Agora Cyber Charter School
590 North Gulph Road
King of Prussia, PA 19406

2018-2019 School Year

Annual Public Notice of Special Education Services and Programs and Rights for Students with Disabilities
And
Notification of Rights under the Family Educational Rights and Privacy Act

All children with disabilities residing in the Commonwealth, regardless of the severity of their disabilities, and who are in need of special education and related services, are to be located, identified and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 *et. seq.* ("IDEA").

Chapter 711 of Title 22 ("Chapter 711") of the Pennsylvania Code requires the publication of a notice to parents regarding public awareness activities sufficient to inform parents of the Agora Cyber Charter School ("the Charter School") of available special education services and programs and how to request those services and programs as well, as of systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the Charter School.

In addition, the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), which protects confidentiality, requires educational agencies to notify parents annually of their confidentiality rights.

The Charter School fulfills its duties with this Annual Notice and has incorporated several sections of the PaTTAN Procedural Safeguards Notice and other applicable guidelines from the Pennsylvania Department of Education ("PDE") into the Board-approved Child Find Notice and Policies and Procedures described below.

The Charter School directs parents to the procedural safeguards notice from PaTTAN available at the Charter School's main office for additional information regarding rights and services.

Parents may contact the Charter School's **Chief Executive Officer or his/her designee** at any time to request a copy of the Procedural Safeguards Notice or with any other questions about special education services, screenings, policies, or procedures. The Procedural Safeguards Notice is provided to parents of special education students by the Charter School once per school year or: (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct; and (4) upon parent request. [34 CFR §300.504(a)].

The purpose of this Annual Notice is to comply with the Charter School's obligations under Chapter 711 of Title 22 of the Pennsylvania Code and to describe: (1) the types of disabilities

that might qualify the child for special education; (2) the special education programs and related services that are available; (3) the process by which the Charter School screens and evaluates such students to determine eligibility; (4) the special rights that pertain to such children and their parents or legal guardians; and (5) the confidentiality rights that pertain to student information.

A copy of this Annual Notice is also available on the Charter School's website at: http://www.agora.org/

Qualifying for Special Education Related Services

Under IDEA, children qualify for special education and related services if they have one or more of the following disabilities and, as a result, need special education and related services: intellectual disability; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities.

IDEA provides legal definitions of the disabilities that qualify a student for special education and related services. Such definitions may differ from those terms used in medical or clinical practice or common usage.

Section 504 Services

Under Section 504 of the federal Rehabilitation Act of 1973 ("Section 504"), some school-age children with disabilities who do not meet the eligibility criteria outlined above might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 and Section 504.

Charter School must ensure that qualified handicapped students have equal opportunity to participate in the school's program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, the Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and activities to the maximum extent appropriate to the student's abilities and to the extent required by the laws.

These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. The Charter School or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the school.

LeastRestrictiveEnvironment("LRE")

The Charter School ensures that children with disabilities are educated to the maximum extent possible in the regular education environment or "least restrictive environment." To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services cannot be achieved satisfactorily. Programs and services available to students with disabilities might include: (1) regular class placement with supplementary aides and services provided as needed in that environment; (2) regular class placement for most of the school day with itinerant services by a special education teacher either in or out of the regular classroom; (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom; (4) part time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting. This is a team decision, which includes the Charter School and the Parents.

Depending on the nature and severity of the disability and least restrictive environment consideration, the Charter School could provide special education programs and services as determined appropriate by the Individualized Education Program ("IEP") team, in locations such as: (1) the classroom/building the child would attend if not disabled; (2) an alternative regular class either in or outside the school; (3) a special education center operated by an Intermediate Unit; (4) an approved private school or other private facility licensed to serve children with disabilities; (5) a residential school; (6) approved out-of-state program; or (7) the home. This is a team decision, which includes the Charter School and the Parents.

Special education services are provided according to the educational needs of the child, not the category of disability. Types of services that may be available, depending upon the child's disability and needs might include, but are not limited to: (1) learning support; (2) life skills support; (3) emotional support; (4) deaf or hearing-impaired support; (5) blind or visually-impaired support; (6) physical support; (7) autistic support; (8) multiple disabilities support; (9) speech and language support; (10) extended school year support; and (11) vision support. This is a team decision, which includes the Charter School and the Parents.

