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QUICK REFERENCES

Chapter 14: State regulations for special education:

<http://www.pacode.com/secure/data/022/chapter14/chap14toc.html>

IDEA: Federal regulations for special education: <http://idea.ed.gov/explore/home>

Chapter 15: State regulations: <http://www.pacode.com/secure/data/022/chapter15/chap15toc.html>

Section 504: Federal regulations: <http://www2.ed.gov/about/offices/list/ocr/504faq.html>

Chapter 16: State regulations for gifted students:

www.pacode.com/secure/data/022/Chapter16/Chap16toc.html

Pennsylvania Department of Education (PDE):

http://www.education.state.pa.us/portal/server.pt/community/pennsylvania_department_of_education/7237

Pennsylvania Training and Technical Assistance Network (PaTTAN): <http://www.pattan.net/>

Bristol Township School District

Student Services Contact Information

[BristolTwp District STUDENT SERVICES 2025-2026.docx](#)

INTRODUCTION

INTRODUCTION

This manual is designed for use by teachers, administrators, parents, service providers, professionals, and others involved in the identification, evaluation, and education of students with disabilities in the Bristol Township School District. The manual is intended to guide the user in complying with federal and state legal requirements as they apply to the District's interaction with students with disabilities and their parents.

The Mission of the Bristol Township School District

Bristol Township School District will prepare and empower our students to be productive, competitive members in an ever-changing global society.

Every Student, Every Day

We believe ...

All individuals can learn and achieve.

Understanding and respecting diversity strengthens our educational community.

A safe and healthy learning environment is essential for success.

Students require high-quality, standards-based instruction.

An effective partnership of families, staff and community will improve opportunities for student success.

Students must be empowered to become life-long learners and effective members of society.

All successes should be acknowledged and celebrated.

Procedures

Parent Request for Testing

1. When a parent request testing verbally: (Within 10 days of the request)
 - Ask Christine Winder to put them in Tienet (Student Name, ID number, and birth date)
 - Reach out to the parent via email or phone about their request and send them the PERMISSION TO EVALUATE (Request Form)

Example of email:

Mrs. Smith indicated to me that you made a verbal request for testing for xxxxx. The first step is to put your concerns into writing on the attached document. If you have difficulty with writing on the actual document you can put your concerns in writing in an email. After I receive your written request I will set up a meeting to discuss your concerns. Please let me know if you have any questions or concerns.

Also attached are a copy of the Procedural Safeguards and Regulations for the State of Pennsylvania.

2. Written Request:
 - Ask Christine Winder to put them in Tienet (Student Name, ID number, and birth date)
 - Reach out to the parent via email or phone about their request within 10 days of the request. Schedule a meeting with the school team, (anyone else works with the student) to discuss the request and possible MTSS interventions prior to evaluating a student. You are not required to have a meeting with every parent that requests testing, unless they specifically ask to have a meeting.

Example of email:

We received your request and I am working on gathering academic and behavioral data on xxxx. Our MTSS team will review your request and get back to you with the next steps.

- Ask the general education teacher to complete a Tier 1 form in the Panorama system.
- Gather all information:
 - Iready
 - Panorama (PSSA, SRSS, Phonics (if applicable)) - Print out the teacher's Tier 1 form

- From Icampus: Summary information, Attendance report (for the year), Behavior Report (all years), report card (latest)
- Ask the teacher for work samples in case they can not make the meeting.
- Do a fluency read and some math probes to determine quick baselines

3. After Meeting

- Issue a PTE - If you are proceeding to testing.
- Issue a NoRep - if you are not proceeding to testing. If you are not proceeding to testing once you have the NoRep signed - Complete a Blue slip and send it to Christine Winder so she can mark it inactive in Tienet.

RESTRAINT PROCEDURES

After you had to use restraints on a student please complete the following:

Ensure the well-being of student and staff:

- Student **must** be seen by a nurse (if the student refuses to go to the nurse, the nurse must come to them)
- If any staff injury occurred - they need to be seen by a nurse also

Notify the following internal staff via email:

- Supervisor of Special Education
- Special Education Liaison
- Case Manager
- BCBA

Notify the parent:

- At the end of the day- staff members who conducted the restraint, along with the case manager should call the parent. Inform the parent you will be sending home an invitation for an IEP meeting.

Schedule an IEP meeting:

- Issue an IEP invitation
You must hold the IEP meeting within 10 calendar days of the restraint. If there is not an opening in your schools' scheduling calendar - work with your SEL/department chair for another time.
- Issue the [IEP meeting waiver after a restraint form](#) (remove "copy of" and replace with student's first and last name)

Complete the state mandated log:

- RISC [restraint report form](#) (remove "copy of" and replace with students' first and last name)
- Share the log with Supervisor, BCBA, SEL/Dept Chair to ensure accuracy

Revise the IEP to include the incident and any changes, as needed:

- Consult with BCBA, Supervisor of Special Education and SEL/Dept Chair (as needed)

No more than 10 calendar days after the restraint email the following to Debby Schipilow, Supervisor of Special Education and SEL/Department Chair:

- RISC Form
- Invitation to IEP meeting
- IEP meeting waiver after restraint meeting

Transfer Student with IEP:

For students transferring from one school district to another within the state of Pennsylvania, the receiving LEA must provide services comparable to those described in the IEP from the sending school. The LEA can choose to either adopt the previous IEP or develop and implement a new IEP.

For students transferring between states, IDEA requires that the new LEA must also continue comparable services until it conducts an evaluation of the student. If the LEA determines it to be necessary and develops a new IEP, it must be consistent with federal and state law.

Both old and new school districts are required to take reasonable steps to ensure that the student's IEP, supporting documentation and other records are promptly transferred.

