

## **Child Find Policy**

Discovery Charter School provides special education and related services to children with disabilities in grades K-8. The purpose of this notice is to describe (1) the types of disabilities that might qualify the child for such programs and services, (2) the special education program and related services that are available, (3) the process by which the public schools screen and evaluate such students to determine eligibility, and (4) the special rights that pertain to such children and their parents or legal guardians.

### **Public Awareness**

Public awareness activities shall include annual written notice notifying residents about child identification activities; available special education services and programs and how to request them; and procedures used to ensure confidentiality of student information. The public notice also is intended for parents/guardians of homeless children, wards of the state, children with disabilities attending private schools, and highly mobile children, including migrant children. If questions arise whether these guardians or parents have received the information, these parents or community based officials will be contacted directly to provide them with the information and establish a method that is preferred by the recipient. Written information is published in the JYK Discovery Charter School handbook and on the school website. Public awareness activities include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities:

Developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, can occur in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development.

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

(1)

(i) 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.

(ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section.

(iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

(2) 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.

(3) Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance.

(4)

(i) 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:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

(5) 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.

(6) 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. The term “intellectual disability” was formerly termed “mental retardation.”

(7) 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.

(8) 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).

(9) 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, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child’s educational performance.

(10) Specific learning disability—

(i) General. 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.

(ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(11) 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.

(12) 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.

(13) 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.

The JYK Discovery Charter School shall conduct professional development activities and ongoing training for staff, organizations, agencies and individuals to ensure that child find, screening activities and referrals for special education evaluations are carried out in a manner consistent with the timelines and requirements established in applicable state and federal laws and regulations. Through its communication links with agencies that provide services to children with disabilities within the community, the district shall disseminate child find materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services.

### **STUDENTS SERVED IN SPECIAL EDUCATION PROGRAMS**

Special education services are available to children who have one or more of the following physical or mental disabilities:

- autism
- deaf/blindness
- emotional disturbance
- hearing impairment (including deafness)
- intellectual disability
- multiple disabilities

- orthopedic impairment
- other health impairment
- specific learning disability
- speech or language impairment

- traumatic brain injury; and
- visual impairment, including blindness  
-giftedness

## **DESCRIPTION OF SPECIAL EDUCATION PROGRAMS**

Special education programs and related services are:

- provided at no cost to parents;
- provided under the authority of the school entity, directly, by referral or by contract;
- individualized to meet the educational needs of the child;
- reasonably calculated to yield meaningful educational benefit and progress and designed to conform to an Individual Education Program. Special education is designed to meet the needs of each eligible student, including specially designed instruction conducted in the classroom, home, community settings, hospitals, institutions and other settings.

Related services available to students include transportation, corrective and other supportive services that help an eligible student benefit from special education. Examples include: speech pathology and audiology, psychological services, physical and occupational therapy, social work services, school health services, medical services for diagnosis or evaluation, parent counseling and education, recreation counseling services, rehabilitation counseling services and assistive technology services.

## **REFERRAL OF CHILDREN FOR SCREENING AND EVALUATION**

Discovery Charter School has procedures to identify children needing special education. Those procedures are “screening” and “evaluation.” If a disability is suspected, teachers, other school personnel or parents may refer a child for screening and/or evaluation to the Student Assistance Program led by the school counselor. She may be contacted at 215-879-8182 x215. Parents suspecting that a child may have a disability and need special education can request a screening or evaluation at any time by contacting the Special Education Director. Screening activities include: reviewing immediately available data sources such as health records, parent interview and history; benchmark results, academic records, functional vision and hearing evaluations; determining the student’s response to attempted remediation; and speech and language, occupational, and physical therapy screenings are completed on request. If the screening leads to a recommendation for evaluation, the evaluation team will conduct the evaluations. No evaluations may be conducted without written parental permission. Consult the Special Education Director for further information.

State and federal law affords many rights and protections to children with disabilities and their parents. A summary of these rights and protections follows. Interested persons may obtain a complete written summary of the rights and protections afforded by the law, together with information about free or low cost legal services and advice, by contacting the special education coordinator or principal of the local public school.

