunos niños con incapacidades en edad escolar, que no cumplan con los criterios de elegibilidad bajo la IDEA, pueden sin embargo ser elegibles para protecciones especiales, adaptaciones y acomodos, si tienen una incapacidad física o emocional que limite o impida sustancialmente su participación en, o acceso a, un aspecto del programa escolar.

Información respecto a señales potenciales de retrasos del desarrollo y otros factores de riesgo que pudieran indicar incapacidades, pueden ser encontrados en nuestro Manual y nuestra página Web.

¿Que programas y servicios hay disponibles para niños con incapacidades?

Cada una de las escuelas públicas del condado de Delaware debe garantizar que los niños con discapacidades sean educados en la máxima medida posible en entornos junto a sus compañeros sin discapacidades, lo que comúnmente se conoce como un entorno escolar de restricción mínima. Los programas y servicios disponibles para estudiantes con incapacidades, listados de mayor a menor orden de preferencia, son: (1) ubicación en clase regular con la ayuda que se requiera de asistentes de maestros y servicios suplementarios; (2) ubicación en clase regular durante la mayor parte del día escolar, con servicio itinerante de maestro de educación especial, sea en el mismo salón regular de clases como fuera de el; (3) ubicación de salón regular durante la mayor parte del día escolar con instrucción provista por un maestro de educación especial en un salón de recursos; (4) ubicación durante parte del día en educación especial en una escuela pública normal o en un entorno alterno; y (5) ubicación en salón de educación especial o servicios de educación especial provistos fuera de las clases regulares durante todo o casi todo el día escolar, sea en una escuela pública o entorno alterno.

Dependiendo de la naturaleza y severidad de la incapacidad, una entidad escolar del Distrito de Delaware puede proveer programas y servicios de educación especial en: (1) la escuela pública que el niño frecuentaría si no estuviese incapacitado; (2) una escuela pública regular alterna dentro o fuera del distrito escolar de residencia; (3) un centro de educación especial operado por una entidad escolar pública; (4) una escuela privada aprobada u otra institución con licencia para servir a niños con incapacidades, (5) una escuela residencial; (6) un programa extra-estatal aprobado; o (7) el hogar.

Los servicios de educación especial son provistos de acuerdo a los requerimientos educacionales primordiales del niño, no la categoría de la incapacidad. Los tipos de servicios disponibles son (1) apoyo de aprendizaje, para estudiantes que necesitan asistencia principalmente con la adquisición de habilidades académicas; (2) apoyo para habilidades del diario vivir, para aquellos que requieren ayuda con el desarrollo de habilidades para la vida independiente; (3) apoyo emocional, para estudiantes que necesitan ayuda especialmente con el desarrollo de habilidades para su desarrollo social o emocional; (4) apoyo para sordos o con deficiencias de audición, para estudiantes que necesitan ayuda principalmente con la sordera; (5) apoyo para ciegos o con deficiencias de la vista, para estudiantes que necesitan ayuda principalmente con la ceguera; (6) apoyo físico, para estudiantes que principalmente requieren ayuda física en el entorno escolar; (7) apoyo autístico, para estudiantes que necesitan ayuda sobre todo en las áreas afectadas por el espectro de trastornos autísticos; y (8) apoyo para incapacidades múltiples, para estudiantes que requieren ayuda principalmente en múltiples áreas afectadas por sus incapacidades.

Los servicios relacionados están diseñados para permitir al niño su participación o acceso a su programa de educación especial. Como ejemplos de servicios relacionados tenemos terapia del habla y lenguaje, terapia física, servicios de enfermera, servicios de especialista de audición, servicios de asesoramiento, y entrenamiento familiar.

La Unidad Intermedia del Condado de Delaware presta servicio a los niños de edad preescolar en una variedad de entornos escolares y del hogar que toma en consideración la edad cronológica y de desarrollo y las necesidades principales del niño. Al igual que con los programas de edad escolar, los programas preescolares deben asegurar al máximo nivel posible que los niños con incapacidades sean educados junto a sus compañeros no incapacitados.

Cada entidad escolar del Condado de Delaware, junto a los padres de cada niño identificado, determina los tipos e intensidad de los servicios de educación especial y servicios asociados que la escuela diseñe para ese niño. El programa del niño queda descrito, por escrito, en un programa de educación individualizado, al que comúnmente se hace referencia como el "IEP", el cual es elaborado por un equipo IEP formado por educadores, padres y otros individuos con experticias especiales o familiaridad con el niño. Los padres del niño tienen el derecho de ser notificados y de participar en todas las reuniones del IEP de su niño. El IEP es revisado con la frecuencia que las circunstancias lo ameriten, pero por lo menos una vez al año. La ley establece que el programa y ubicación del niño, tal como descrito en el IEP, sea calculado razonablemente para asegurarle al niño, en todo momento, un progreso educacional significativo. Los IEP contienen, al mínimo, la fecha prevista de inicio y la duración del IEP, una descripción de los niveles actuales de desempeño educacional y funcional, un listado de las metas anuales, una descripción de como se medirá y reportará el progreso del niño hacia el logro de dichas metas, una declaración de los servicios de educación especial, modificaciones del programa, y servicios asociados que serán provistos, una explicación del nivel (de haberlo) en que el niño dejará de participar con niños no incapacitados, la frecuencia anticipada y lugar de los servicios, y una descripción de cualquier acomodo necesario para medir los logros académicos y desempeño funcional del niño en las evaluaciones a nivel estatal y del distrito. Para niños de 16 años o más, el IEP debe también incluir un plan de transición para auxiliar el logro de objetivos post-secundaria. La escuela pública debe invitar al niño a la reunión del equipo IEP si el propósito de dicha reunión es considerar las metas post-secundaria y los servicios de transición requeridos para el niño.

Todas las entidades escolares del Condado de Delaware están obligadas a dar a los padres de niños con incapacidades acceso razonable a los salones de clase del niño, dentro de lo previsto en la política o reglas de visitas de cada entidad escolar.

¿Como hacen las escuelas públicas la preselección y evaluación de los niños, para determinar su elegibilidad para educación especial y servicios asociados?