1. School team must create a NOREP accepting the IEP from the other district.
 - a. If there are services in the IEP that the team feels are not needed, that needs to be stated in the NOREP.
 - b. All the information from the IEP must be manually entered into PowerSchool.
 - i. School team must complete a Penn Date form and send to Christine Winder
 - c. The School team should complete a new IEP within 30 days of student enrollment.

Students returning from alternative placements to district schools

In Progress

Students being referred to alternative placements

In Progress

Confidentiality

Record of Inspection of Pupil Records

The form titled Record of Inspection of Pupil Records is to be located on the inside cover of IEP folders. It must be located in the permanent records for all district exceptional students. This form must be signed by anyone examining student records. All districts in PA must have procedures that allow parents of special education students to examine records relating to their children.

Non-custodial parents have the same rights as the custodial parent regarding major educational decisions, attendance at IEP meetings, and access to student records unless formally terminated by court order.

Confidentiality

As professionals with knowledge of various personal and educational facts regarding students and their families, it is of utmost importance to protect the privacy of those individuals and family units by never discussing student information in public with anyone or in private with others who are not primarily involved with the issues. The right to privacy extends to public displays of names or other identifiable information on computer screens, interschool envelopes, note pads, or printed materials left unattended on teacher's desks. The LEA protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

Educational Interest

Individualized Education Plan or any other document protected under confidentiality laws should only be shared with persons who have a legitimate educational interest. (i.e. the persons who are directly responsible for carrying out any component of the IEP) Examples of people who would have a legitimate educational interest would be the special education teacher, any general education teacher who works directly with the student, building administrator, paraprofessional (if applicable) and substitute teacher. Please note that this is not an exhaustive list. The LSD mandates that every IEP be shared with the appropriate staff who has a legitimate educational interest. It is imperative that everyone involved with carrying out the IEP is aware of their role. The following is a mandated process for sharing of IEP's and related information.

Child Find

Child Find

Procedures for locating, identifying and evaluating children with disabilities

1. Purpose

According to state and federal special education regulations, annual public notice to parents of children who reside within a school district is required regarding child find responsibilities. School Districts, Intermediate Units and Charter Schools are required to conduct child find activities for children who may be eligible for services via the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. School districts are also required to conduct child find activities for children who may be eligible for gifted services via 22 PA Code Chapter 16. This chapter provides guidance on how Bristol Township School District will locate and identify all children between the ages of 5 and 21 who may need special education and/or related services to address problems that may interfere with their future development and learning, including those students who are advancing from grade to grade.

2. Legal Standard

Each school district is required to:

- adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within the school district's jurisdiction
- conduct awareness activities to inform the public of its special education services and programs and the manner in which to request services and programs
- provide annual public notification, published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the school district of child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children

Child Find Process:

Each child for whom a parent and/or teacher has specific concerns may be referred to the MTSS Team for review of records and performance.

INITIAL EVALUATION

Initial Evaluation Timelines

How is a referral initiated?

A student can be referred for initial evaluation following a pre-referral intervention such as MTSS, Student Assistance Program review (SAP) or by a parent request.

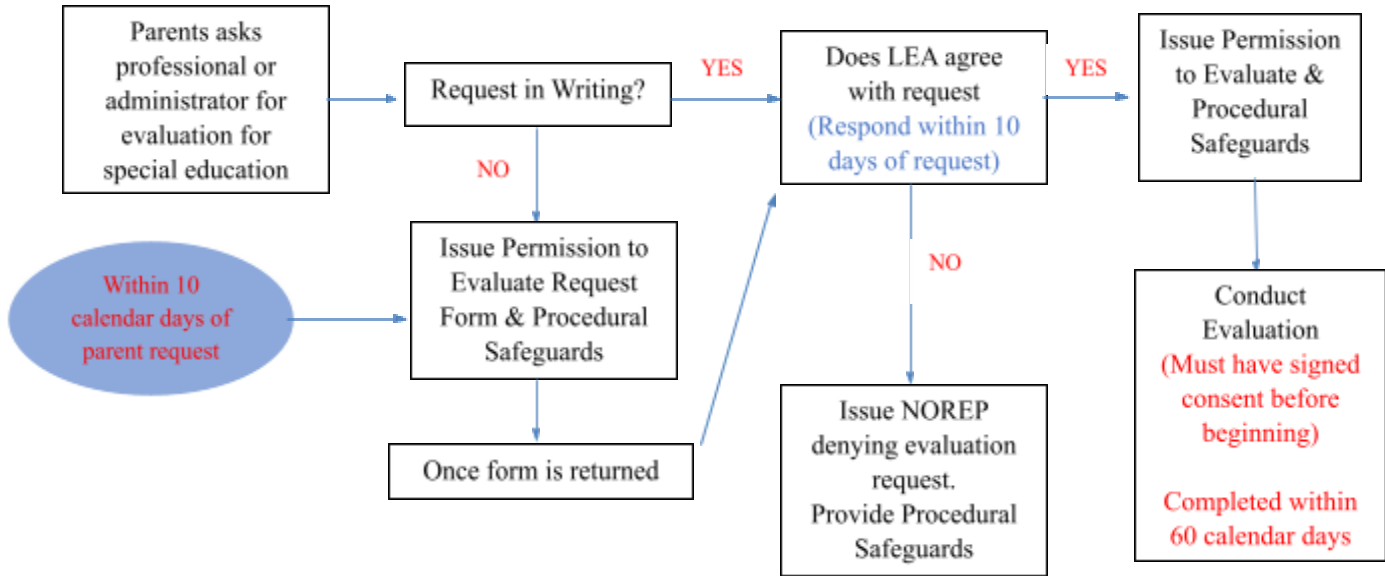
- **Parent Initiated Request Orally to ANY Professional or Administrator:** School must provide the Permission to Evaluate-Evaluation Request Form to the parents within **10 calendar days**.
- **Parent Initiated Request in Writing:** Once the school receives a written request for an evaluation the school team should meet with the parents to discuss the request. The school team needs to decide if it is going to honor the request for an evaluation or deny the request.
 - When **proceeding** with the evaluation a Permission to Evaluate form needs to be sent to the parent for their signature.
 - When **denying** the evaluation, a Notice of Recommended Placement (NOREP) will be sent to the parents denying the evaluation.
 - This process should be complete **within 10 school days**
 - Important Note: A copy of the Procedural Safeguards Letter & Procedural Safeguards Notice must accompany the Permission to Evaluate-Consent Form or the Notice of Recommended Placement. The procedural safeguards notice is a description of parent rights and responsibilities.
- Upon receipt of the Permission to Evaluate-Consent Form from the parent with their consent a copy of the evaluation must be presented to the parents **no later than 60 calendar days** after the district receives written parental consent for evaluation.
 - Note: Summer Recess does not count as calendar days

