



PENews

Summer 2008

"Respecting the Rights of Parents to Make Educational Decisions for Their Children"

Kay Lipsitz: New Executive Director of PEN

As most of you know, Louise Thieme, our founding Director died in December of 2007. Lyn Spaar, PEN's State Improvement Grant Manager became PEN's Interim Manager.

I accepted the position of Executive Director of Parent Education Network in April. Lyn Spaar has accepted the position of Assistant Director, and will also continue as PEN's SPDG Coordinator. Accepting the role of Director is an honor and great privilege.

Louise is a "tough act to follow." She championed the importance of parent participation and involvement in insuring positive outcomes for their children, long before regulations mandated this involvement.

Louise, having been a teacher, also recognized the importance of working collaboratively with schools and service providers.

PEN misses Louise's dry wit, unfailing sense of humor, and gift of cutting through all the bureaucracy

to the truths of what parents really need to ensure positive outcomes for their children.

In taking on the director's role, I am both humbled and excited by the opportunities and challenges before me. We can accomplish much working together to further the needs of parents and their children with special needs.

In the words of Henry Ford, "Coming together is a beginning; keeping together is progress; working together is success".

Kay Lipsitz

Pennsylvania Receives IDEA Progress Report

The U. S. Department of Education—Office of Special Education Programs (OSEP) recently issued Individuals with Disabilities Education Act (IDEA) progress reports to state departments of education.

- The Pennsylvania Department of Education (PDE) was only 1 of 14 states to receive the "meets requirement" determination. This is the second consecutive year Pennsylvania has achieved this honor. USDE began issuing state determinations in 2007.

Final Chapter 14 Regulations Become Effective

Final Chapter 14 regulations were published in the Pennsylvania Bulletin on June 28, 2008, and became effective on July 1, 2008.

Chapter 14 regulations specify how the Commonwealth will meet its obligations to suspected and identified children with disabilities who require special education and related services. Parental rights are also protected by these regulations.

The efforts of advocacy groups, stakeholders and parents of children with disabilities have helped insure that the changes to Chapter 14 maintain current requirements, while adding new protections for students and their families.

Here is a brief review of the major regulation changes:

- The Intermediate Unit

(IU) is the "local education agency" for children with disabilities enrolled by their parents in private schools. The IU maintains the responsibility for equitable participation services. (§14103)

- New requirements for school district plans: outline early intervening services and procedures for identifying

specific learning disabilities; include parent training; identify behavior support techniques, staff training and de-escalation responses; and identify policies and procedures to prevent over-identification by ethnicity or race. (§14.104)

- New qualifications for Paraprofessionals (§ 14.105(a), and

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- and Educational Interpreters (§14.105 (b))
- The National Instructional Materials Accessibility Standard (NIMAS) is adopted for the provision of high quality accessible materials for individuals with visual impairments. (§14.106)
 - Parents must have reasonable access to the classrooms within local LEA limits. (§14.108)
 - Evaluations must occur within 60 calendar (NOT school) days, except during the summer months. (§14.123(b))
 - Parents may request an evaluation, in writing, at any time. (§ 14.123 (c))
 - Schools must provide a Permission to Evaluate (PTE) form, if the parent request for evaluation is not in writing. Parents must receive the PTE form within 10 calendar days of making an oral request. (§14.123 (c))
 - School Districts and IU's must develop procedures for determination of Specific Learning Disabilities. (§14.125)
 - Educational placement determinations by the IEP team must first consider regular classroom placement with the provision of supplementary aides and services (LRE) prior to the provision of services in other settings. (§14131(a))
 - Transition planning must begin at 14 years of age (IDEA states 16). (§14.131(a))
 - New annual deadlines for determining ESY eligibility for school-age children with severe disabilities—February 28. The NOREP (Notice of Recommended Educational Placement) must be issued to the parent no later than March 31 for children with severe impairments. All students with disabilities, including preschool students, can be considered eligible for ESY programs. (§14.132)
 - Significant requirements were added to the use of Positive Behavior Supports and restraints. These programs must use research-based practices and techniques, functional behavioral assessment (FBA) and de-escalation techniques. The regulations clarify the use of restraints and define aversive techniques. Prone restraints are prohibited. Parents must be notified if a restraint is used and the school must convene a meeting within 10 school days, unless the parent waives this right in writing. (§14.143)
 - Schools must ensure that students with disabilities are educated in the least restrictive environment (LRE). To the extent appropriate and as provided by the IEP, students must be educated with non-disabled peers. (§14.145)
 - The Procedural Safeguards section included the elimination of the Appeals Panels. Hearing officer decisions must be appealed directly to the court, and shall be issued 45 days after the resolution or mediation session ends. (§14.162)
 - The pre-hearing conference has been eliminated. The available options are mediation or a hearing request. (§14.162)
 - Parent requests for mediation include pendency. (§14.162)
 - Parent advocates can attend the resolution session. Resolution sessions are available to parents of young and school-age children with disabilities. (§14.163)

PEN advises parents to review ALL changes to Chapter 14 at: http://www.pabulletin.com/secure/data/vol38/38-26/38_26_p2.pdf