

## Child Find and Annual Notice to Parents Notice of Special Education Services and Programs

### Notice of Special Education Services & Programs

It is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities residing in the Commonwealth, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. This responsibility is required by a federal law called the Individual with Disabilities Education Act (IDEA). The IDEA requires each state educational agency to publish a notice to parents before any major identification location or evaluation activity. The IDEA requires this notice to contain certain information. Pennsylvania law requires each school LEA to fulfill this notice requirement by providing an annual public notice. This notice, in summary form, is to help find these children, offer assistance to parents, and describes the parents' rights with regard to confidentiality of information. If a person does not understand any of this notice, he or she should contact the LEA and request further explanation. The content of this notice can be translated into other languages. The LEA will arrange for an interpreter for parents with limited English proficiency. If a parent is deaf or blind or has no written language, the LEA will arrange for communication of this notice in the mode normally used by the parent.

### Special Education Services for School-Age Students

KIPP Philadelphia Public Schools and its schools individual Local Education Agencies (LEA) provides a free, appropriate public education to eligible students. To qualify as an eligible student, the child must be of school age, in need of specially designed instruction and meet eligibility criteria for one or more of the following physical or mental disabilities as defined by Pennsylvania State Regulations: autism, deaf-blindness, hearing impairment (including deafness), emotional disturbance, intellectual disability, multiple-disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury or visual impairment (including blindness).

The LEA engages in identification procedures to ensure that eligible students receive an appropriate educational program consisting of special education and related services, individualized to meet student needs. At no cost to the parents, these services are provided in compliance with state and federal laws and are reasonably calculated to yield meaningful educational benefit and student progress. To identify students who may be eligible for special education, various screening activities are conducted on an on-going basis. These screening activities include: review of group-based data (cumulative records, enrollment records, health records, report cards, ability, and achievement test scores); hearing, vision, physical, and speech/language screening; and review by building-level intervention teams. When screening results suggest that a student might be a student with a disability, the school LEA seeks parental consent to conduct a multidisciplinary evaluation. Parents who suspect that their child is eligible for special education services may request a multidisciplinary evaluation at any time through a written request to the Building Principal or Assistant Principal of Student Supports.

Services designed to meet the needs of eligible students include the annual development of an Individualized Education Program (IEP), bi-annual or tri-annual multidisciplinary re-evaluation, and a full continuum of services, which include Itinerant, Supplemental, or Full-Time Levels of Intervention. The extent of special education services and the location for the delivery of such services are determined by the IEP team and are based on the student's identified needs and abilities, chronological age, and the level of intensity of the specified intervention. The LEA also provides related services,

including, but not limited to: transportation, speech and language therapy, counseling, physical therapy, audiological services, and occupational therapy, required for the student to benefit from the special education program. Parents may obtain additional information regarding special education services and programs and parental due process rights by contacting the child's Building Principal or the Assistant Principal of Student Supports.

#### Services for Protected Handicapped Students

Students who are not eligible to receive special education programs and services may qualify as protected handicapped students and, therefore, be protected by other federal and state laws intended to prevent discrimination. The school LEA must ensure that protected handicapped students have an equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for the individual student. In compliance with state and federal law, the school LEA will provide to each protected handicapped student, without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities, to the maximum extent appropriate to the student's abilities. To qualify as a protected handicapped student, the child must be of school age with a physical or mental disability that substantially limits or prohibits participation in, or access to, an aspect of the school program.

Services and protections for students with disabilities are different from those applicable to all eligible students enrolled in special education programs. These services are outlined in a Chapter 15 Service Agreement. Questions regarding Chapter 15 should be directed to the Assistant Principal of Student Supports.

#### Services for Students with Limited English Proficiency (LEP) and English Learners (EL)

The education of students whose dominant language is not English is the responsibility of every school, LEA/charter school in Pennsylvania. English language learners must be enrolled upon presentation of a local address and proof of immunization. The school LEA/charter school must administer a home language survey (HLS) to all students as required by the Office for Civil Rights (OCR). The results of that survey must be retained in the student's permanent folder. For those students whose primary home language is other than English (PHLOTE), the LEA must also determine the student's English language proficiency. Then, if appropriate, ESL instruction will be provided for the limited English proficient student with local/state funds.