Independent Evaluation Request (IEE)

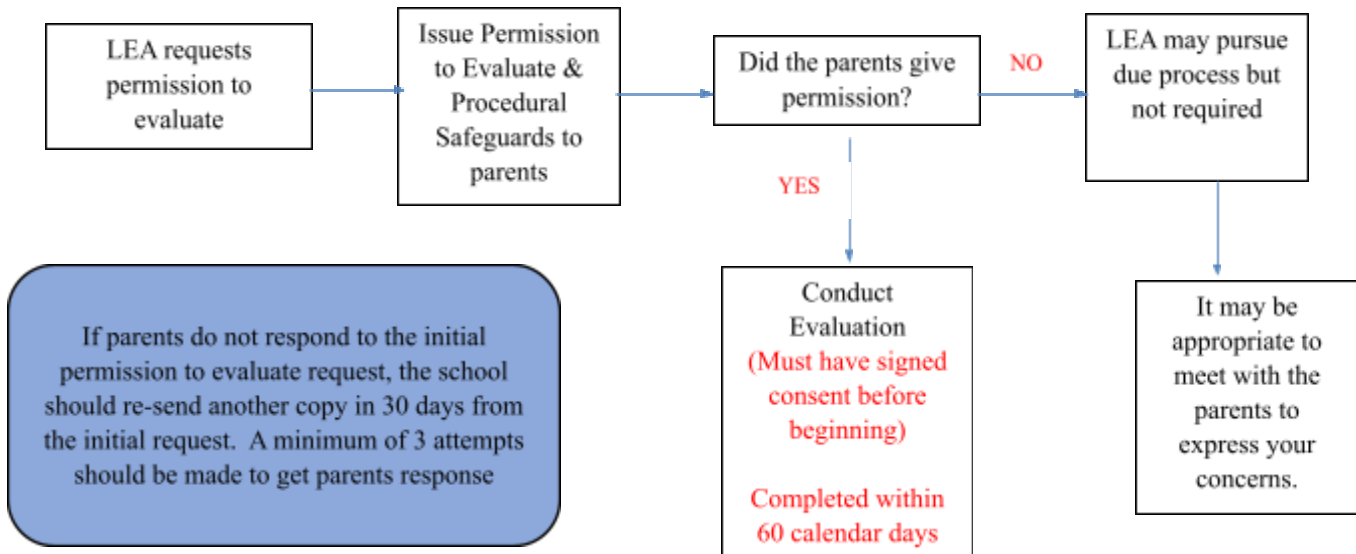
A parent may request in writing an independent evaluation at district expense at any time. Once the district receives a written request for an IEE the district will send a letter confirming the request and will **respond to the request within 15 days**.

Evaluation

Evaluation Request Initiated by a Parent:

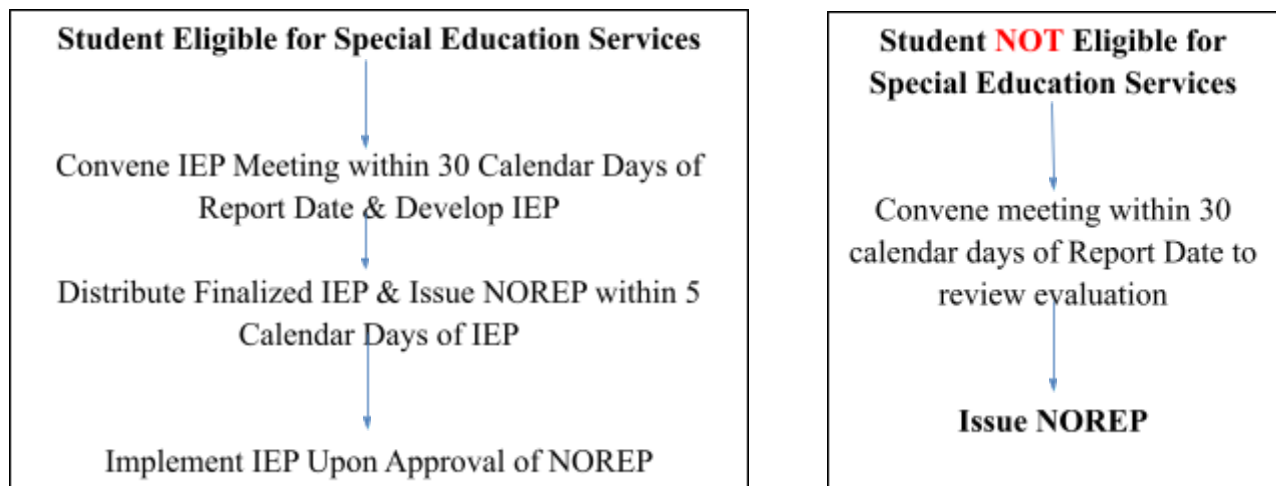


Evaluation Request Initiated by School District



Completion of the Evaluation Process

Upon completion of the evaluation process a determination will be made whether the student is a student with a disability and the student is in need of specially designed instruction. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent, guardian, or surrogate. If a student is found to have a disability and is in need of specially designed instruction an IEP will be developed and a meeting held **within 30 calendar days** of the completion of the evaluation report.