Evaluación de equipo multidisciplinario

Las entidades escolares del Condado de Delaware deben hacer una evaluación, con un equipo multidisciplinario, a cada niño que se piense tenga una incapacidad. El equipo multidisciplinario es un grupo de profesionales que se encuentran entrenados y tienen experiencia para examinar, evaluar y observar a los niños y así identificar si tienen incapacidades, y de ser así, identificar sus principales fortalezas y necesidades educacionales. Los padres son miembros del equipo multidisciplinario. Las entidades escolares del Condado de Delaware deben reevaluar cada tres años a los estudiantes en edad escolar que reciben servicios de educación especial, y reevaluar cada dos años a los niños con retraso mental y niños en edad preescolar que reciben servicios de educación especial.

Los padres pueden solicitar en cualquier momento una evaluación de sus niños por parte del equipo multidisciplinario. Esto lo deben hacer por escrito. Cada escuela pública tiene un procedimiento establecido mediante el cual los padres pueden solicitar una evaluación. Para información de los procedimientos aplicables a su niño en cada entidad escolar del Condado de Delaware, comuníquese con la escuela elemental, media o secundaria a la cual asiste su niño. Los números de teléfono y las direcciones de estas escuelas se pueden encontrar en el sitio web de la entidad de la escuela. Los padres de niños en edad preescolar, de tres a cinco años, pueden solicitar una evaluación por escrito enviando una carta a: Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. El número de teléfono para el Programa de Intervención Temprana es (610) 938-2830.

Los padres de niños en escuelas privadas pueden solicitar una evaluación de sus niños, por parte del equipo multidisciplinario, sin tener que inscribirlos en sus escuelas públicas. Sin embargo, aunque algunos servicios pueden estar disponibles para algunos niños de escuelas privadas que sean encontrados como elegibles por la entidad escolar responsable del Condado de Delaware, dicha entidad no está obligada a proveer todos o cualquiera de los servicios de educación especial y servicios asociados que dichos niños recibirían si estuviesen inscritos en las escuelas públicas. Si luego de una evaluación, el equipo multidisciplinario determina que el niño es elegible para educación especial y servicios asociados, la entidad escolar responsable del Condado de Delaware debe ofrecer a los padres un IEP y una ubicación patrocinada por la escuela pública, a menos que los padres del niño no estén interesados en tal oferta. Si los padres desean tomar provecho de tal oferta, es posible que para ello tengan que inscribir o reinscribir a su niño en la entidad escolar del Condado de Delaware.

Antes de que una entidad escolar del Condado de Delaware pueda proceder con una evaluación, debe notificar a los padres, por escrito, sobre los tipos de pruebas y evaluación específicos que piensa utilizar, sobre la fecha y hora de la evaluación, y sobre los derechos de los padres. La evaluación no puede tener lugar hasta que el padre haya firmado el aviso escrito, indicando si el o ella da su consentimiento para las pruebas y evaluaciones propuestas y haya devuelto el aviso a la escuela pública.

Preselección

Cada distrito escolar de Delaware County es responsable de adoptar y hacer uso de un sistema de divulgación y concienciación con el objetivo de localizar e identificar niños elegibles para recibir educación especial dentro de su jurisdicción. Y abarca a niños sin hogar, los que se encuentran bajo la tutela del Estado y aquellos que asisten a escuelas privadas. La información escrita se publicará en el manual y el sitio web del distrito. Todas las entidades escolares del Condado de Delaware deben efectuar actividades de preselección antes de referir a estudiantes para su evaluación por un equipo multidisciplinario. Las actividades de preselección pueden involucrar un equipo de apoyo de instrucción, comúnmente identificado como el "IST", o un proceso alternativo de preselección. Independientemente del método particular de preselección que se utilice, el proceso debe incluir: (1) evaluaciones periódicas de vista y audición por parte de la enfermera de la escuela, de acuerdo a la Norma Escolar, y (2) preselección a intervalos razonables para determinar si todos los estudiantes se están desempeñando según los estándares apropiados para su grado en las materias académicas principales.

Si las actividades de preselección resultan en poca o ninguna mejora dentro de sesenta (60) días escolares, el niño será entonces referido para una evaluación por el equipo multidisciplinario.

Para información sobre las fechas de las diferentes actividades de preselección en la escuela de su niño o para solicitar actividades de preselección para un niño en particular, comuníquese directamente con la escuela pública local. Los números de teléfono y direcciones de estas escuelas se pueden encontrar en la sección de páginas azules de la guía telefónica bajo el encabezamiento "Schools". Los padres de niños en edad preescolar, de tres a cinco años, pueden obtener información sobre las actividades de preselección, o pueden solicitar una preselección de sus niños llamando o escribiendo a: Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. El número de teléfono para el Programa de Intervención Temprana es (610) 938-2830.

Administradores, maestros y grupos de padres de escuelas privadas, o padres de escuelas privadas por su cuenta, que tengan interés en establecer sistemas en esas escuelas para ubicar e identificar niños con incapacidades que puedan necesitar una evaluación por un equipo multidisciplinario, pueden comunicarse con: Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000. El número de teléfono para el Programa de Intervención Temprana es (610) 938-2830.

¿Que derechos y protecciones especiales tienen los niños con incapacidades y sus padres?

Las leyes del estado y federales ofrecen muchos derechos y protecciones a los niños con incapacidades y a sus padres. Un resumen de esos derechos y protecciones se da a continuación. Las personas interesadas pueden obtener un resumen escrito completo de los derechos y protecciones ofrecidos por la ley, junto con información sobre servicio y consulta legal gratis o de bajo costo, poniéndose en contacto con el departamento de educación especial o de servicios a estudiantes de su distrito escolar, en la dirección y número telefónico listado en la sección de páginas azules de la guía telefónica bajo el encabezamiento "Schools". El resumen escrito está también disponible a través de: Delaware County Intermediate Unit, Early Intervention Services, 200 Yale Avenue, Morton, Pennsylvania 19070, (610) 938-9000.

Derechos y Protecciones

Aviso Previo por Escrito. La unidad escolar responsable en el Condado de Delaware debe notificar por escrito cada vez que se proponga iniciar o cambiar la identificación, evaluación, programa educacional o ubicación de un niño, o cuando rehúse iniciar o hacer cambios en la identificación, evaluación, programa educacional o ubicación solicitados por un padre. Dicho aviso debe estar acompañado por una descripción escrita de la acción propuesta o rechazada, las razones de la propuesta o rechazo, una descripción de la información de evaluación y otros factores relevantes utilizados como base de la decisión, las otras opciones consideradas, si las hubiere, y las razones porque dichas opciones fueron rechazadas y una declaración de que el padre tiene derecho a salvaguardas procesales.