The KIPP Philadelphia Public Schools LEA will provide ongoing screening services. If you wish to learn more, have questions, or believe your child may need to be identified, please contact the Building Principal or Assistant Principal of Student Supports.

#### Children Who Are Wards of the State

The term "ward of the state" under IDEA means a child in the custody of a County Children and Youth agency who does not have a foster parent, for example, a child in substitute care who lives in a setting other than a foster home, such as a group home or residential facility.

*El Process for Children Who Are Wards of the State:* When County Children and Youth Agencies become aware, through use of the screening instrument called Ages and Stages or otherwise, of children who are wards of the state and have needs that can potentially be addressed by EI services, they should notify the local EI program through CONNECT at **1-800-692-7288** or by directly contacting the local EI program to make a referral. (See OCYF Bulletin *Developmental Evaluation and Early Intervention Referral Policy*, issued September 1, 2008). The interagency agreement between

County Children and Youth agencies and local Infant/Toddler EI programs related to referral of children should include referral of children who are “wards of the state.”

If the whereabouts of the parent of a child in substitute care are unknown and the child does not have a foster parent, the local EI program must appoint a surrogate parent to participate in the EI process for the child. If a parent or a foster parent can be located but is unwilling or unable to participate in the EI process for the child, the County Children and Youth caseworker must request that the Court appoint an EI decision-maker for the child. The Court can appoint the caseworker to consent to an evaluation to determine eligibility for EI services, but if the child is found eligible, another EI decision-maker who is not an employee of any agency providing for the care or education of the child must be appointed. (See [OCYF Bulletin #3130-08-01](#), Educational Stability and Continuity for Children in Substitute Care, for more detail about surrogate parents.)

### Children Living in Residential Facilities

“Children living in residential facilities” describes children who are in a 24-hour living setting in which care is provided for one or more children. Children living in residential facilities may or may not be “wards of the state,” depending upon whether they are in the custody of a County Children and Youth Agency

*EI Process for Children Living in Residential Facilities.* The EI program determines that an infant or toddler is eligible for EI services through the EI evaluation process and, in accordance with applicable timelines, convenes an Individual Family Service Plan (IFSP) meeting, and determines the young child’s needs and the services the child and family require. Residential facilities also provide evaluations, service plans, and therapies as part of the comprehensive services that they are legally required to provide for children in their facility. In ensuring that the child’s service needs are met, the EI program and the residential facility should coordinate their evaluation, planning, and service delivery activities so that the child has one evaluation and service plan that meets the requirements of IDEA and the facility’s responsibilities. With the exception of service coordination, special instruction and, generally during transition, services to families to help them enhance the development of their children, it is expected that the residential facility will provide the services specified in the IFSP as part of the comprehensive service plan that the facility is obligated to provide. The EI program ensures that the services in the IFSP are provided and communicated to KPPS when the student becomes school age ready. If the residential facility does not provide the services identified in the IFSP, the EI program should contact OCDEL at 717-346-9320, so that OCDEL staff can intervene, including by working directly with the program office(s) in the Department of Public Welfare (DPW) that has oversight of the residential facility.

If a child participates in an EI program and transfers to or from a residential facility, the EI program should facilitate a smooth transition to or from the residential facility and, if the child is discharged to a setting in a different county, to the new EI program and or with KPPS.

### Children Who Are Homeless

The definition of a homeless child according to the McKinney-Vento Act, reauthorized in 2002, is an individual who lacks a fixed, regular, and adequate nighttime residence and includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are

living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or are migratory and qualify as homeless because they are living in circumstances described above.

There are Homeless Liaisons that are available to help link eligible homeless infants, toddlers and preschool children to a variety of social service and education programs. The Department of Public Welfare (DPW) Homeless Liaisons can help link children and families to a variety of prevention and intervention services to address their homelessness. The DPW Homeless liaisons collaborate with other social services agencies such as Head Start, Early Head Start, and local EI programs to develop a continuum of services for homeless children and families.