For an initial IEP the district requires a signed and approved NOREP before implementing the IEP

Reevaluation

Reevaluation Timelines

Reevaluations are required **once every 3 years**, unless the parent and the public agency agree that a reevaluation is unnecessary. In this instance, the “Agreement to Waive” form should be utilized. Students with an intellectual disability are to be reevaluated every 2 years. Reevaluation for students with an intellectual disability may not be waived.

The reevaluation still must be completed and presented to the parents **within 60 calendar days** (not including summer days) of parental consent and by the anniversary date of the previous Evaluation/Reevaluation Report.

A copy of the reevaluation report must be given to the parent **at least 10 school days prior** to the meeting. However, this timeline can be waived by the parents.

Student's IEP must be reviewed and revised **within 30 calendar days** of the completion of the reevaluation report.

Reevaluation Process

- LEA & Parent agree to waive reevaluation process: Signed Agreement to Waive
Reevaluation form is included in student’s educational record.
- **Parent orally requests reevaluation:**
 - Send parent Permission to Reevaluation – Reevaluation Request form within 10 calendar days (not including summer days) of oral request
 - If LEA agrees to conduct reevaluation, send parent Permission to Reevaluate-Consent Form within reasonable time of receipt of Permission to Reevaluate – Reevaluation Request Form. Best practice identifies reasonable time as 10 school days
 - If LEA does not agree to conduct reevaluation, send parent Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) within reasonable time of receipt of Permission to Reevaluate – Reevaluation Request Form. Best practice identifies reasonable time as 10 school days.
- **Parent requests reevaluation in writing:** If LEA agrees to conduct reevaluation, send parent Permission to Reevaluate – Consent form within reasonable time of receipt of parental request; If LEA does not agree to conduct reevaluation, send parent Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) within

reasonable time of receipt of parental request. Best practice identifies reasonable time as 10 school days.

- **LEA proposes a reevaluation and the team determines no additional data are needed:** Complete and send a copy of the reevaluation report to parent; and a newly revised IEP must be developed within 30 calendar days after completion of the reevaluation report. Copies are included in the student's educational record. **LEA must seek out parent input in regards to the need for additional testing**
- **LEA proposes reevaluation process and team determines additional data are needed:**

Issue Permission to Reevaluate-Consent Form and included in the student's educational record and:

- Reevaluation must be completed within the 2 or 3 year timeline
- The completed reevaluation report is conducted within 60 calendar days
- The reevaluation report is provided to the parent at least 10 school days prior to the IEP meeting
- A newly revised IEP is developed within 30 calendar days after completion of the reevaluation report;
- **Additional testing can not take place without signed parental consent**

Special Education Categories

Special Education Categories

Students must meet the initial eligibility criteria under one of the 13 eligibility categories listed below:

- Autism
- Deaf-Blindness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Multiple Disabilities
- Traumatic Brain Injury
- Vision Impairment

Definitions of disability terms. The terms used in this definition of a child with a disability are defined as follows:

Autism: means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Deaf-Blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Emotional disturbance: means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems

Hearing impairment: means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Intellectual disability: means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Orthopedic impairment: means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other health impairment: means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment,

Specific learning disability: means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Speech or language impairment: means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

Multiple disabilities: means concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Visual impairment including blindness: means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

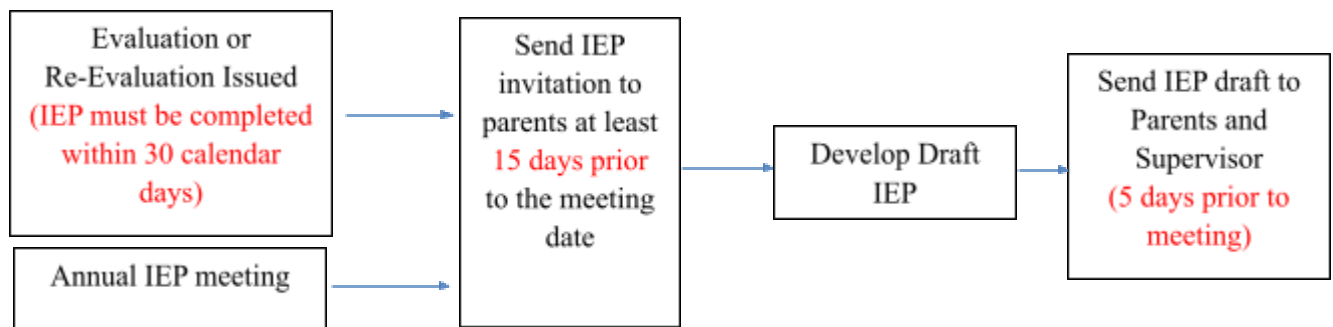
Individualized Education Plans (IEP)

Individualized Education Plan

IEP Timeline:

- Invite parents to IEP meeting- Invitation to IEP or Other Meeting at least 15 calendar days prior to the annual review date of IEP.
- IEP must be developed with the parents within 30 calendar days after the evaluation report is issued (or) IEP must be developed with the parents on an annual basis based on the annual IEP review date.
- IEP must be implemented no later than 10 school days after the parents have approved the IEP and Notice of Recommended Educational Placement (NOREP).