Consentimiento. Las entidades escolares del Condado de Delaware no pueden proceder con una evaluación o reevaluación, o con la provisión inicial de educación especial y servicios asociados, sin el consentimiento escrito de los padres. Sin embargo, una entidad escolar del Condado de Delaware puede tratar de pasar por encima de la falta de consentimiento para una evaluación inicial o reevaluación, solicitando la aprobación de un oficial de audiencias imparcial mediante el debido proceso de solicitud. Adicionalmente, en el caso de falla de un padre de responder a una solicitud para hacer una reevaluación, una entidad escolar del Condado de Delaware puede proceder con dicha reevaluación sin consentimiento paterno, si puede demostrar que hizo un esfuerzo razonable para obtener el consentimiento paterno y que el padre omitió responder. Una escuela pública no puede solicitar una audiencia para pasar por encima de la falta de aprobación de un padre de una ubicación inicial en educación especial.

Protección en Procedimientos de Evaluación. Las evaluaciones para determinar elegibilidad y la necesidad actual de educación especial y servicios asociados, deben ser administradas en una forma que se encuentre libre de predisposición racial, cultural o lingüística y en el lenguaje nativo del niño. La evaluación debe medir al niño en todas las áreas relacionadas con la incapacidad sospechada e incluir una variedad de instrumentos técnicamente sólidos, herramientas de medición y estrategias. Los materiales de medición y evaluación deben ser utilizados para los propósitos para los cuales las evaluaciones y medidas son validas y confiables, deben ser administradas por personal entrenado y con conocimiento, de acuerdo a cualquier instrucción suministrada por el productor de la evaluación, y deben ser habladas para evaluar áreas especiales de necesidad. Adicionalmente, las determinaciones no pueden basarse en ninguna medida o evaluación individual.

Evaluación Educacional Independiente. Si los padres están en desacuerdo con la evaluación hecha por la entidad escolar responsable del Condado de Delaware, ellos pueden solicitar por escrito una evaluación educacional independiente, comúnmente llamada una "IEE" a expensas públicas. Si la IEE es provista a expensas públicas, los criterios bajo los cuales la IEE es obtenida privadamente deben ser los mismos que los criterios usados por la entidad escolar del Condado de Delaware cuando inicia una evaluación. Información sobre los criterios de evaluación de cada entidad escolar del Condado de Delaware puede ser obtenida a través de la Oficina de Educación Especial o Servicios a Estudiantes de dicha entidad. Si la entidad escolar del Condado de Delaware rehúsa pagar el IEE, debe solicitar de inmediato un proceso debido de audiencia para defender lo apropiado de su evaluación.

Procedimientos para Proceso Debido de Audiencia

El padre o agencia educativa local (comúnmente referida como la "LEA") puede requerir un proceso debido de audiencia en relación a cualquier asunto relacionado con la identificación, evaluación o ubicación educacional del niño, o la provisión de una educación pública libre y apropiada (comúnmente referida como "FAPE"). La parte que solicite la audiencia debe presentar una planilla de "Due Process Hearing Request" a: Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112; teléfono) 222-3353; TTY (800) 654-5984. El proceso debido de audiencia no tendrá lugar hasta tanto toda la información requerida sea suministrada y los procedimientos sean seguidos.

Plazo para solicitar Proceso Debido. El padre o LEA debe solicitar el proceso debido de audiencia mediante la presentación de una Solicitud de Proceso Debido de Audiencia dentro de los dos (2) años de que el padre o LEA supo o debió haber sabido sobre la supuesta acción que conforma la base de la solicitud. Hay escasas excepciones a este límite de tiempo. Este plazo no es aplicable al padre si este no pudo presentar el Proceso Debido de Audiencia motivado por (1) tergiversaciones específicas por parte de la LEA de que había resuelto el problema en que se basa la solicitud de audiencia, o (2) la retención de información al padre, por parte de la LEA, que esta debía proveer.

Presentación y Manejo del Proceso Debido de Audiencia. La parte que solicita la audiencia debe enviar una copia de la Solicitud de Proceso Debido de Audiencia a la otra parte, y al mismo tiempo a: Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112, o por correo electrónico dirigido a ODR.pattan.net, o por fax al (717) 657-5983.

Contenido del Proceso Debido de Audiencia. La Solicitud de Proceso Debido de Audiencia debe contener la siguiente información:

1. El nombre del niño, la dirección donde reside el niño, y el nombre de la escuela a la cual asiste el niño o, si el niño no tiene hogar, información disponible de contacto para el niño y el nombre de la escuela a la cual está asistiendo.

2. Una descripción de la naturaleza del problema, incluyendo hechos relacionados a tal problema, y
3. Una resolución propuesta del problema en la medida conocida y disponible a la parte que presenta la Solicitud de Proceso Debido de Audiencia.

Disputando Suficiencia de la Solicitud de Proceso Debido de Audiencia. La Solicitud de Proceso Debido de Audiencia será considerada suficiente a menos que la parte que la reciba lo notifique al Funcionario de Audiencia y a la otra parte, por escrito, dentro de los quince (15) días de su recibo indicando que no cree que la Solicitud cumpla con los requerimientos antes enumerados.

Respuesta a Solicitud. Si la LEA no ha enviado aviso escrito previo al padre, tal como un Aviso de Ubicación Recomendada (“Notice of Recommended Educational Placement,” comúnmente indicada como “NOREP”), en referencia al asunto contenido en la Solicitud de Proceso Debido de Audiencia del padre, la LEA debe enviar al padre, dentro de los diez (10) días de haber recibido la Solicitud de Proceso Debido de Audiencia, una respuesta que incluya la siguiente información: (1) una explicación de por que la LEA propuso o rehusó tomar la acción pedida en la Solicitud de Audiencia, (2) una descripción de otras opciones consideradas por el Equipo del Programa de Educación Individualizada (IEP), si las hubo, (3) y las razones para rechazar dichas opciones, (4) una descripción de cada procedimiento de evaluación, medida, expediente o informe utilizado por la LEA como base de la acción propuesta o rechazada. El radicar esta respuesta a la Solicitud de Proceso Debido de Audiencia del padre no impide que la LEA dispute la suficiencia de la Solicitud de Proceso Debido de Audiencia. Si es el padre quien recibe la Solicitud de Audiencia de Debido proceso, entonces una respuesta a la Solicitud de Proceso Debido de Audiencia debe ser enviada a la otra parte dentro de los diez (10) días de recibida la solicitud. La respuesta debe indicar específicamente los asuntos traídos a colación en la Solicitud de Proceso Debido de Audiencia

Determinación del Funcionario de Audiencia sobre la Suficiencia de la Solicitud de Proceso Debido de Audiencia. Dentro de los cinco (5) días de haber recibido la disputa sobre la suficiencia de la Solicitud de Proceso Debido de Audiencia, el Funcionario de Audiencia debe tomar una determinación basándose solamente en la información contenida en la Solicitud en cuanto a si la Solicitud cumple con los requerimientos antes listados. El Funcionario de Audiencia de inmediato debe notificar a ambas partes y por escrito sobre su determinación.