## **RIGHTS AND PROTECTIONS**

**Prior Written Notice:** The public school must notify you in writing whenever it proposes to initiate or to change the identification, evaluation, educational program or placement of a child or whenever it refuses to initiate or make a change in identification, evaluation, educational program, or placement requested by a parent. Such notice must be

accompanied by a written description of the reasons for the proposal or refusal, the options considered, if any, and the reason why such options were rejected.

**Consent:** Discovery Charter School cannot proceed with an evaluation or with the initial provision of special education and related services without the written consent of the parent. Discovery may not seek a hearing to override the refusal of a parental consent to an initial placement in special education. Discovery may override the lack of consent for an initial evaluation by requesting the approval of an impartial hearing officer or judge following a hearing. If the parent fails to respond to a written request for permission to re-evaluate, however, the public school may proceed with the proposed re-evaluation without consent.

**Protection in Evaluation Procedure:** Evaluations to determine eligibility and current need for special education and related services must be administered in a manner that is free of racial, cultural, or linguistic bias. Evaluations cannot consist of a single test or assessment and testing must be a valid measure of the psychological, social, emotional or other learning characteristic or behavior that the school is using it to measure. Testing and assessment must be administered in accordance with professional standards and the criteria established by the publisher. It must be administered in the native language of the child.

**Confidentiality:** The records and documents that are part of the evaluation and screening process are confidential and protected under the Family Educational Rights and Privacy Act (FERPA). School districts, intermediate units, and charter schools maintain records concerning all children enrolled in the school, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released, except as permitted under FERPA. The age of majority in Pennsylvania is 21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees who have access to personally identifiable information. For additional information related to student records, the parent can refer to FERPA.

## **Gifted Programming**

### **Process for locating students who are thought to be gifted and may need specially designed instruction:**

Students who are thought to be gifted and may need specially designed instruction are referred to the Student Assistance Program. Teachers or parents can make the request to initiate the SAP process. The SAP Team is composed of school personnel who are versed in the multidisciplinary needs of the whole child; academic, medical, behavioral, personal, social and emotional. Participants include the school counselor, general education teacher, special education director, and the parent/guardian. Other team members may include related services providers, school climate control director, school nurse, the school social worker, and the student. An informal review of available data and information will be discussed at the meeting. This includes the student's academic record, teacher observations, parent

observations, results on STAR benchmark assessments in both ELA and mathematics, and current PSSA scores. For students who are demonstrating performance that exceeds grade level expectations in one or more academic areas, the possibility of the need for specially designed instruction will be communicated with the team. A permission to evaluate is shared with parents if an evaluation is deemed necessary by team members. Parents are informed of their rights in this process including:

**Prior Written Notice:** The public school must notify you in writing whenever it proposes to initiate or to change the identification, evaluation, educational program or placement of a child or whenever it refuses to initiate or make a change in identification, evaluation, educational program, or placement requested by a parent. Such notice must be accompanied by a written description of the reasons for the proposal or refusal, the options considered, if any, and the reason why such options were rejected.

**Consent:** Discovery Charter School cannot proceed with an evaluation or with the initial provision of special education and related services without the written consent of the parent. Discovery may not seek a hearing to override the refusal of a parental consent to an initial placement in special education. Discovery may override the lack of consent for an initial evaluation by requesting the approval of an impartial hearing officer or judge following a hearing. If the parent fails to respond to a written request for permission to re-evaluate, however, the public school may proceed with the proposed re-evaluation without consent.

**Protection in Evaluation Procedure:** Evaluations to determine eligibility and current need for special education and related services must be administered in a manner that is free of racial, cultural, or linguistic bias. Evaluations cannot consist of a single test or assessment and testing must be a valid measure of the psychological, social, emotional or other learning characteristic or behavior that the school is using it to measure. Testing and assessment must be administered in accordance with professional standards and the criteria established by the publisher. It must be administered in the native language of the child.