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services that a child may require include, but are not limited to: speech and language therapy; transportation; occupational therapy; physical therapy; school nursing services; audiology services; parent counseling or training; certain medical services for diagnostic or evaluation purposes; social work services; and recreation. Some students may also be eligible for extended school year services if determined needed by their IEP teams in accordance with Chapter 711 regulations.

The Charter School, in conjunction with parents, determines the type and intensity of special education and related services that a particular child needs based on the unique program of special education and related services that the Charter School develops for that child. The child's program is described in writing in an individualized education program, or "IEP," which is developed by an IEP team. The participants in the IEP team are dictated by IDEA. The parents of the child have the right to be notified of and to be offered participation in all meetings of their child's IEP team. The IEP is revised as often as circumstances warrant, but reviewed at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational benefit to the student. In accordance with IDEA, there may be situations in which the Charter School may hold an IEP team meeting if the parents refuse or fail to attend the IEP team meeting.

IEPs generally contain: (1) a statement of the student's present levels; (2) a statement of measurable annual goals established for the child; (3) a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be provided; (4) a statement of the special education and related services and supplementary aids and services, and a statement of the program modifications or supports for School personnel that will be provided, if any; (5) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities; (6) a statement of any individual appropriate accommodations that are necessary to measure the performance of the child on State and School assessments; and (7) the projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services or modifications.

Beginning no later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals and transition services needed to assist in reaching those goals. Charter School must invite the child to the IEP team meeting at which the transition plan is developed.

Beginning no later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority.

Screening and Evaluation Procedures for Children to Determine Eligibility

The Charter School has established a system of screening which may include pre-referral intervention services to accomplish the following:

A) Identification and provision of initial screening for students prior to referral for a special education evaluation.

B) Provision of peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum.

C) Identification of students who may need special education services and programs.

The screening process includes:

Hearing and vision screening in accordance with Section 1402 of the Public School Code of 1949 (24 P. S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.

Screening at reasonable intervals to determine whether all students are performing based on grade- appropriate standards in core academic subjects.

The Charter School has established and implements procedures to locate, identify, and evaluate children suspected of being eligible for special education. These procedures involve screening activities that may also include, but are not limited to: review of data and student records; motor screening; and speech and language screening. The Charter School assesses the current achievement and performance of the child, designs school-based interventions, and assesses the effectiveness of interventions. If the concern can be addressed without special education services, or is the result of limited English proficiency or appropriate instruction, a recommendation may be made for interventions other than a multidisciplinary team evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation should not be considered to be an evaluation for eligibility for special education and related services. Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process.

Except as indicated above or otherwise announced publicly, screening activities take place on-going at periods throughout the school year. Screening is conducted at the Charter School, unless other arrangements are necessary or arranged.

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the Chief Executive Officer or his/her designee, 590 North Gulph Road, King of Prussia, PA 19406, (844) 462-4672.

Screening or pre-referral intervention activities may not serve as a bar to the right of a parent to request an evaluation at any time, including prior to or during the conducting of screening or pre-referral intervention activities.

Disproportionality

In accordance with Chapter 711, in the event that the Charter School would ever meet the criteria in 34 CFR § 300.646 (relating to disproportionality), as established by the State Department of Education, the services that would be required would then include:

A) A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.

B) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade-level standards.

C) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.

D) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3), or both.

E) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.

F) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.

G) A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.

H) Documentation that information about the student's progress as identified in paragraph (E) was periodically provided to the student's parents.

Evaluation

An evaluation under IDEA involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child's IEP. The Charter School does not use any single measure or assessment as a sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. Technically, sound instruments are used to assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Parental consent must be obtained by the Charter School prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability, and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

The law contains additional provisions and due process protections regarding situations in which parental consent for an initial evaluation is absent or refused. This is discussed more fully below and in the PaTTAN Procedural Safeguards Notice. If you have any questions

about where to obtain a copy of the PaTTAN Procedural Safeguards Notice, kindly contact the Chief Executive Officer or his/her designee at (844) 462-4672**.**

The evaluation process is conducted by a Multi-Disciplinary Team ("MDT"), which is formed based on the student's needs and includes a teacher, other qualified professionals who work with the child, the parents and other members as required by law. The Multi-Disciplinary Evaluation ("MDE") process must be conducted in accordance with specific timelines and must include protective procedures. For example, tests and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process culminates with a written report called an Evaluation Report ("ER"). This report makes recommendations about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction.

