

# Notice of Special Education Services

## Family Educational Rights and Privacy Act (FERPA) Notice

### The Following Carbon & Lehigh School Districts & Charter Schools and Carbon Lehigh Intermediate Unit #21 Provide Special Education Services to Special Needs Children

Allentown School District  
Catasauqua Area School District  
East Penn School District  
Jim Thorpe Area School District  
Lehigh Area School District  
Northern Lehigh School District  
Northwestern Lehigh School District  
Palmerton Area School District  
Panther Valley School District

Parkland School District  
Salisbury Township School District  
Southern Lehigh School District  
Weatherly Area School District  
Whitehall-Coplay School District  
Carbon Career and Technical Institute  
Lehigh Career and Technical Institute  
Nonpublic/Private Schools  
Early Intervention

Arts Academy Charter Middle School  
Arts Academy Elementary Charter School  
Circle of Seasons Charter School  
Executive Education Academy  
Innovative Arts Academy  
Lincoln Leadership Academy  
Roberto Clemente Charter School  
Seven Generations Charter School

The public school districts of Carbon and Lehigh County, Pennsylvania, and the Carbon-Lehigh Intermediate Unit #21 (“the Carbon/Lehigh 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 briefly 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 Carbon/Lehigh 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. **For a full detailed version of this notice, please visit [www.cliu.org](http://www.cliu.org).**

#### Types of Disabilities Served

Under the Individuals with Disabilities Education Act, commonly referred to as the “IDEA,” children qualify for special education and related services if they have one or more of the following disabilities and, as a result, demonstrate a need for special education and related services:

- (1) Intellectual disabilities
- (2) Hearing impairments including deafness
- (3) Speech or language impairments
- (4) Visual impairments, including blindness
- (5) Serious emotional disturbance
- (6) Orthopedic impairments
- (7) Autism, including pervasive developmental disorders
- (8) Traumatic brain injury
- (9) Other health impairment
- (10) Specific learning disabilities
- (11) Multiple disabilities
- (12) For preschool age children, developmental delays

#### Programs and Services Available

- (1) Regular class placement with supplementary aides and services provided as needed in that environment
- (2) Regular class placement for most of the school day with itinerant service by a special education teacher either in or out of the regular classroom for 20 percent or less of the school day
- (3) Regular class placement for some of the school day with supplemental instruction provided by a special education teacher for more than 20 percent, but less than 80 percent of the school day
- (4) Instruction provided by a special education teacher for more than 80 percent of the school day
- (5) Special education services, with or without regular classroom placement, either in an alternative public school setting or in a private school, treatment facility, hospital, detention center or prison, on a day or residential basis.

#### Location of Services

- (1) The public school the child would attend if not disabled
- (2) An alternative regular public school either in or outside the 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) An approved out-of-state program
- (7) The home

#### Types of Service Available

- (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 compensatory skills to address deafness
- (5) Blind or visually impaired support, for students who primarily need assistance with compensatory skills to address 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
- (8) Multiple disabilities support, for student who primarily need assistance in multiple areas affected by their disabilities.

#### Screening

All Carbon/Lehigh County School entities undertake screening activities before referring students for a multidisciplinary team evaluation. Screening activities could involve Multi-Tiered System of Supports, commonly referred to as the “MTSS,” 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 after a reasonable period of intervention or remediation, the child will then be referred for a multidisciplinary team evaluation. Parents who wish to request screening and evaluation for their child may do so by contacting the principal or counselor in their child’s school building.

#### Multidisciplinary Team Evaluations

Carbon/Lehigh 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 also members of the multidisciplinary team. Carbon/Lehigh 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 Carbon/Lehigh County School entity’s procedures applicable to your child, contact the elementary, middle, or high school which your child attends.

#### Special Rights and Protections of Children with Disabilities and their Parents/Legal Guardians

State and federal law affords many rights and protections to children with disabilities and their parents. A summary of those rights and protections can be found in the full detailed version of this notice, located at [www.cliu.org](http://www.cliu.org). 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 at the end of this notice.