IEP FlowChart



IEP Team Composition

The special education team should include:

- Parent(s)/Guardian(s) of the student
- Regular education teacher who is, or may be responsible for implementing the IEP
- Special education teacher who is, or may be responsible for implementing the IEP
- Representative of the local school district (LEA):
 - Knowledgeable about special education programming
 - Knowledgeable about the general education curriculum
 - Knowledgeable about the availability of resources and the authority to commit resources
- At the Parent(s) discretion, or the district's, other individuals with knowledge or special expertise regarding the student
- Student, when appropriate
- When transition services must be planned, a representative of any agency that may be providing or paying for transition services
- Appropriate related service staff members who work with the student
- Sign Language/Bilingual interpreters as needed

IEP Overview

An IEP or “Individualized Education Program” is a written plan that describes the unique needs of a student who is eligible for special education and explains the specific services that the school will give the student.

The IEP lists the special education, related services, and other supports the student needs to make meaningful progress in school. The IEP should explain when the services will begin, and how frequently and for how long they will be given (for example, two half-hour sessions of physical therapy every week). The IEP must also state where the services will be provided (for example, in a regular or special education classroom or a special school), and tell you what special training and equipment will be given to the school staff (teachers and aides) who work with the student. The IEP also tells how much of the school day the student will spend with classmates who do not have disabilities.

Least Restrictive Environment

This requirement has been part of disability education law for over thirty years and is often referred to as the “Least Restrictive Environment (LRE) mandate.” By law, it is the IEP team that decides the educational placement for an individual student. The law and PDE policy require that each local education agency and IEP team make educational placement decisions based on the general principles outlined below. IEP teams are required to adhere to the following when making educational placement decisions:

1. A Free and Appropriate Public Education (FAPE) must be provided to every student with an IEP; moreover, FAPE must be delivered in the LRE as per the IEP team.
2. Students will not be removed from regular education classrooms merely because of their disability;
3. When students with disabilities, including students with significant cognitive disabilities, need specially designed instruction or other supplementary aids and services to benefit from participating in regular education classrooms as required in their IEP, local education agencies are obliged to ensure that those services are provided;
4. IEP teams must determine whether the goals in the student’s IEP can be implemented in regular education classrooms with supplementary aids and services before considering removal from the regular education classroom;
5. School districts will consider the full range of supplementary aids and services in regular education classrooms, based on peer-reviewed research to the extent practicable, including modification of curriculum content, before contemplating placement in a more restrictive setting.

Sections of IEP:

The following is a breakdown of the various sections of an Individualized Education Plan.

SPECIAL CONSIDERATIONS:

In the first section of the IEP, the IEP team must ask whether the student is blind or visually impaired, deaf or hearing impaired, if the student has needs in the areas of communication, if the student needs assistive technology (AT) devices and/or services, if the student has limited English proficiency, or if the student has behaviors that get in the way of his/her learning or that of others. The Team should keep these “special considerations” in mind when it writes the student’s IEP. PDE’s annotated IEP form explains these considerations in detail.

- **Deaf or Hard of Hearing** – IEP team must complete a communication plan (Input statement from IEP)

- **Assistive technology** includes devices or special equipment that improve the student’s functional or communication skills. Assistive technology services may include help in determining the need for a specific service (usually through the SETT process) and training for the student, school staff, and possibly the student’s family on how to use the device.
- **Behavior** that impedes the student’s learning or the learning of others – a FBA must be completed
- **Positive Behavior Supports (PBS)** addresses a student’s behavior. These strategies must reflect individual students' needs and be based on positive – not punitive approaches. This could mean that behavior goals and support services are included in sections 5 and 6 of the IEP. Or, the IEP Team might write a positive behavior support plan as part of the IEP. Defensible behavior plans are developed following the completion of a functional behavior assessment (FBA)

CURRENT EDUCATIONAL LEVELS:

The second section of the IEP contains information on the student’s **present levels of academic achievement** and **functional performance** (including social and daily living skills). It is important for this section to be completed because knowing where the student is currently helps the Team decide where the student should be going – meaning what goals should be written for the student. Questions that this section of the IEP should answer include: What can we learn about the student’s strengths and needs from the latest school district and other evaluations? What insight can the parents or the other Team members contribute from their experiences or training? This section should include the student’s present levels related to current postsecondary transition goals (such as results of vocational evaluations, career surveys, etc.) Information from any Functional Behavioral Assessment (FBA) should also be part of this section. This section should include information on how the **student’s disability affects involvement and progress** in the **general education curriculum**.

TRANSITION:

The third section of the IEP lists the student’s postsecondary goals (these are goals for life after high school) and the transition services that the school will give the student to help reach those goals. The point of “transition planning” is to build a bridge between school programs and the opportunities of adult life, including higher education, employment, independent living and community participation, and to make sure the student is being prepared

for life beyond high school. This section must be filled out for all students who are age 14 or older during the school year that the IEP will cover. The school and parent can agree to fill this section out earlier if that is appropriate for the student. Questions to ask include: What academic and other skills will the student need for adult living? Are the needed skills being taught? What does the IEP Team think should be the student's measurable postsecondary goals related to training, education, employment, and where appropriate, independent living skills? Are these goals based on age-appropriate transition assessments and the student's own preferences? (If not, why not?) What transition services (including courses of study) are needed to help the student achieve the transition goals?

MEASURABLE ACADEMIC AND FUNCTIONAL GOALS:

The fifth section of the IEP explains what the IEP Team, including the family, wants the student to learn this year. The IEP must list annual (year-long) functional and academic goals for the student. These goals must be "measurable" and must be designed to meet the student's needs.

TIP: Writing Effective Measurable Annual Goals:

Annual goals in Individualized Educational Programs (IEPs) must be functional and measurable. They must provide a clear focus for instruction and address individual student needs identified in the present levels of academic achievement and functional performance. A well-written measurable annual goal contains four criteria: condition, student's name, clearly defined behavior, and performance criteria.