Asunto de la Audiencia. La parte que solicita el Proceso Debido de Audiencia no puede traer a colación durante la audiencia ningún asunto que no se encuentre indicado en la Solicitud de Proceso Debido de Audiencia (o Solicitud de Proceso Debido de Audiencia Enmendada) a menos que la otra parte dé su consentimiento.

Sesión de Resolución. Antes de que un proceso debido de audiencia tenga lugar, la LEA debe convocar una reunión con el padre y el miembro o miembros relevantes del Equipo IEP que tengan conocimiento de los hechos identificados en la Solicitud de Proceso Debido de Audiencia, para tratar de resolver esos puntos sin la necesidad de proceder con un proceso debido de audiencia. Esta reunión preliminar debe ser convocada dentro de los (15) días de recibida la Solicitud de Proceso Debido de Audiencia. Un representante de la LEA con autoridad de toma de decisión debe estar presente en esta reunión. La LEA no puede traer un abogado a la reunión a menos que el padre también se encuentre acompañado por un abogado. Personas que aboguen por el padre pueden asistir a la reunión. En la reunión el padre discutirá la Solicitud de Proceso Debido de Audiencia y la LEA tendrá la oportunidad de resolver la Solicitud de Proceso Debido de Audiencia, a menos que el padre y la LEA acuerden por escrito renunciar a esta reunión o acuerden utilizar el proceso de mediación. Si el padre y la LEA resuelven los asuntos de la Solicitud de Proceso Debido de Audiencia en la reunión preliminar, ellos deben poner los términos del acuerdo por escrito, y tanto el padre como un representante de la LEA que tenga la autoridad para comprometer a la LEA deben firmar el acuerdo. El acuerdo es un documento de compromiso legal y su cumplimiento puede ser obligado por un tribunal. Después de tres (3) días laborables, el acuerdo es vinculante para ambas partes.

Solicitud de Proceso Debido de Audiencia Enmendada. El padre o la agencia educativa local (LEA) puede enmendar su Solicitud de Proceso Establecido para Audiencia solamente si la otra parte otorga su consentimiento por escrito a dicha enmienda y se le brinda la oportunidad de resolver los problemas surgidos en la Solicitud de Proceso Establecido para Audiencia, por medio de una sesión de resolución; o bien, el Oficial de Audiencias concede un permiso para que la parte enmiende la Solicitud de Proceso Establecido para Audiencia. Sin embargo, el Funcionario de Audiencia debe conceder su permiso no más tarde de cinco (5) días antes de que ocurra el proceso debido de audiencia.

Plazo para Completar el Proceso Debido de Audiencia. Si la LEA no ha resuelto la Solicitud de Proceso Debido de Audiencia dentro de los treinta (30) días de recibida, o dentro de los treinta (30) días de haber recibido la Solicitud de Proceso Debido de Audiencia Enmendada, la audiencia puede proceder y comienza el plazo aplicable. El plazo para completar los procesos debidos de audiencia es cuarenta y cinco (45) días, a menos que el Funcionario de Audiencia otorgue prórrogas específicas a solicitud de una de las partes.

Divulgación de Evaluaciones y Recomendaciones. No menos de cinco (5) días laborables antes de un proceso debido de audiencia, cada parte debe divulgar a las otras partes todas las evaluaciones completadas para esa fecha, y las recomendaciones basadas en las evaluaciones de la parte que las presenta y que la parte tiene intención de utilizar en el proceso debido de audiencia. La omisión de divulgar esta información puede resultar en que el Funcionario de Audiencia prohíba que la parte presente la información en la audiencia a menos que la otra parte dé su consentimiento.

Derechos en Proceso Debido de Audiencia. La audiencia para un niño incapacitado o que se piense tenga una incapacidad debe ser conducido y tener lugar en la LEA en una hora y sitio razonablemente conveniente para el padre y niño involucrados. La audiencia debe ser verbal y personal y debe estar cerrada al público a menos que el padre solicite una audiencia abierta. Si la audiencia es abierta, la decisión a la que se llegue, y solamente la decisión, se hará disponible al público. Si la audiencia es cerrada, la decisión será tratada como parte del expediente del niño y no puede ser hecha disponible al público. La decisión del Funcionario de Audiencia debe incluir los hechos encontrados, discusión, y conclusiones legales. Aunque no se seguirán las normas técnicas de evidencia, la decisión debe basarse sobre evidencia sustancial presentada en la audiencia. Un record escrito al pie de la letra, o electrónico a opción del padre, será provisto al padre sin costo. Los padres pueden tener representación legal y estar acompañados y asesorados por individuos con conocimiento especial o entrenamiento en los problemas de niños con incapacidades. Los padres o sus representantes deben recibir acceso a los expedientes educacionales, incluyendo cualquier prueba o reportes sobre los cuales se base la acción propuesta. Las partes tienen el derecho de obligar la asistencia de, y cuestionar a, testigos que puedan tener evidencia sobre la cual pueda estar basada la acción propuesta. Las partes tienen el derecho de presentar evidencia y confrontar y contra interrogar a los testigos. Las partes tienen el derecho de presentar evidencia y testimonio, incluyendo testimonio de expertos médicos, psicológicos o educacionales.

Decisión del Funcionario de Audiencia. Una decisión tomada por el Funcionario de Audiencia debe ser hecha sobre fundamentos sustanciales, basada en una determinación de si el niño recibió una FAPE. En disputas en las que se aleguen violaciones de procedimiento, un Funcionario de Audiencia puede otorgar remedios solo si las fallas de procedimiento impidieron

le derecho del niño a la FAPE, impidieron la oportunidad de los padres de participar en el proceso de toma de decisión en cuanto a la provisión de una FAPE para el niño, o le causaron una privación de beneficios educativos. Un Funcionario de Audiencia puede siempre ordenar una LEA para cumplir con los requerimientos procesales aún si el Funcionario de Audiencia determina que el niño recibió una FAPE. El padre puede siempre elevar una Queja ante la Oficina de Educación Especial del Departamento de Educación de Pensilvania en cuanto a violaciones de procedimientos.

