

...ing or from a court an award of private school tuition reimbursement. Parents can also receive such awards if their child was in need of special education and related services but were not offered such services in a timely manner. To obtain an award of tuition reimbursement, parents must notify their public school of their intent to enroll their child in a private school either verbally at the last IEP team meeting prior to withdrawing their child or in writing received by the public school at least ten days prior to the date on which the child is withdrawn from public school. Parents can obtain tuition only when they can prove at a special education due process hearing that (1) the public school failed to offer an appropriate program or placement to the child, (2) the parents therefore placed their child in a private school, and (3) the private school placement was proper. Tuition reimbursement awards can be denied or reduced if the parent's behavior was improper or if the parents delay unreasonably in asserting a claim against the public school in a due process hearing. Such awards can also be denied or reduced if the parents fail to do one of the following: (1) notify the public school of their intent to place the child in a private school at the last IEP team meeting prior to the planned placement or (2) notify the public school in writing of their intent to place the student in a private school at least ten days before withdrawing the student for that purpose.

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

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

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

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

Student Records

The public schools of Luzerne Intermediate Unit 18 maintain records concerning all children enrolled in public school, including students with disabilities. Records containing personally identifiable information about or related to children with disabilities could include, but are not limited to, cumulative grade reports, discipline records, enrollment and attendance records, health records, individualized education programs, notices of recommended assignment, notices of intent to evaluate and reevaluate, comprehensive evaluation reports, other evaluation reports by public school staff and by outside evaluators, work samples, test data, data entered into the Penn Data system, PIMS, correspondence between school staff and home, instructional support team documents, referral data, memoranda, and other education-related documents. Records can be maintained on paper, on microfilm, on audio or videotape, and electronically. Records can be located in the central administrative offices of the public school, the school building or building at which the student attended or attends school, private schools and facilities at which the public school has placed the child for educational purposes, central storage facilities and electronic storage systems, and in the secure possession of teachers, building administrators, specialists, psychologists, counselors, and other school staff with a legitimate educational interest in the information contained therein. All records are maintained in the strictest confidentiality and adhere to the Family Educational Rights and Privacy Act (FERPA) regulations.

Records are maintained as long as they remain educationally relevant. The purposes of collecting and maintaining records are (1) to ensure that the child receives programs and services consistent with his or her IEP; (2) to monitor the ongoing effectiveness of programming for the child; (3) to document for the public school and the parents that the student is making meaningful progress; (4) to satisfy the requirements of state and federal agencies who have an interest in inspecting or reviewing documents concerning particular students or groups of students for purposes of compliance monitoring, complaint investigation, and fiscal and program audits; and (5) to inform future programming for and evaluations of the child. When educational records, other than those which must be maintained, are no longer educationally relevant, the public school must so notify the parents in writing and may destroy the records or, at the request of the parents, must destroy them. Public schools are not required to destroy records that are no longer educationally relevant unless the parents so request in writing.

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

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

"Directory information." Public school entities designate certain kinds of information as "directory information." The public schools of Luzerne Intermediate Unit 18 typically designate the following as "directory information": (1) the name, address, telephone number, and photographs of the child; (2) the date and place of birth of the child; (3) participation in school clubs and extracurricular activities; (4) weight and height of members of athletic teams; (5) dates of attendance; (6) diplomas and awards received; (7) the most re-

cent previous institution or school attended by the child; and (8) names of parents, siblings, and other family members. The District will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. Parents who do not want the District to disclose such information must so notify the District in writing on or before the first day of the school term. Written notice must identify the specific types of directory information that the parent does not want the District to disclose without consent. If the parent fails to notify the District in writing by the first day of the school term, the District may release directory information upon request and without consent.

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

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

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

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

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

This notice is only a summary of the special education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents. For more information or to request evaluation or screening of a public or private school child contact the public school nearest you. The number and addresses of all public schools in Luzerne Intermediate Unit 18 are located in the blue pages of the telephone book under the heading "Schools." Information can also be obtained, and screenings and evaluations requested, by contacting the offices of special education or student services in each of the various school districts or, for preschool children, at Luzerne Intermediate Unit of Hazleton Area School District.

Notice of Services for Gifted Students While "gifted" is not one of the "disabilities" required under the Federal IDEA legislation, the State Board of Education's regulations as set forth in 22 Pa. Code Chapter 16 – Special Education for Gifted Students, provides recognition that gifted students are considered to be "children with exceptionalities" under the Public School Code of 1949 and are in need of special designed instruction.

A district shall conduct public awareness activities to inform the public of gifted education services and programs and the manner by which to request these services and programs. These awareness activities shall be designed to reach parents of students enrolled in the public schools.

Students Who are Mentally Gifted

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

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

Chapter 4 - The State Board of Education regulations as adopted under statutory authority in the School Code.

Chapter 16: Gifted education is separate from special education services.