Condition – The condition under which behavior is performed. It describes the situation in which the student will perform the behavior (e.g., accommodations, assistance provided prior to or during the assessment). Example: with consistent use of visual schedules

Student's Name – Example: Tyler

Clearly Defined Behavior – A clear description of the behavior in measurable and observable terms. Example: Will independently transition from one activity to the next at school (i.e., end one activity and begin a new one).

Performance criteria –

- Criterion level – The level the student must demonstrate for mastery
- Number – How many times needed to demonstrate for mastery
- Evaluation schedule – How frequently the teacher plans to assess the student, including the method of evaluation.

Example: Four out of five transitions on three consecutive weekly probes.

Program Modifications and Specially Designed Instruction:

The sixth section of the IEP lists the modifications and supports the student needs to receive an appropriate education. This is one of the most important parts of the IEP because it must indicate exactly what school personnel will do to help the individual student learn. The IEP Team should ask: What specialized instruction, methods and strategies will be used by the school this year to help the student advance toward reaching her IEP goals, be involved and make progress in general education curriculum, and participate in extracurricular and nonacademic activities? This section should state what specially designed instruction (SDI), supports, and services the school will provide to the student.

Educational Placement:

Section 7 of the IEP explains where the student will receive services. The IEP must tell you if the student will be included in regular education classes and activities and, if so, for how much of the school day. The IEP Team must begin by deciding if the student can make progress in a regular class with supplementary aids and services. The team must then decide what amount and type of special education support the student needs. The “amount” of special education support tells the team the total amount of time in a typical school day that the student receives special education supports from special education professional staff.

The following terms are used to communicate the amount of special education support:

- “Itinerant support” (special education support provided for 20% or less each day)
- “Supplemental support” (special education supports provided for more than 20% of the day but less than 80% of the day)
- “Full-time” support (support provided for 80% or more of the day).

LRE

The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is supported in the Non-participation Justification section of the IEP, which quotes the regulation describing the district's responsibility outlined above. As the team discusses placement, the least restrictive environment will be selected as it correlates with the student's needs. To the extent possible, students with disabilities will be educated with their non-disabled peers. Teams should consider in-district settings as they relate to the student's needs. These settings include the general education classroom, a learning center/resource room, separate classroom, or district placement. If a student's IEP cannot be met within the public school setting, an out-of-district placement may be explored. If the team designates an out-of-district placement, the team shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of supplementary aids and services could not be achieved to provide the student with a free, appropriate public education in the least restrictive environment.

Reminders:

- The IEP team must meet at least once every year to review and revise the IEP based on: the student's progress on his/her annual goals, the student's progress in the general education curriculum, any reevaluations that have been done, and parent or teacher concerns.
- While the school must make sure the IEP Team meets every year, parents or school staff have the right to ask for more frequent IEP Team meetings. The law does not limit the number of IEP meetings the parents can request.

ESY

Extended School Year (ESY) Services Definition: As used in this section, the term extended school year services means special education and related services that— (1) Are provided to a child with a disability; (2) Beyond the normal school year; (3) In accordance with the child's IEP; and (4) At no cost to the parents of the child. Extended School Year (ESY) The

IEP team must indicate whether the student is eligible or is not eligible for ESY and the basis for the determination. This determination must be made even if the child's parents have not specifically requested that their child be evaluated for ESY programming. When ESY services are offered, the IEP must contain a description of the type and amount of ESY service, the projected beginning dates and anticipated duration of service and the frequency and location of the service. Location refers to where the student will be receiving the service. Frequency refers to how often the student will be receiving the service. Decisions regarding extended school year will be made by February 28th of each school year. Any decisions following that date will be considered exceptions.

Procedural Safeguards

The Office for Dispute Resolution (ODR) [<http://odr.pattan.net>] is the agency in Pennsylvania that coordinates the administration of the statewide special education dispute resolution system. There are several official processes in place to assist when a dispute arises. These are:

- IEP Facilitation
- Mediation
- Due Process Hearing

These processes are used to resolve disputes between a parent and the Local Education Agency (LEA) responsible for providing the student with an education (e.g., a school district, intermediate unit, charter school, or Department of Corrections). These disputes concern the identification, evaluation, educational placement, or the provision of a free appropriate public education (referred to as FAPE) for students with disabilities, students who are gifted, protected handicapped students, and students with disabilities.

Informal Meeting

Often, if a parent disagrees with an educational issue involving their child, the first and best step to take is to ask to meet with the parent and members of the school team to discuss the concern. This may be all that is needed to resolve the matter to the parent's satisfaction, however, the parent must remember that timelines applying to a request for due process may continue to run while such a meeting is set-up and held, so that a request for an informal meeting should not be delayed.

IEP Facilitation

IEP Facilitation is a voluntary process that can be utilized when all parties to the IEP meeting agree that the presence of a neutral third party would assist in the facilitation of communication and the successful drafting of an IEP for the student. This process is not necessary for most IEP meetings – it is most often utilized when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate, and it may be helpful to have a neutral, trained facilitator guide the process.

The facilitator's primary task is to assist the IEP team's effort to communicate, to ensure that the IEP team focuses on developing the IEP while addressing any disagreements that may arise during the meeting. The facilitator does not make recommendations or decisions for the IEP team. The members of the IEP team remain the sole decision-makers. Either the parents or LEA can request IEP Facilitation; however, since the process is voluntary, both parties must agree. If either the parents or the LEA decline to participate, facilitation cannot be used. Therefore, both parties must sign a request form that is available from ODR.