Acción Civil. Si una parte está en desacuerdo con los hallazgos y decisión del Funcionario de Audiencia, tiene el derecho de apelar en un tribunal estatal o federal. Al notificar a las partes de la decisión, el Funcionario de Audiencia indicará los tribunales en los cuales se puede radicar una apelación. Se urge a la parte apelante a que solicite consejo legal para determinar el tribunal apropiado en el cual radicar una apelación. La parte apelante ante un tribunal estatal o federal tiene noventa (90) días de la fecha de la decisión para hacerlo.

Honorarios Legales. El tribunal puede, a su discreción, otorgar honorarios legales razonables al padre de un niño que sea la parte prevaleciente o a la Agencia Educacional Estatal o LEA contra el abogado del padre que radique una Solicitud de Proceso Debido de Audiencia o acción legal subsiguiente que sea frívola, irrazonable o sin fundamento, o contra el abogado del padre que haya continuado litigando cuando el litigio claramente se hubiere tornado frívolo, irrazonable o sin fundamento; o a la Agencia Educacional Estatal o LEA prevaleciente contra el abogado del padre, o contra el padre, si la Solicitud de Proceso Debido de Audiencia o acción legal subsiguiente hubiese sido hecha para un propósito impropio, tal como acoso, para causar retraso innecesario o para aumentar sin necesidad el costo del litigio. Los honorarios otorgados estarán basados en las tarifas prevalecientes en la comunidad en que la acción o proceso haya tenido lugar para el tipo y cantidad de servicios legales suministrados.

La ley impone ciertos requerimientos al padre y LEA y en algunas circunstancias puede limitar el otorgamiento de honorarios legales. Los padres deberían consultar con su asesor legal sobre estos asuntos. Las siguientes reglas son aplicables: Los honorarios legales no pueden ser otorgados ni costos asociados pueden ser reembolsados en ninguna acción o proceso por servicios prestados luego de que se haya hecho por escrito al padre una oferta de acuerdo, si la oferta es hecha dentro del lapso prescrito por la Regla 68 de las Reglas Federales de Procedimientos Civiles, o, en el caso de una audiencia administrativa, dentro de un lapso no mayor de diez (10) días antes de que comience el proceso; la oferta no es aceptada dentro de diez (10) días; y el tribunal encuentra que el beneficio obtenido finalmente por el padre no es más favorable que la oferta de acuerdo. Los honorarios legales no pueden ser otorgados por ningún tiempo tomado asistiendo a cualquier reunión del equipo IEP a menos que la reunión haya sido convocada como resultado de una audiencia administrativa o acción judicial. Una sesión de resolución de debido proceso no es considerada como una reunión convocada como resultado de una audiencia administrativa o acción judicial, ni como audiencia administrativa o acción judicial para propósitos de reembolso de honorarios de abogado. El Tribunal puede reducir el monto otorgado de honorarios de abogado cuando: (a) el padre, o el abogado del padre, durante el transcurso de la acción o proceso haya prolongado irrazonablemente la resolución final de la controversia; (b) el monto de los honorarios de abogado autorizados para ser otorgados excedan razonablemente la tarifa horaria prevaleciente en la comunidad para servicios similares de abogados con habilidad, reputación y experiencia comparables; (c) el tiempo utilizado y los servicios legales suministrados hayan sido excesivos al considerar la naturaleza de la acción o proceso; o (d) el abogado que representa al padre no haya proporcionado a la LEA la información adecuada en la Solicitud de Proceso Debido de Audiencia. Estas reducciones no son aplicables a ninguna acción o proceso si el tribunal encuentra que el Estado o LEA prolongaron irrazonablemente la resolución final de la acción o proceso.

Situación del Niño Durante Procesos Administrativos. Con excepción de casos disciplinarios, lo cuales tienen normas específicas, mientras el caso de debido proceso, incluyendo apelación, se encuentre pendiente ante el tribunal jurisdiccional competente, el niño debe permanecer en su ubicación educacional a menos que el padre y la LEA acuerden lo contrario.

Reembolso de Matrícula de Escuela Privada. En algunos casos, los padres de niños que hayan sido identificados por la escuela pública como elegibles para educación especial y servicios asociados y que hayan recibido tales servicios, pueden recuperar en un proceso debido de audiencia o serle otorgado por parte de un tribunal, el reembolso de la matrícula de una escuela privada. Los padres pueden también recibir dichos beneficios si su niño necesitaba educación especial y servicios asociados pero no se les ofreció los mismos en una manera oportuna. Para recibir el beneficio de reembolso de matrícula, los padres deben notificar a su escuela pública su intención de inscribir a su niño en una escuela privada, sea verbalmente en la última reunión del equipo IEP antes de retirar a su niño, o por escrito recibido por la escuela pública un mínimo de diez (10) días antes de la fecha en que el niño sea retirado de la escuela pública. Los padres pueden obtener pago de matrícula solo cuando puedan probar en un proceso debido de audiencia que (1) la escuela pública omitió ofrecer un programa o ubicación adecuados para el niño, (2) los padres en consecuencia colocaron a su niño en una escuela privada, y (3) la ubicación en escuela privada fue apropiada. El otorgamiento de reembolso de matrícula puede ser negado o reducido si el comportamiento del padre fue impropio o si los padres tuvieron un retraso irrazonable al hacer su queja ante la escuela pública en un proceso debido de audiencia. **Tales otorgamientos también pueden ser negados o reducidos si los padres dejan de hacer uno de los siguientes: (1) notificar a la escuela pública su intención de colocar a su niño en una escuela privada durante la última reunión del equipo IEP antes de la ubicación planificada, o (2) notificar a la escuela pública, por escrito, de su intención de colocar a su niño en una escuela privada por lo menos diez días antes de retirar al estudiante para ese fin.**

Mediación. Las partes pueden acordar someter su disputa al proceso de mediación mediante una solicitud de mediación a la Oficina de Resolución de Disputas. La mediación puede ser solicitada en lugar de, o en adición a, un proceso debido de audiencia. Si también se solicita una audiencia, la mediación no puede retrasar la programación del proceso debido de audiencia, a menos que el Funcionario de Audiencia conceda una prórroga para ese propósito a solicitud de una de las partes. Un mediador imparcial y entrenado facilitará el proceso de mediación, el cual se programará en un momento y lugar conveniente para las partes. A las partes no les está permitido tener abogados que participen en el proceso. Cualquier resolución alcanzada a través de mediación debe ser colocada por escrito, y será vinculante para las partes.