**Confidentiality:** The records and documents that are part of the evaluation and screening process are confidential and protected under the Family Educational Rights and Privacy Act (FERPA). School districts, intermediate units, and charter schools maintain records concerning all children enrolled in the school, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released, except as permitted under FERPA. The age of majority in Pennsylvania is 21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees who have access to personally identifiable information. For additional information related to student records, the parent can refer to FERPA.

**Procedures for determining ELIGIBILITY (through MULTIPLE CRITERIA) and NEED (based on ACADEMIC STRENGTH) for potentially mentally gifted students (EVALUATION).**

The school district requests parental consent in writing to conduct a Gifted Multidisciplinary Evaluation. Parental Consent is required to initiate the process.

In the evaluation, the school investigates information relevant to the child's suspected giftedness, including academic functioning, learning strengths and educational needs as shown by present levels of educational performance, assessment results, classroom observations and information from the parent. The team also looks for an indication of demonstrated achievement, performance or expertise in one or more academic areas. Specific types of tests and procedures that will be used in the evaluation are communicated with the parent.

The multidisciplinary evaluation process will include information from parents or others who interact with the student on a regular basis, and may include information from the student if appropriate.

The Gifted Multidisciplinary Team will determine whether your child is gifted and in need of specially designed instruction. This information will be outlined in a *Gifted Written Report*. If the team determines your child is eligible for specially designed instruction the *Gifted Written Report* will be given to the GIEP team. As a parent(s), you are also a member of the GIEP team. You will be invited to all team meetings. The Gifted Multidisciplinary Evaluation is to be completed and the *Gifted Written Report* is to be delivered to parents within 60 calendar days of receipt of their consent to evaluate.

Parents are also provided with the *Notice of Parental Rights for Gifted Students*, which includes parent resources such as state or local advocacy organizations.

**Gifted programs\* that are offered to provide opportunities for acceleration, enrichment, or both:**

A gifted IEP will be developed for students who are eligible for gifted services, as determined by the Gifted Written Report. During the GIEP meeting, team members will discuss the student's academic and cognitive strengths, achievement results, aptitude, interests, specialized skills, products and evidence of effectiveness in other academic areas, and classroom performance. Annual goals, short term objectives, and specially designed instruction are developed in consideration of special areas of interest and expertise that are unique to the particular gifted student. Appropriate objective criteria, assessment procedures and timelines for determining, on at least an annual basis, whether the goals and learning outcomes are being achieved is included within the GIEP. Specially designed instruction for gifted students is defined as adaptations or modifications to: The general curriculum; Methods of Instruction, Materials, OR, Instructional environments, and A specialized curriculum for students who are gifted. Examples of specially designed instruction may include: Individualized pacing, Shadow studies, Mentorships, Independent study, Distance learning, Course compacting, Individual enrichment/acceleration, Development of higher order thinking and problem-solving skills and special activities. Appropriate community agencies that can also afford the student experiences related to their areas of interest and expertise will also be contacted and partner with the school when possible to provide the student with direct experiences with the knowledge and skills included to accomplish goals established by the GIEP team. While some gifted programming may take place



outside of the regular education classroom, gifted students will continue to participate in the general education setting with supplementary aids and services as determined appropriate by the GIEP team.

## **Confidentiality Policy**

### **Personally identifiable information includes, but is not limited to:**

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

### **Uses of Personally Identifiable Information**

The JYK Discovery Charter School shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, storing, disclosing and destroying student records, in accordance with School District of Philadelphia policy, state requirements, and federal and state law and regulations. Examples of instances in which personally identifiable information is utilized include but are not limited to: student transfer to other educational agencies, student enrollment, and student application to high school entities.

### **Storage, Retention, and Destruction**

The JYK Discovery Charter School shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.

The JYK Discovery Charter School shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.

In order to comply with state compliance monitoring requirements, the JYK Discovery Charter School shall maintain education records for students receiving special education services for at least six (6) years.

The JYK Discovery Charter School shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.