Mediation

Mediation is a voluntary process in which the parent and the LEA involved in a dispute regarding special education both agree to obtain the assistance of an impartial mediator. Mediation is available whenever a due process hearing is requested or it may be requested by the parent or school district to try and resolve a dispute rather than initiating due process. 15

When one calls to request mediation, the ODR case manager forwards the request to the other party. Usually within 10 days of the request, the case manager establishes a date, time, and place for the mediation. Mediation sessions are scheduled for an entire day but typically last three to five hours.

If parents want to bring advocates or educational experts, parents are responsible to invite participants and pay any fees they require. At this time, attorneys do not participate in mediation.

The goal of mediation is to establish a positive relationship between parents and school personnel through collaborative problem solving. Any agreement that results from this collaboration is one the parties can live with because they created it together. The mediator does not decide what outcome is correct for the parties. If an agreement is reached, the mediator will develop a written agreement with the assistance of the parties. The parties determine the terms of the agreement and compose the wording. All parties (parent, LEA, and mediator) sign the agreement. Copies of the agreement are distributed to the parties as documentation of the meeting. If the agreement requires a change in the student's IEP, the school or school district should hold an IEP meeting to make the changes to the IEP. If the school signs the agreement but does not follow the agreement, a parent can file a complaint with the Bureau of Special Education to enforce the IEP, or go to court to enforce the agreement.

Due Process Hearing

If a parent files for due process or discusses with a staff member of the school that they want to engage due process, the Director of Special Education needs to be contacted immediately.

Due process is a legal proceeding presided over by a hearing officer who makes determinations about a student's educational program. There are many legal requirements and timelines associated with this action. The oversight of this process will be out of the special education office. There are some specific requirements mandated once a due process request is initiated. Since there will be an attorney representing the school entity and most likely the parent, many of the mandated processes will be led by counsel. With this, there are requirements the school district or intermediate unit must adhere to during this process: The following is just a snapshot of the requirements:

- Within 15 calendar days of receiving notice of parent's due process complaint, and prior to initiation of a due process hearing the LEA must convene a resolution meeting with the parent and the relevant member(s) of the IEP team who have specific knowledge of the

facts identified in the due process complaint (within 7 calendar days for expedited hearing).

- The purpose of the resolution meeting is for the parents to discuss the due process complaint and supporting facts so the LEA has the opportunity to resolve the dispute. A resolution meeting gives the parents and the LEA a chance to work together to avoid a due process hearing. The parents and the LEA determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the LEA representative who can make decisions on behalf of the school, and any IEP team member who has relevant information about the issues that are being discussed. School districts may not bring an attorney to the resolution meeting unless the parents bring an attorney.
- If the LEA has not resolved the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the due process complaint, the due process hearing may occur (15 calendar days for expedited hearing).
- If the LEA resolves the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the complaint, then the timelines end.

Student Placement During Mediation or Due Process

If parents or the school have requested mediation or a hearing, the student must “stay put” in his or her current program until the disagreement is resolved. That means that the school cannot change the program until the mediation and hearing have ended.

Discipline & Manifestation Determination

Discipline Overview

Laws and regulations have established procedural requirements that all public school entities must follow when it comes to discipline and suspension of students with disabilities. These laws and regulations span the U.S. Constitution's due process clause in the Fourteenth Amendment (interpreted by the U. S. Supreme Court in Goss v. Lopez), IDEA, PDE Chapter 14, and PDE Chapter 12. For the purposes of this manual, the focus will be on discipline and suspension for students with disabilities. In addition to this section, the school should also be familiar with the school entity's policy that may provide further procedural requirements.

Manifestation Determination

A Manifestation Determination is a process, required by the Individuals with Disabilities Education Act (IDEA 2004), which is conducted when considering the exclusion of a student with a disability that constitutes a change of placement.

STATUTORY REQUIREMENTS:

A manifestation determination must be conducted when a disciplinary change of placement occurs. Disciplinary change of placement occurs when a student with a disability, because of a violation of the school code of conduct, is removed from his/her current educational setting for:

- More than 10 school days consecutively, OR
- More than 15 school days cumulatively in a school year, OR
- When school days 11-15 constitute a pattern of exclusion, OR
- An exclusion of even one school day for a student with an Intellectual disability, OR
- Under the following circumstances, school personnel may unilaterally remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a local educational agency (LEA);
 - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA; or
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA. In these circumstances, the LEA must notify the parent

Manifestation Determination Process

Within 10 school days of the decision to change the student's placement, the LEA, parent, and relevant members of the IEP team conduct a review to decide if the behavior of concern is a manifestation of the student's disability. The team must determine:

1. Was the behavior caused by, or directly and substantially related to, the student's disability? **OR**
2. Was the behavior a direct result of LEA's failure to implement the Individualized Education Program (IEP)?

If the answer to either question is "Yes," the behavior IS a manifestation of the student's disability. The IEP Team must either:

1. Conduct a functional behavioral assessment (FBA), unless the LEA had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the child; or
2. If a BIP already has been developed, review the BIP, and modify it, as necessary, to address the behavior; and return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the BIP.

If the answer to both questions is "No", the behavior IS NOT a manifestation of the student's disability. The student may be disciplined in the same manner as a student without a disability who has violated the same or similar code of conduct.

Functional Behavior Assessments & Positive Behavior Support Plans

Overview of IDEA and PDE Chapter 14:

In accordance with IDEA and PDE Chapter 14, positive rather than negative measures must form the basis of behavior support programs for students who have been determined to be eligible for special education supports and services. Our district supports all eligible students being free from demeaning treatment, the use of aversive techniques, and the unreasonable use of restraints. Behavior support programs should include evidence-based or research-based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de escalation techniques [§14.133(a)].