A list of resources (Homeless Assistance Program Overview, Continuum of Services Flow Chart, and [Homeless Assistance Program](#) Client Eligibility information) can be found on the DPW website. [Homeless Assistance contact list](#).

A listing of resources (Blue Folder, Child Accounting Guidelines, Homeless Children's Rights Poster in English and Spanish, Parent Pack, Shelter Directory, Statewide Directory, and What You Should Know About Homeless Children) pertaining to educational rights of homeless children can be found at the [PA Homeless Children's Initiative](#) web site and clicking on Resources. A Homeless liaison list can be found within the Statewide Directory. This directory is mailed the last week of August to every school district in Pennsylvania. The Homeless Liaisons and their contact information are listed by county; to find out who your District Homeless Liaison is, call 717-783-6468. This resource also contains information on what Homeless Liaisons do to help homeless students, internet resources regarding homelessness and Federal Guidance from the U.S. Department of Education. These resources can be mailed to your organization at no cost simply contact the PA Homeless Children's Initiative at the web address listed above.

When the Homeless Liaisons or others become aware of children who are homeless and have needs that can potentially be addressed by EI services, they should notify the local EI program through CONNECT at **1-800-692-7288** or by directly contacting the local EI program to make a referral.

#### Confidentiality of Student Records

Each school LEA protects the confidentiality of personally identifiable information regarding its exceptional and protected handicapped students in accordance with the Family Educational Rights and Privacy Act (FERPA) and other applicable federal and state laws. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." These rights are:

- The right to inspect and review their education records within 45 days of the day the school/school LEA receives a request for access.
- The right to request an amendment to the student's education records that the student believes are inaccurate or misleading.
- The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school/school LEA to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

The LEA maintains its education records in compliance with the guidelines for the collection, maintenance, and dissemination of pupil records.

The LEA may release information known as directory information without consent. If a parent/guardian or eligible student does not consent to the automatic release of directory information, the parent/guardian or eligible student must, on an annual basis, sign a form opting out of the automatic release of any directory information. Directory information includes the following: student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, primary field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degree, honors, and awards received, the most recent educational agency or institution attended, student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access educations without a PIN, password, etc. (a student's SSN, in whole or in part, cannot be used for this purpose.)

Each LEA, along with other public agencies in the Commonwealth, must establish and implement procedures to identify, locate and evaluate all children who need special education programs and services because of the child's disability. This notice is to help find these children, offer assistance to parents and describe the parent's rights with regard to confidentiality of information that will be obtained during this process

#### Identification Activity

*Child find* refers to activities undertaken by public education agencies to identify, locate, and evaluate children residing in the State, including children attending private schools, who are suspected of having disabilities, regardless of the severity of their disability, and determine the child's need for special education and related services. The purpose is to locate these children so that a free appropriate public education (FAPE) can be made available. The types of disabilities that if found to cause a child to need services are autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment due to chronic or acute health problems, specific learning disabilities, speech or language, traumatic brain, injury and visual impairment including blindness: and in the case of a child that is of preschool age, developmental delay.

Each LEA is required to annually provide notice describing the *identification* activities and the procedures followed to ensure confidentiality of personally *identifiable information*. This notice is intended to meet this requirement.

### Identification Activities

*Identification activities* are performed to find a child who is suspected of having a disability that would interfere with his or her learning unless special education programs and services are made available. These activities are sometimes called *screening* activities. The activities include review of group data, conducting hearing and vision screening, assessment of student's academic functioning, observation of the student displaying difficulty in behavior and determining the student's response to attempted remediation. Input from parents is also an information source for *identification*. After a child is identified as a suspected *child with a disability*, he or she is evaluated, but is not evaluated before parents give permission for their child to be evaluated.