### Helping Children Learn

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### **Preschool Children with Special Needs**

Children preschool age three through five, are served by the Carbon Lehigh 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 at no cost to the parent. Parents/guardians of these children may obtain information about screening, evaluation, programs, therapy, parent involvement, and referral to community agencies by calling or writing the Carbon Lehigh Intermediate Unit, Early Intervention Services, 4210 Independence Drive, Schnecksville, Pennsylvania 18078-2580. The telephone number for the Early Intervention Program is (610) 769-4111 ext. 1256.

### **Nonpublic Schools/Private Schools**

Duties owed to students with disabilities enrolled in private schools by their parents are limited to child find activities and a genuine offer of a Free Appropriate Program of Education (FAPE) from the school district of residence. Students unilaterally enrolled in private schools by their parents have a right to participate in services; however, no private school child with a disability is entitled to any particular service or to any amount of service. (300.455(2)) Parents/guardians of these children may obtain information by contacting the Carbon Lehigh Intermediate Unit, Non-Public/Private Schools Supervisor, 4210 Independence Drive, Schnecksville, Pennsylvania 18078-2580. The telephone number for the Non-Public/Private Schools Supervisor is (610) 769-4111 ext. 1625.

### **Destruction of Information Concerning Students with Disabilities**

#### **Who are Receiving or Who have Received Special Education Services or Who Were Evaluated for Such Services**

The public school districts of Carbon and Lehigh County, and the Carbon-Lehigh Intermediate Unit #21 are required to notify parents and guardians when personally-identifiable information concerning students with disabilities, or students who were evaluated to determine the need for special education services, is no longer needed to provide educational services to the student (“no longer educationally relevant”). The District considers certain records to be no longer educationally relevant based on the following schedule:

- (1) All test protocols and other raw data used as part of an evaluation or reevaluation will be considered no longer educationally relevant at the conclusion of the school year during which the evaluation or reevaluation has occurred.
- (2) All IEP progress monitoring data will be considered no longer educationally relevant as of the date on which such data are reported to parents or guardians in a progress report or at the conclusion of the school year during which such data are collected, whichever is sooner.
- (3) All notes of IEP team members and draft IEPs, if any, will be considered no longer educationally relevant as of the date that the IEP to which such notes of drafts pertain is issued to the parents or guardian.
- (4) All Permissions to Evaluate or Reevaluate, Invitations to IEP or Other Meetings and related documents, Evaluation or Reevaluation Reports, IEPs, Notices of Recommended Educational Placement and related documents, Complaint Investigation Reports, Mediation Agreements, and Hearing Officer Decisions will be considered no longer educationally relevant at the conclusion of the sixth year from the date on which the student graduates from High School, ceases residency in the District for reasons other than placement in a hospital or treatment facility, or attains age twenty-one, whichever is sooner. The CLIU considers the records maintained by their agency to be considered no longer educationally relevant at the conclusion of the sixth year from the date on which the student turns age 21.
- (5) Parents and guardians have the right to request, in writing, that the District/IU destroy any or all records deemed no longer educationally relevant. The District/IU, at its discretion, may also destroy such records without further notice to parents, guardians, or students.