Chapter 14 behavior support requirements in Pennsylvania require a functional behavior assessment (FBA) prior to developing a behavior plan. An FBA usually consists of a team-based assessment and inquiry process through which the team identifies target behaviors and determines the antecedent conditions and consequences in order to arrive at the hypothesized function(s) of the behavior. Then, the team would use this information to design an individualized positive behavior support plan for the child. Under the IDEA, an FBA is required when the behaviors in question result in disciplinary exclusion from school and are determined to be a manifestation of the child's disability. Under revised Chapter 14, however, an FBA is also required as a prerequisite to all individualized behavior support plans. Further, a positive behavior support plan must be developed by the IEP team for eligible children "who require specific intervention to address behavior that interferes with learning." The annotated IEP forms promulgated by PaTTAN reinforce the point that an FBA and a positive behavior support plan are required whenever the IEP team determines that the "special consideration" of behavior impeding the learning of self, or others, applies to the student in question.

FBA Process:

Functional Behavior Assessment (FBA) is a process for gathering information to understand the function (purpose) of behavior in order to write an effective Positive Behavior Support Plan (PSBP). Functional Behavior Assessment is a valuable process to identify positive behavior practices and learning. The identification of the function or purpose of a behavior of concern, guides a team through the development of function-based strategies. Function-based behavior plans are an effective method of addressing behaviors, developing positive proactive behaviors, and increasing academic achievement.

In addition, according to regulatory requirements an FBA must be conducted:

1. When the IEP team checks (✓) “yes” under “Special Considerations for behavior that impedes the student’s learning or the learning of others.
2. When a behavior violates a “code of student conduct” and is determined by the IEP team to be a manifestation of the student’s disability
3. When a student is removed from his/her current placement as a result of weapon possession, and/or illegal drug possession/use, and/or serious bodily injury.
4. When the student is removed from his/her placement for more than 10 consecutive or 15 cumulative school days and the behavior is determined not to be related to his/her disability.
5. When the school contacts law enforcement
6. Whenever the IEP team (1) determines that a student’s behavior is interfering with his/her learning or the learning of others, and (2) requires additional information to provide appropriate educational programming.

The ultimate goal of an FBA is to develop a testable hypothesis. The hypothesis is an educated guess based on measurable and observational data, which leads a school team to identify the function of the behavior of concern. The information gathered through the FBA process identifies the situations or circumstances when the student engages or does not engage in a target behavior, and identifies the consequences that reinforce the student’s engagement in that behavior. This identification process leads to the development of a testable hypothesis. A hypothesis derived from a completed FBA must provide (a) a precise definition of the target behavior, (b) the antecedent conditions under which the behavior does or does not occur, (c) the consequences that consistently maintain the behavior, and (d) the perceived function the behavior serves the student.

A completed FBA fills in the missing information of the hypothesis statement. When this occurs (antecedent) _____, the student does (target behavior) _____, in order to get or avoid (function) _____.

There is no one way to complete an FBA; rather the goal of this process is to develop a testable hypothesis. Horner & Sugai (2007) define three levels of FBA as : Informal FBA, Indirect/Simple FBA, and Complex FBA (see below)

FBA Levels	1. Informal	<ul style="list-style-type: none"> ● Archival Review ● Problem-solving Meeting
	2. Indirect/Simple	<ul style="list-style-type: none"> ● Checklist ● Functional Assessment Interview ● Initial Line of Inquiry ● Brief Observation/Scatter Plot
	3. Complex	<ul style="list-style-type: none"> ● ABC Data ● Structured, Direct Observation

Positive Behavior Support Plan

A Positive Behavior Support Plan can be used as a proactive action plan to address behavior(s) that are impeding learning of the student or others. PBSPs are appropriate for all students. If developed for a student with an IEP, this becomes a part of IEP. The PBSP includes positive behavioral interventions, strategies, and supports. Behavior Support Plans should focus on understanding ‘why’ the behavior occurred (i.e., ‘the function’ or ‘communicative intent’) then focus on teaching an alternative behavior that meets the student’s need in a more acceptable way. This includes making instructional and environmental changes, providing reinforcement, reactive strategies, and effective communication.

Positive Behavior Support Plan Phases [PBSP]:

Developing a PBSP is a process. For the process to be successful, several steps must occur. These steps are as follows:

Address the problem behavior

Teacher/staff member makes personal contact with parent/guardian to establish a working relationship, discuss concerns, and brainstorm possible solutions

School and classroom interventions are implemented and data collection on outcomes begins

If classroom interventions are unsuccessful, teacher informs other professionals that this student exhibits behavior that is interfering with the learning of student and/or peers

Understanding the Problem Behavior/ Conducting the FBA

Team professionals (parents, teachers, counselor, administrator, psychologist, program specialist, language/speech specialist, nurse, etc.) consult to understand the cause of the misbehavior and brainstorm solutions

Conduct the appropriate level FBA

Developing a Positive Behavior Support Plan (PBSP)

The Positive Behavior Support Plan Team (If the student has an IEP, this is an IEP team function) meets to formally discuss and strategize on:

- THE RESULTS OF THE FBA
 - Contributing environmental factors
 - Functional factors (why the student is misbehaving)

A formal plan of action, the PBSP, is developed with behavior goals developed.

Roles/responsibilities are assigned.

Many people can be designated on the PBSP.

A system of communication between the involved parties is formalized

Other Information

Information for Parents

The Bureau of Special Education published the Pennsylvania Parent Guide to Special Education for School Age Children, which provides an overview of the special education process. Visit www.pattan.net for the Guide and other useful information, or call 800-441-3215.

To get more information about parent rights or how to resolve disputes between parents and the school district, including how to request a hearing, contact the Bureau of Special Education's Consult Line at 800-879-2301.

Parents can also contact the following organizations to learn more about their rights, receive training, or receive advocacy services