Derechos bajo la Sección 504 de la Ley de Rehabilitación de 1973. Como se ha notado arriba, algunos estudiantes con incapacidades que no requieren educación especial o servicios asociados, tienen sin embargo derecho a adaptaciones y acomodos en su programa escolar o en el entorno físico de los edificios escolares, predios de la escuela, vehículos y equipos, cuando tales adaptaciones o acomodos sean necesarios para permitir al estudiante su acceso y participación en la programación educativa y actividades extracurriculares. Los padres tienen derecho a una descripción escrita de las adaptaciones y acomodos que la escuela pública está dispuesta a ofrecer. Esta descripción escrita es llamada un "acuerdo de servicios" o "plan de acomodos". Los derechos y protecciones antes descritas bajo los encabezamientos "Aviso", "Consentimiento", "Protección en Procedimientos de Evaluación" y "Mantenimiento de Ubicación" son aplicables a estudiantes que reciban adaptaciones y acomodos bajo la Sección 504. Padres con quejas sobre la evaluación, programa, ubicación o provisión de servicios a un estudiante, pueden solicitar una conferencia formal o informal con la escuela pública o en un proceso debido de audiencia. La audiencia debe tener lugar ante un funcionario de audiencia imparcial en un momento y sitio conveniente para los padres. Los padres tienen derecho a solicitar gratuitamente una transcripción escrita o electrónica o grabación del proceso, a presentar evidencia y testigos divulgados a la escuela pública, a confrontar evidencia y testimonios presentados por la escuela pública, a revisar el record educacional completo de su

niño al solicitarlo antes de la audiencia, a recibir una decisión escrita del funcionario de audiencia, y a ser representado por un abogado o consejero de su escogencia. Una apelación a la decisión del funcionario de audiencia puede ser llevada a un tribunal de la jurisdicción competente.

Cumplimiento. Quejas. Adicionalmente a los derechos de audiencia antes nombrados, los padres y otros con quejas relacionadas a la educación de un niño con incapacidades o violaciones de derechos garantizada por la IDEA o la Sección 504, pueden presentar quejas ante el Departamento de Educación de Pensilvania, el cual debe investigar dichas quejas y emitir sus hallazgos y conclusiones por escrito. Información concerniente a dichas quejas puede ser obtenida en la siguiente dirección:

Pennsylvania Department of Education
Bureau of Special Education
Division of Compliance Monitoring and Planning
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333
(800) 879-2301

Estudiantes Dotados Mentalmente

Todas las Entidades Escolares del Condado de Delaware, con excepción de las escuelas “charter”, también ofrecen servicios de educación especial, en forma acelerada o de enriquecimiento, para estudiantes identificados por un equipo multidisciplinario para dotados (“GMDT”) como “dotados mentalmente”. Un niño es considerado como dotado mentalmente cuando su habilidad cognitiva y otros factores, según lo determine la evaluación del equipo multidisciplinario, indica que tiene habilidad intelectual sobresaliente que requiere programas y servicios especiales que no están disponibles normalmente en el programa general de educación. El Distrito efectúa actividades de preselección durante las clases regulares y utiliza los datos obtenidos para determinar si se amerita una evaluación de GMDT. Adicionalmente, los padres pueden solicitar una preselección de dotados o evaluación de GMDT en cualquier momento. Los padres son parte del GMDT y si determina que su niño está dotado mentalmente, son parte del desarrollo y revisión del programa educacional individualizado para dotados (“GIEP”) como miembros del equipo GIEP. El GIEP describe los niveles actuales, metas anuales y objetivos mesurables, instrucción diseñada específicamente y servicios asociados a través de los cuales el Distrito proveerá el enriquecimiento o aceleración, o ambos, que se requieren para desarrollar la habilidad mental extraordinaria del niño. Los padres de niños mentalmente dotados tienen derecho a solicitar un proceso debido de audiencia de educación especial o de radicar una queja de incumplimiento con el Departamento de Educación en la dirección antes indicada. Detalles sobre los procedimientos que rigen las solicitudes de audiencia pueden encontrarse en la página Web de la Oficina de Resolución de Disputas bajo www.pattan.k12.pa.us.

Un niño puede ser identificado al mismo tiempo como niño con incapacidad y mentalmente dotado. En tales casos, los derechos del niño y sus padres se rigen por las reglas aplicables a niños con incapacidades y sus padres, como antes descrito.

Expedientes de los Estudiantes – Conservación de registros y confidencialidad de la información

Todas las entidades escolares del Distrito de Delaware mantienen expedientes de todos los niños inscritos en escuelas públicas, incluyendo estudiantes con incapacidades. Los expedientes que contienen información personal identificable sobre, o relacionada con, niños con incapacidades pueden incluir pero no están limitadas a boletas de calificaciones acumuladas, record disciplinario, record de inscripción y asistencia, record de salud, programas de educación individualizados, avisos de asignaciones recomendadas, avisos de intención de evaluar o reevaluar, informes integrales de evaluación, otros informes de evaluación por parte de la administración de la escuela pública y por evaluadores externos, muestras de trabajos, datos de pruebas, datos entrados en el sistema Penn Data, correspondencia entre el personal de la escuela y los padres, documentos del equipo de apoyo educativo, datos de referidos, memoranda, y otros documentos relacionados con la educación. Los expedientes pueden ser mantenidos en papel, microfichas, cintas de audio o video, y electrónicamente. Los expedientes pueden encontrarse en las oficinas administrativas de la escuela pública, las oficinas administrativas de la Unidad Intermedia del Condado de Delaware, el edificio escolar o el edificio al cual asiste o asistió el estudiante, escuelas privadas e instalaciones en las cuales la escuela pública ha colocado al niño para propósitos de educación, en instalaciones centrales de almacenamiento y sistemas de almacenamiento electrónico, y bajo la posesión segura de maestros, administradores de edificio, especialistas, sicólogos, consejeros, y otro personal de la escuela con un interés legítimo en la información en ellos contenido. Todos los expedientes son mantenidos en la confidencialidad más estricta.

