



CHARTER SCHOOL OF
EXCELLENCE

Perseus House Charter School of Excellence

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Does My Child Need Special Education?

Determining Eligibility

Parents often know their child's learning strengths and weaknesses best. School personnel will use that knowledge to design a special education program for your child's unique needs. Your child may qualify for special education if your child:

1. Has an intellectual disability, emotional disturbance, an orthopedic impairment, a hearing impairment, deafness, a speech or language impairment, a visual impairment including blindness, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and
2. Needs special education as determined by an evaluation team.

Your child must meet both qualifications in order to be eligible for special education. In Pennsylvania, all children eligible for special education have the right to a free appropriate public education.

NOTE: Under Section 504 of the Rehabilitation Act of 1973, children have disabilities that substantially limit their participation in or access to school programs, but who do not need specifically designed instruction, may qualify for reasonable accommodations. The rules that apply to their education are different from those for special education students who qualify by meeting the above-mentioned criteria.

How Is My Child's Special Education Program Determined?

Special Education

Children with disabilities who need special education are entitled to receive a free appropriate public education (FAPE).

Under Pennsylvania and federal law, eligible children have a right to special education and related services provided at public expense, without charge to eligible preschool, elementary, or secondary school students; under the supervision and direction of a state department of education; and described in an Individualized Education Program (IEP).

Your Child's Individualized Education Program (IEP)

If the evaluation team determines your child has a disability and is in need of specifically designed instruction, the team will develop a written Individualized Education Program (IEP). This plan will be written at an IEP meeting with the required IEP team members and will include a description of all the programs and services necessary to help your child succeed in school. The IEP team will use information contained in the evaluation report to write and develop the IEP. **The IEP must be developed at the meeting when all required persons are in attendance. It cannot be developed prior to the meeting. Revisions may be made to the IEP without a meeting if school officials and parents agree.**

As a parent, you are an IEP team member. It is important for you to attend IEP meetings. Meetings will be scheduled to fit with both your schedule and the schedule of the school officials. You will get a written notice of when, where, and why the meeting will be held and a list of the other invited attendees. If the date/time is not convenient for you, you may request a change. If you are unable to attend the meeting in person, you may attend via telephone. If you choose not to attend the IEP meeting or to participate via telephone, it may take place without you.

What Are the School's Responsibilities to My Child and Me?

High School Graduation

Unless there is a law to the contrary, a child who attains the age of 21 years during the school term and who has not graduated from high school may continue to attend the public schools in his district free of charge until the end of the school term. If school officials believe your child's IEP has been completed and your child is eligible for graduation, you will receive written notice. If you disagree with the notice, you may request an informal meeting with the school officials, mediation, or a special education due process hearing. Your child may continue to attend school until due process is complete or to the end of the term in which your child turns 21.

Your Child's School Records

Parents are permitted to examine their child's education records and receive copies of them within 45 calendar days of asking or prior to **Discipline for the Child With a Disability** also permitted to request and receive an explanation of information contained in the records. A written request must be made to your child's principal to view or copy the records.

Behavior problems sometimes are the result of a child's disability. When such instances occur and result in the violation of school code of conduct, school officials are not permitted to inappropriately discipline the child.

When the IEP team determines that a student's behavior is likely to disrupt learning, it must be addressed in the IEP. Programs to manage or change behavior must be designed using positive approaches to help children correct or manage their behavior. Positive approaches include recognizing and rewarding appropriate behavior so that they will replace those behaviors that are inappropriate. They do not include punishing, embarrassing, or isolating your child.

Discipline must not include use of restraints except in an emergency situation where there is danger that the child will be harmed or will harm someone else. The use of restraints in those situations will trigger an IEP team meeting within 10 school days of the incident to review the current IEP to ensure it is appropriate and remains effective. Mechanical restraints may be employed only when specified by an IEP and as determined by a qualified medical professional to control involuntary movement or lack of muscular control.

What if I Disagree With School Officials About My Child's Education Program?

The "Due Process" Rights of Parents

Both parents and school personnel may challenge the appropriateness of a special education program for your child. If you have a concern, you should first talk to your child's teacher. If you wish to visit your child's classroom to observe your child's program, you must follow the school's visitation policy

If you or the school does not believe your child's special education program is working, an IEP meeting can be requested to discuss changing the program. The IEP team may then decide a reevaluation is needed to gather more information about your child. Anytime school officials suggest that additional information must be gathered as part of a reevaluation of your child or your child's program, you must be contacted in writing and given the opportunity to disagree. You or the school personnel may request an IEP team meeting, mediation session, or due process hearing in order to resolve differences regarding your child's education.

The Bureau of Special Education has established ConsultLine, a toll-free information line for your questions or concerns: 1-800-879-2301. ConsultLine is designed to assist parents and advocates of children with disabilities or children thought to be disabled. If you have questions concerning your child's disability, special education program, or the laws relating to the provision of services in your child's IEP, the special education specialists at ConsultLine may be able to assist you.

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