### **Questions regarding services for special needs children can be addressed to:**

#### **Allentown**

Mr. Brian Siket (484) 765-4162

#### **Catasauqua**

Ms. Shelley Keffer (610) 264-5571

#### **East Penn**

Dr. Linda Pekarik (610) 966-8354

#### **Jim Thorpe**

Mrs. Sandra Michalik (570) 325-3691

#### **Lehighton**

Ms. Samantha Kistler (610) 377-4490

#### **Northern Lehigh**

Ms. Michele Dotta (610) 767-9849

#### **Northwestern Lehigh**

Ms. Andrea Edmonds (610) 298-8661

#### **Palmerton**

Ms. Suzanne Rentschler (610) 826-7101

#### **Panther Valley**

Mr. Dennis R. Kergick, Sr. (570) 645-4248

#### **Parkland**

Ms. Danielle Roland (610) 351-5556

#### **Salisbury Township**

Ms. Tracey Jacobi (610) 797-2062

#### **Southern Lehigh**

Mrs. Andria Buchman (610) 282-3121

#### **Weatherly**

Dr. Catherine Nelson (570) 427-8687

#### **Whitehall-Coplay**

Ms. Brooke Clary (610) 439-1431

#### **Carbon Career & Technical Institute**

Mrs. Christine Trovato (570) 325-3682

#### **Lehigh Career & Technical Institute**

Ms. Kristin Jachowicz (610) 799-1326

#### **Early Intervention**

Mrs. Allison Haberman/Mr. Matthew Martucci (610) 769-4111

#### **Nonpublic/Private Schools**

Ms. Maryalice Grogan (610) 769-4111

#### **Youth Forestry Camp**

Mr. Dan Fisher (570) 443-0231

#### **Arts Academy Charter Middle School**

(Salisbury Township SD)

Ms. Kathleen Adolt-Silva (610) 351-0234

#### **Arts Academy Elementary Charter School**

(Allentown SD)

Ms. Michele Banks (610) 841-4560

#### **Circle of Seasons**

(Northwestern Lehigh SD)

Ms. Elena Steidinger (610) 285-6267

#### **Executive Education Academy**

(Allentown SD)

Ms. Sarah Evans (610) 841-7044

#### **Innovative Arts Academy Charter School**

(Catasauqua SD)

Mr. Doug Taylor (610) 403-2787

#### **Lincoln Leadership Academy**

(Allentown SD)

Ms. Sandra Figueroa-Torres (484) 860-3300

#### **Roberto Clemente**

(Allentown SD)

Mr. Damian Romero (610) 439-5181

#### **Seven Generations**

(East Penn SD)

Mr. Paul Hunter (610) 421-8844

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### **Annual Notification of Rights under FERPA for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the date the LEA (Local Education Agency) receives a written request for access, or before any due process hearing or IEP team meeting, whichever is sooner.

Parents or eligible students should submit to the appropriate LEA official a written request that identifies the records they wish to inspect. The LEA official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. If, upon inspection, a parent or eligible student requests copies of such records, a fee may be charged.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the LEA to amend a record should write the appropriate LEA official, clearly identify the part of the record they want changed, and specify why it should be changed. If the LEA decides not to amend the record as requested by the parent or eligible student, the LEA will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the LEA discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to LEA officials with legitimate educational interests. An LEA official is a person employed by the LEA as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a school board member sitting in executive session in consideration of matters concerning a student upon which the school board may act. An LEA official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the LEA would otherwise use its own employees and who is under the direct control of the LEA with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. An LEA official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the LEA discloses education records without consent to officials of another LEA in which a student seeks or intends to enroll, or is already enrolled, or receives services, if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires an LEA to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

### **Family Educational Rights and Privacy Act (FERPA) Notice for Directory Information**

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that LEAs, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, LEAs may disclose appropriately designated "directory information" without written consent, unless you have advised the LEA to the contrary in accordance with LEA procedures. The primary purpose of directory information is to allow the LEA to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production
- Sports activity sheets, such as for wrestling, showing weight and height of team members
- The annual yearbook
- Graduation programs
- Honor roll or other recognition lists

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, federal law requires LEAs receiving assistance under the *Every Student Succeeds Act* (ESSA) to provide armed forces recruiters or institutions of higher education, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.<sup>1</sup>

If you do not want the LEA to disclose directory information from your child's education records without your prior written consent, you must notify the LEA in writing by the start of the current school term. The CLIU#21 has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph/video image
- Date and place of birth
- Major field of study
- The most recent educational agency or institution attended
- Dates of attendance
- Grade level
- Degrees, honors, and awards received
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access educational records without a PIN, password, etc. (A student's SN, in whole or in part, cannot be used for this purpose)

<sup>1</sup> Every Student Succeeds Act (ESSA), P.L. 114-95 at Section 8025 (a)(2)(A) (Dec. 10, 2015)

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