Los expedientes son mantenidos mientras sean relevantes educacionalmente. Los motivos para recopilar y mantener expedientes son (1) asegurar que el niño reciba programas y servicios consistentes con su IEP; (2) velar por la continua efectividad de lo programado para el niño; (3) documentar para la escuela pública y los padres que el estudiante está teniendo un progreso significativo; (4) satisfacer los requerimientos de las agencias estatales y federales que tienen un interés en inspeccionar o revisar documentos relativos a estudiantes en particular o grupos de estudiantes para asegurar cumplimiento, investigar quejas, y auditorías fiscales y de programas e (5) informar sobre programaciones futuras y evaluaciones del niño. Cuando los expedientes educacionales, aparte de aquellos que deben ser mantenidos, no sean más relevantes, la escuela pública debe notificarlo por escrito a los padres y *puede* destruir los expedientes, o a solicitud de los padres *debe* destruirlos. Las escuelas públicas no están obligadas a destruir expedientes que no sean ya relevantes educacionalmente a menos que los padres lo soliciten por escrito.

De acuerdo con la sección 300.624 del título 34 del Código de Regulaciones Federales, los siguientes materiales relacionados con el cronograma de conservación/destrucción para el Sistema alternativo de evaluación de Pensilvania (PASA, por sus siglas en inglés), el Sistema de evaluación escolar de Pensilvania (PSSA, por sus siglas en inglés) y el examen Keystone tendrán vigencia al inicio del año escolar 2018-19:

- Los folletos de las pruebas del PSSA, el examen Keystone y el PASA se destruirán un año después de que la administración asociada con los folletos de prueba entregue los informes de los estudiantes.
- Los folletos de respuestas del PSSA y el examen Keystone y las grabaciones de medios del PASA se destruirán tres años después de la finalización de la evaluación.

Consentimiento Paterno. El consentimiento paterno es requerido por escrito antes de entregar cualquier información identificable personalmente sobre un niño con incapacidades. El consentimiento paterno no es requerido sin embargo para entregar la información (1) a un funcionario de audiencia en un proceso debido de audiencia de educación especial; (2) al personal de la escuela y contratistas que tengan un interés legítimo en la información; (3) los funcionarios o personal de otras escuelas y sistemas escolares en los que se encuentra inscrito o tiene intención de inscribirse el estudiante; (4) funcionarios y agencias de educación federales o estatales y al Contralor de Los Estados Unidos; (5) a organizaciones de acreditación para cumplir con sus funciones de acreditación; (6) para cumplir con una citación legal u orden judicial; (7) en caso de emergencia de salud o de seguridad hasta el nivel necesario para proteger la salud y seguridad del niño y otros; o (8) que las escuelas públicas hayan designado como "información de directorio". La divulgación sin consentimiento del padre queda sujeta a ciertas condiciones descritas en mas detalle el la Ley de Derechos y Privacidad Educacional de la Familia, 20 U.S.C § 1332g, y su reglamento de aplicación, 34 C.F.R. Part 99.

Acceso paterno. Al hacer una solicitud de hacerlo por escrito, los padres tienen el derecho de acceso a los expedientes educacionales de su niño dentro de los cuarenta y cinco (45) días o antes de un proceso debido de audiencia o reunión de equipo IEP, lo que suceda primero. El acceso da derecho al padre a lo siguiente: (1) una explicación e interpretación de los expedientes por parte del personal de la escuela pública; (2) copias de los expedientes si el proveer copias es la única manera mediante la cual el padre puede ejercer efectivamente su derecho de inspección y revisión; y (3) inspección y revisión por parte de un representante escogido por el padre previa presentación al custodio de los expedientes de una autorización escrita del padre. La escuela pública puede aplicar una tarifa que no exceda el costo actual de copiar los expedientes.

"Información de Directorio". Las escuelas públicas designan ciertos tipos de información como "información de directorio. Las escuelas públicas del Condado de Delaware designan típicamente lo siguiente como "información de directorio": (1) el nombre, dirección, número de teléfono y fotografías del niño; (2) la fecha y lugar de nacimiento del niño; (3) participación en clubes de la escuela y actividades extracurriculares; (4) peso y altura de los miembros de equipos atléticos; (5) fechas de asistencia; (6) diplomas y premios recibidos; (7) el instituto o escuela mas reciente al que asistió el niño; y (8) nombres de los padres, hermanos y otros miembros de la familia. El distrito proveerá esta información a cualquier persona interesada que la solicite, incluyendo reclutadores de las fuerzas armadas, sin solicitar consentimiento de los padres del estudiante o del estudiante. Los padres que no quieran que el Distrito divulgue esa información *deben notificarlo por escrito al Distrito antes de o en el primer día del año escolar.* La solicitud escrita debe identificar los tipos específicos de información de directorio que el padre no quiere sea divulgado sin consentimiento previo. Si el padre no le notifica por escrito al Distrito a más tardar el primer día del año escolar, el distrito puede dar la información de directorio cuando le sea solicitada y sin consentimiento.

Divulgación de expedientes que contengan información identificable personalmente a otras escuelas e institutos. Las entidades escolares públicas pueden divulgar información sobre estudiantes identificable personalmente a agencias educativas o institutos en los cuales el estudiante trata de inscribirse, piensa inscribirse o de los cuales el estudiante recibe servicios, cuando dicha agencia o instituto solicite dichos expedientes.

Acceso a expedientes por funcionarios escolares con "interés educacional legítimo". Los funcionarios escolares con un legítimo interés educacional en la información personalmente identificable contenida en los expedientes educacionales pueden tener derecho a la información personalmente identificable sin el consentimiento de padres o estudiante. Cada entidad escolar designa en su política de expedientes de educación aquellas personas que tienen un "interés educacional legítimo" que le permiten acceso a dichos expedientes educacionales. Tales personas típicamente incluyen a los maestros del niño, administradores del edificio, consejeros a los cuales se encuentra asignado el niño, miembros de apoyo educacional y equipos multidisciplinarios en funciones de preselección y evaluación, custodios de expedientes y oficinistas, administradores de escuela pública responsables de programas en los cuales esté inscrito o piense inscribirse el niño, miembros de la junta de educación reunidos en sesión ejecutiva que estén considerando asuntos concernientes al niño sobre los cuales solo la junta puede actuar, especialistas de programas y ayudantes de instrucción que estén trabajando con el niño, personal terapéutico que trabaje con el niño, y los sustitutos de cualquiera de las personas antes indicadas.

