

7 Services for Special Populations

Multidisciplinary Evaluation

When screening indicates a student may be a child with a disability, the school district will seek parental consent to conduct an evaluation. "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. The term means procedures used selectively with an individual child and does not mean basic tests administered to, or procedures used with, all children.

In Pennsylvania, this evaluation is called a multidisciplinary evaluation (MDE). It is conducted by a multidisciplinary team (MDT), which must include at least a school psychologist, a teacher, and the parents. The MDE process must be conducted in accordance with specific timelines and use protection-in-evaluation procedures. For example, tests and procedures used as part of the multidisciplinary evaluation may not be racially or culturally biased.

The MDE process results in a written evaluation called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability or mental giftedness and the need for specially designed instruction. The evaluation report also makes recommendations for educational programming, regardless of whether the team recommends that the student is exceptional. Once parental consent for evaluation is obtained, the school district has timelines and procedures specified by law, which it must follow.

Parents who think their child is a child with a disability or an exceptional child may request, at any time, that the school district conduct a multidisciplinary evaluation. This request should be made in writing to the Director of Special Education, Principal or Assistant Principal. If a parent makes a verbal request for a multidisciplinary evaluation, the school district shall provide the parent with a form for that purpose.

Procedural Safeguards/Parent Rights:

Procedural Safeguards The rights of parents and students are protected by procedural safeguards. These safeguards include the following:

- Parent consent is always required prior to conducting an initial (for the first time) evaluation; initially placing a child with a disability in a special education program; and disclosing to unauthorized persons personally identifiable information. Parent consent may be revoked at any time.
- Generally, the school district must notify parents in writing whenever it wants to begin, change, or discontinue special education and related services. Along with this notification, the school district will provide parents with a comprehensive, written description of their rights. Specifically, parents must be notified in writing if the school district proposes or refuses to: conduct an evaluation or reevaluation or initiate or change the identification or placement of a student. Also, parents must be notified in writing if the school district refuses to provide an independent educational evaluation at public expense or make changes to an IEP requested by parents.
- Parents who disagree with such actions proposed or refused by the school district have the right to request a hearing by an impartial third party using a procedure called due process. School districts also have the right to initiate due process in certain situations. During a due process procedure, a student must remain in the last agreed upon educational placement (a status called pendency). Due process procedures are governed by timelines and procedures in Pennsylvania law.

- Due process usually begins with a pre-hearing conference between the school district and the parents, although either party may waive the right to a prehearing conference. Throughout due process, parents may be represented by an attorney. If a pre-hearing conference does not resolve the dispute, the parent may request an impartial due process hearing with an independent hearing officer.
- Due process meetings are oral and personal hearings open to the public unless the parents request a closed hearing. The decision of the hearing officer shall include findings of fact, a discussion, and conclusions of law. The decision of the hearing officer may be appealed to a three-member panel of hearing officers. The panel's discussion may be appealed to the appropriate court.
- Pennsylvania law has also made mediation services available throughout the Commonwealth at Commonwealth expense. Mediation services help parents and agencies involved in a dispute over special education to attempt to reach a mutually agreeable settlement with the assistance of an impartial mediator. Mediation does not deny or delay a party's right to a due process hearing.
- Reach Cyber Charter School makes available, upon request, printed information regarding special education programs and services and parental due process rights. This printed information is available from each principal as well as the Director of Special Education.

Assistive Technology

As defined in federal law, assistive technology device means “any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.” Assistive technology devices range from a simple switch for a child with particular physical limitations to a sophisticated augmentative communication (i.e., voice output) device for a child with severe speech impairment. Other examples of assistive technology include assistive listening devices and systems for children with hearing loss and screen reading software for children with visual, neurological, or cognitive impairments. A medical device that is surgically implanted, however, is not considered an assistive technology device. Assistive technology service means “any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.” Services include but are not limited to evaluation; purchase or lease of a device; designing, customizing, or adapting a device; maintaining, repairing, or replacing a device; coordinating or using therapies with a device; and training or technical assistance for the child, family, and professionals.

By virtue of these definitions, an exhaustive and/or specific list of what constitutes assistive technology devices and/or services is impossible to create. Students who are currently assigned devices who are in need or a replacement or repaired item or are in need of new hearing aid batteries may enter an online ticket through the service portal or may call Reach’s helpline at 1-888-860-9220 for immediate assistance.

Behavior Supports:

Reach Cyber Charter School uses positive, rather than negative, measures in responding to problematic behaviors. A student with a disability, who has behaviors that interfere with his/her learning or the learning of others, must have a positive behavior support plan. This plan must be developed by the student’s IEP team, based on a functional behavior assessment, and become part of the student’s IEP. The plan must utilize positive reinforcement and techniques to shape a student’s behavior, ranging from positive verbal statements to specific tangible rewards. Behavior support plans must include research-based practices that will increase the student’s opportunity for learning and increase replacement behaviors. When a behavioral intervention is needed, it should be the least intrusive necessary.

The LEA must notify the parent(s) of the use of a restraint and schedule an IEP team meeting within 10 school days of the use of the restraint in the educational program; an IEP team meeting invitation should be issued to the parent for that purpose. During the meeting, the IEP team shall consider the need for a new or revised functional behavioral assessment and positive behavior support plan, reevaluation, or a change of placement to address inappropriate behavior. LEAs should not be proposing that the parent(s) waive these meetings as a matter of course. The parent(s) may agree in writing to waive the IEP team meeting; however, the written notice provided by the LEA should not influence a parent's decision to waive the meeting.

Restraints may not be included in a student's IEP in lieu of a positive behavior support plan or for the convenience of staff or be employed as punishment. When an IEP team, including the parent(s), determines that it is necessary to include the use of restraints in an IEP, the types of physically restrictive procedures used should be fully explained and documented in the IEP or positive behavior support plan to enable informed consent by the parent(s). LEAs may not use restraints in the IEP as part of a pre-designed program for all students with disabilities. If the student's behavior is dangerous to himself or others, the IEP team develops a behavior plan that includes conditions as stated above. When restraints are included in the IEP and the parent(s) request training in the use of these restrictive procedures, the IEP must consider this request pursuant to related service requirements regarding parent training found under 34 CFR § 300.34. An LEA's refusal to provide the training must be documented on a Notice of Recommended Educational Placement (NOREP).

Functional Behavior Assessment

Functional Behavioral Assessment (FBA) is a process for identifying problem behaviors and developing interventions to improve or eliminate those behaviors. An FBA consists of information-gathering procedures that result in a hypothesis about the function(s) that the behavior is serving for the student. The process also results in the identification of environmental antecedents (what happened before the behavior occurred) and consequences (what happened after the behavior occurred) that are maintaining the behavior. The information gathered is used to develop an effective and efficient behavior plan.

An FBA is generally understood to be an individualized evaluation of a child in accordance with 34 CFR §300.301 through §300.311 to assist in determining whether the child is, or continues to be a child with a disability. The FBA process is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a positive behavior support plan. As with other individualized evaluation procedures, and consistent with 34 CFR §300.300 (a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.