Dual Exceptionalities: If a student is both gifted and eligible for special education, the procedures in Chapter 14 shall take precedence. For these students identified with dual exceptionalities, the needs established under the gifted status must be fully addressed in the procedures required in Chapter 14. (22 Pa. Code § 16.7(b)) For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations, develop separate IEPs, or use separate procedural safeguards processes to provide for a student's needs as both a gifted and eligible student. (22 Pa. Code § 16.7(c))

Education Placement - The overall educational environment in which gifted education is provided to gifted students in all public schools of Luzerne Intermediate Unit 18. Placements and Programs may vary from school district to school district.

GIEP - Gifted Individualized Education Program.

GMDT - Gifted Multidisciplinary Team

Gifted Education - Specially designed instruction to meet the needs of a gifted student that is:

- (i) Conducted in an instructional setting,
- (ii) Provided in an instructional or skill area,
- (iii) Provided at no cost to the parents,
- (iv) Provided under the authority of a school district, directly, by referral or by contract,
- (v) Provided

by an agency, (vi) Individualized to meet the educational needs of the student, (vii) Reasonable calculated to yield meaningful educational benefit and student progress, (viii) Provided in conformity with GIEP.

Gifted Multidisciplinary Evaluation - A systematic process of testing, assessment, and other evaluative processes used by a team to develop a recommendation about whether or not a student is gifted or needs gifted education.

Gifted Student - A student who is exceptional under section 1372 of the School Code (24 P.S. §13-1371) because the student meets the definition of "mentally gifted" in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment.) This term applies on to students who are of "school age" as defined under § 11.12 (relating to academic standards and assessment.) This term applies only to students who are of "school age" as defined under §11.12 (relating to school age.)

Instruction setting - A classroom or another setting in which gifted students are receiving gifted education.

Mentally gifted - Outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program.

Parents - A natural or adoptive parent or parents, guardian or guardians, one or more persons acting as the parent or parents of a student.

Party - Parent or school district.

Regular classroom - A specific instructional grouping within the regular education environment.

Regular education environment - The regular classroom and other instructional settings in which students without a need for gifted education receive instruction programs and the full range of supportive services normally provided to these children.

School Code - The Public School Code of 1949 (24 P.S. §§1-101, 27-2702)

School day - A day that school is in session.

Screening and evaluation process - The systematic determination of whether or not a student is gifted or needs gifted education.

Specially designed instruction - Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials, or a specialized curriculum for student who are gifted.

Support services - Services as required under § 16.33 (relating to support services) to assist a gifted student to benefit from gifted education. Examples of the term include:

- (i) Psychological services
- (ii) Parent counseling and education
- (iii) Counseling services
- (iv) Transportation to and from gifted programs to classroom in buildings operated by the school district.

This Public Notice Documentation has been submitted by the Luzerne Intermediate Unit on behalf of the LIU member school districts and Dr. Anthony Grieco, Executive Director. The documentation and preparation was completed by Ms. Elizabeth Krokos, Assistant to the Executive Director for Student Services. Information is based on interpretation of Public Laws including "No Child Left Behind", Individuals Disabilities in Education Act", Pa. Chapter 14 Special Education Regulations, Chapter 4, Section 504, Chapter 15, and Chapter 16.

District Contacts for Information Concerning Special Education Services:

Crestwood School District
Ms. Annie Moran, Director of Special Education
281 South Mountain Boulevard
Mountaintop, PA 18707-1913

Dallas School District
Ms. Andrea Dennis, Director of Special Education
2000 Conyngham Ave.
Dallas, PA 18612-0720

Greater Nanticoke Area School District
Dr. Meghan McMahon, Director of Special Education
425 Kosciuszko Street
Nanticoke, PA 18634-2690

Hanover Area School District
Ms. Shannon Bennett, Director of Special Education
1600 Sans Souci Parkway
Hanover Township, PA 18706

Hazleton Area School District
Mr. Jeff Weed, Assistant Director of Special Education
1515 West 23rd Street
Hazleton, PA 18202

Lake Lehman School District
Dr. Tina Antonello-Porteé, Director of Special Education
P. O. Box 38
Lehman, PA 18627-0038

Northwest Area School District
Ms. Mary Agnes Kratz, Special Education Consultant
243 Thorne Hill Rd.
Shickshinny, PA 18655-9201

Pittston Area School District
Ms. Amy Bilbow, Director of Special Education
5 Stout Street
Pittston, PA 18640-3399

Tunkhannock Area School District
Mr. Jeff Craig, Director of Special Education
41 Philadelphia Avenue
Tunkhannock, PA 18607

Wilkes-Barre Area School District
Mr. James Geiger, Director of Special Education
730 South Main Street
Wilkes-Barre, PA 18711-0375

Wyoming Area School District
Ms. Stephanie Anuszewski, Director of Special Education
252 Memorial Street
Exeter, PA 18643-2698

Wyoming Valley West School District
Ms. Marya Baratta, Director of Special Education
450 North Maple Ave.
Kingston, PA 18704-3683

Bear Creek Community Charter School
Ms. Bridget Deeble, Director of Intervention & Support Services
30 Charter School Way
Wilkes-Barre, PA 1870

Luzerne Intermediate Unit #18
Northeast Secure Treatment Unit
Ms. Elizabeth Krokos, Assistant to the Executive Director for Student Services
368 Tioga Ave.
Kingston, PA 18704-0649