Enmienda de expedientes educacionales. Luego de revisar el expediente, el padre o el estudiante que ha cumplido los dieciocho (18) años de edad puede solicitar que se enmiende el expediente. La escuela hará los cambios solicitados o rechazará la solicitud dentro de los cuarenta y cinco (45) días de recibida la solicitud escrita. Si la escuela rechaza la solicitud, el padre o el estudiante puede solicitar una audiencia informal. La audiencia puede hacerse ante cualquier funcionario de la escuela pública que no tenga interés directo en su resultado. Si los padres no quedan satisfechos con el resultado de la audiencia informal, ellos pueden presentar una declaración escrita a la escuela pública resaltando su desacuerdo con el expediente. La escuela a partir de ese momento debe anexar una copia de esa declaración a todas las copias del expediente divulgado a terceros.

Quejas ante el Departamento de Educación de los Estados Unidos. Las quejas relativas a supuesta falla de una entidad escolar pública en el cumplimiento de la Ley de Derechos y Privacidad Educacional de la Familia pueden ser dirigidas al Departamento de Educación de los Estados Unidos como sigue:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

Este aviso es solo un resumen de los servicios de educación especial, las actividades de investigación de antecedentes y evaluación, y los derechos y protecciones relacionados con los niños con discapacidades, los niños que se consideran discapacitados y sus padres, y no es una promesa legalmente vinculante de proporcionar servicios particulares, ya que las necesidades de cada niño varían. Además, este aviso no tiene precedencia sobre las leyes y regulaciones aplicables, o sobre sus enmiendas. Para obtener más información o para solicitar la evaluación o investigación de antecedentes de un niño de escuela pública o privada, comuníquese con la entidad escolar responsable del condado de Delaware que se indica a continuación. Para los niños en edad preescolar, también se puede obtener información y solicitar investigación de antecedentes y evaluaciones comunicándose con la Unidad Intermedia del condado de Delaware.

<p>Chester Charter Scholars Academy Dr. Martina Hussein Special Education Director 1500 Highland Avenue Chester, PA 19013 610-859-3010</p>	<p>Delaware County Intermediate Unit Early Intervention Program Ms. Sherri Roam Supervisor 100 Crozerville Road Aston, PA 19014 610-938-2830 ext. 6141</p> <p>Ms. Patricia Bell and Ms. Kimberly Doyle Supervisors, Marple Education Center 85 N. Malin Road Broomall, PA 19008 610-938-2830 ext. 6503</p>	<p>Garnet Valley School District Ms. Theresa Bracken Director of Special Education 80 Station Road Glen Mills, PA 19342 610-579-7301</p>	<p>Ridley School District Dr. Gina Ciallella Director of Specialized Learning 1001 Morton Avenue Folsom, PA 19033 610-534-1900 ext. 1189</p>	<p>Wallingford-Swarthmore School District Ms. Jean Solecki Special Education Supervisor 200 S. Providence Road Wallingford, PA 19086 610-892-3470 ext. 1505</p>
<p>Chester Community Charter School Dr. David Clark Chief Executive Officer 302 East 5th Street Chester, PA 19013 610-447-0400</p>		<p>School District of Haverford Township Ms. Nicole Battestelli Director of Pupil Services/Special Education 50 East Eagle Road Havertown, PA 19083 610-853-5900 ext. 7236</p>	<p>Rose Tree Media School District Dr. Frances K. Garner Director of Student Services 308 North Olive Street Media, PA 19063 610-627-6028</p>	<p>Widener Partnership Charter School Mrs. Kelly D'Eletto, Special Education Director 1450 Edgemont Avenue Chester, PA 19013 610-990-8941</p>
<p>Chester Upland School District Dr. Purcell Whittaker Director of Student Services 232 West 9th Street, 1st Floor Chester, PA 19013 610-447-3880</p>	<p>Delaware County Intermediate Unit Delaware County Technical Schools Aston, Folcroft Campuses Dr. Stephen Butz Director, Career/Technical Education 100 Crozerville Road Aston, PA 19014 610-459-3050 ext. 3568</p>	<p>Interboro School District Ms. Rachel Lambert Director of Student Services 900 Washington Avenue Prospect Park, PA 19076 610-461-6700</p>	<p>Southeast Delco School District Dr. Debbie Gibbs-Tapper Director of Special Education 1560 Delmar Drive Folcroft, PA 19032 610-522-4300 ext. 5311</p>	<p>William Penn School District Ms. Geena Germana Supervisor of Special Education Services 100 Green Avenue Annex Lansdowne, PA 19050 610-284-8005 ext. 1248</p>
<p>Elwyn Chester SEEDS (Special Education for Early Developmental Success) Chester MAWA Mr. Kelly Parker, Director 419 Avenue of the States, Third Floor Chester, PA 19013 610-872-4590</p>	<p>Delaware County Homeless Youth Division of Adult and Family Services 20 South 69th Street Upper Darby, PA 19082 610-713-2365</p>	<p>Marple Newtown School District Ms. Gina Ross Director of Pupil Services 26 Media Line Road, Suite 110 Newtown Square, PA 19073 610-359-5907</p>	<p>Springfield School District Dr. Kristin Nash Director of Special Education 200 South Rolling Road Springfield, PA 19064 610-938-6017</p>	
<p>Chichester School District Ms. Stephanie Hallowell Director of Pupil Services 401 Cherry Tree Road Aston, PA 19014 610-485-6881 ext. 5042</p>	<p>Delaware County Juvenile Detention Center Rose Tree Media School District Dr. Frances Garner Director of Student Services 308 North Olive Street Media, PA 19063 610-627-6028</p>	<p>Penn Delco School District Ms. Regina McClure Director of Pupil Services/Special Education 2821 Concord Road Aston, PA 19014 610-497-6300 ext. 1320</p>	<p>Upper Darby School District Mr. Edward Marshaleck Assistant Superintendent of Student Services 4611 Bond Avenue Drexel Hill, PA 19026 610-789-7200 ext. 3208</p>	
<p>Delaware County Intermediate Unit Dr. Kevin Kane, Assistant to the Executive Director for Student Services Ms. Natalie Hess and Ms. Kimberly Mecca Assistant Directors of Student Services 200 Yale Avenue Morton, PA 19070 610-938-9000 ext. 2284</p>	<p>Delaware County Prison Garnet Valley School District Ms. Theresa Bracken Director of Special Education 80 Station Road Glen Mills, PA 19342 610-579-7301</p>	<p>Radnor Township School District Ms. Jenny Le Sage Director of Special Education 135 South Wayne Avenue Wayne, PA 19087 610-688-8100 ext. 6087</p>	<p>Vision Academy Charter School Mr. Ky Adderley Chief Executive Officer/Principal 716 Emerson Avenue East Lansdowne, PA 19050 484-466-2124</p>	