1. During the first 3 months of each new school year KIPP will engage in activities and procedures to seek students suspected of having a disability. The APSS, School Nurse, and MTSS Lead will coordinate screening all new students in the following areas (varies with grade):
  - (a) Vision
  - (b) Hearing
  - (c) Academics
  - (d) Behavior
  - (e) Communication
  - (f) Speech - Kindergarten only
2. KIPP will offer parent information sessions outlining the Special Education Department and highlighting issues to be aware of when parents suspect a disability may be impacting their child's performance.
3. The Special Education Administrator will develop and distribute information on how to spot potential disabilities.
4. Teachers will receive and be trained on academic and behavioral checklists designed to identify areas of concern.
5. All students identified as exhibiting concerning behaviors or academic challenges will be referred for general education interventions and reviewed by the Intervention Team.
6. All student data will be reviewed by the Intervention Team who will determine the level of regular education interventions or the need for a referral for a full special education evaluation.

### Confidentiality

If after screening a disability is identified, upon your permission your child will be evaluated. A written record of the results is called an education record, which is directly related to your child and is maintained by KIPP. These records are personally identifiable to your child. *Personally identifiable information* includes the child's name, the name of the child's parents or other family member, the address of the child or their family, a personal identifier such as social security number, a list of characteristics that would make the child's identity easily traceable or other information that would make the child's identity easily traceable.

KIPP will gather information regarding your child's physical, mental, emotional, and health functioning through testing and assessment, observation of your child, as well as through review of any records made available to KIPP through your physician or other providers of services such as day care agencies.

KIPP protects the confidentiality of *personally identifiable information* by having one school official be responsible for ensuring the confidentiality of the records, training being provided to all persons using the information, and maintaining for public inspection a current list of employees' names and positions who may have access to the information. KIPP will inform you when this information is no longer needed to provide educational services to your child and will destroy the information at the request of the parent, except general information such as your child's name, address, phone number, grades, attendance record, classes attended, and grade level completed may be maintained without time limitation.

As the parent of the child you have a number of rights regarding the confidentiality of your child's records. The right to inspect and review any education records related to your child that are collected, maintained, or used by KIPP. KIPP will comply with a request for you to review the records without unnecessary delay and before any meeting regarding planning for your child's special education program (called an IEP meeting), and before a hearing should you and your LEA disagree about how to educate your child who needs special education, and in no case, take more than 45 days to furnish you the opportunity to inspect and review your child's records.

You have the right to an explanation and interpretations of the records, to be provided copies of the records if failure to provide the copies would effectively prevent you from exercising your right to inspect and review the records, and the right to have a representative inspect and review the records.

Upon your request, KIPP will provide you with a list of the types and the location of education records collected, maintained, or used by the agency.

You have the right to request an amendment on your child's education records that you believe are inaccurate or misleading, or violate the privacy or other rights of your child. KIPP will decide whether to amend the records within a reasonable time of receipt of your request. If KIPP refuses to amend the records, you will be notified of the refusal and your right to a hearing. You will be given at that time additional information regarding the hearing procedures, and upon request, the LEA will provide you with a records hearing to challenge information in your child's educational files.

Parent consent is required before *personally identifiable information* contained in your child's education records is disclosed to anyone other than officials of KIPP collecting or using the information for purposes of identification of your child, locating your child and evaluating your child or for any other purpose of making available a free appropriate public education to your child. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Additionally, KIPP, upon request, discloses records without consent to officials of another LEA in which your child seeks or intends to enroll.

When a child reaches age 18, the rights of the parent with regard to confidentiality of *personally identifiable information* is transferred to the student.

A parent may file a written complaint alleging that the rights described in this notice were not provided. The complaint should be addressed to:

Pennsylvania Department of Education  
Bureau of Special Education; Division of Compliance  
333 Market Street  
Harrisburg, PA 17126-0333

The Department of Education will investigate the matter and issue a report of findings and necessary corrective action within 60 days. The Department will take necessary action to ensure compliance is achieved.

Complaints alleging failures of KIPP with regard to confidentiality of *personally identifiable information* may also be filed with:

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605*

KPPS will be providing ongoing screening services. If you wish to learn more, have questions, or believe your child may need to be identified, please contact the School Leader at your selected campus site.

The content of this notice has been written in English. If a person does not understand any of this notice, they should contact KIPP and request an explanation.