Parents who think their child is eligible for special education may request, at any time, that the Charter School conduct a Multi-Disciplinary Evaluation. **Requests for a Multi-Disciplinary Evaluation must be made in writing to the Chief Executive Officer or his/her designee.**

If a parent makes an oral request for a Multi-Disciplinary Evaluation, the Charter School shall provide the parent with a form(s) for that purpose. If the public school denies the parents' request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through voluntary alternative dispute resolution such as mediation.

Reevaluations are conducted if the Charter School determines that the educational or related services' needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation. A reevaluation may occur not more than once a year, unless the parent and the Charter School agree otherwise; and must occur at least once every 3 years, unless the parent and the Charter School agree that a reevaluation is unnecessary. Students with an intellectual disability must be reevaluated at least once every two years under State law.

EducationalPlacement

The determination of whether a student is eligible for special education is made by an IEP team. The IEP team includes: the parents of a child with a disability; not less than one regular education teacher, if the child is, or may be, participating in the regular education environment; not less than one special education teacher, or when appropriate, not less than one special education provider; a representative of the Charter School who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the Charter School; an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above; other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, a child with a disability.

Additionally, the Charter School must invite the child with a disability to attend the child's IEP Team meeting if a purpose of the meeting includes the consideration of the postsecondary

goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the IEP Team meeting, the Charter School must take other steps to ensure that the child's preferences and interests are considered. IEP team participation is directly addressed by IDEA regulations.

If the student is determined to be eligible for special education, the IEP team develops a written education plan called an IEP. The IEP shall be based in part on the results of the Multi-Disciplinary Evaluation. When the IEP team decides that a student is not eligible for special education, recommendations for educational programming in regular education may be developed from the Evaluation Report (ER).

Placement must be made in the "least restrictive environment", as described more fully above, in which the student's needs can be met with special education and related services. All students with disabilities must be educated to the maximum extent appropriate with children who are not disabled.

Parents and Surrogate Parents

For purposes of this Notice, the Charter School considers parents to be biological or adoptive parents of a child; a foster parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child; an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or a surrogate parent.

A surrogate parent must be appointed when no parent can be identified; a public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Pennsylvania, or the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11434a(6). A person selected as a surrogate parent must not be an employee of the SEA, the Charter School, or any other agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and has knowledge and skills that ensure adequate representation of the child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. Reasonable efforts must be made to ensure the assignment of a surrogate parent not more than 30 days after it is determined that the child needs a surrogate parent.

PriorWrittenNotice

The Charter School will notify the parent within a reasonable time before the Charter School before the Charter School takes the following action(s), pursuant to the Notice of Recommended Educational Placement/Prior Written Notice ("NOREP/PWN") regarding the child's educational program. For more information, see the annotated NOREP/PWN on the PaTTAN website or available at the Charter School office.

1. Type of action taken:

☐ Proposes initial provision of special education and related services (For this action, the

— school may not proceed without your written consent in Section 8 of this document)

☐ Refusal to initiate an evaluation (Must issue *Procedural Safeguards Notice*)

☐ Proposes to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)

☐ Refusal to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)

☐ Change of placement for disciplinary reasons (Must issue *Procedural Safeguards Notice*)

☐ Due process hearing, or an expedited due process hearing, initiated by LEA

☐ Graduation from high school

☐ Exiting special education

☐ Exiting high school due to exceeding the age eligibility for a free appropriate public education (FAPE)

☐ Extended School Year (ESY) services

☐ Response to request for an independent educational evaluation (IEE) at public expense

☐ Other [to be determined by the IEP Team]

In Pennsylvania, prior written notice is provided by means of a Prior Written Notice Form/Notice of Recommended Educational Placement ("NOREP"). You should be given reasonable notice of this proposal or refusal so that if you do not agree with the Charter School you may take appropriate action. Reasonable Notice means ten (10) days.

The prior written notice must:

A) Describe the action that the Charter School proposes or refuses to take;

B) Explain why the Charter School is proposing or refusing to take the action;

C) Describe each evaluation procedure, assessment, record, or report the Charter School used in deciding to propose or refuse the action;

D) Include a statement that you have protections under the procedural safeguards provisions in Part B of IDEA;

E) Tell how you can obtain a description of the procedural safeguards if the action that the Charter School is proposing or refusing is not an initial referral for evaluation;

F) Include resources for you to contact for help in understanding Part B of the IDEA;

G) Describe any other choices that your child's IEP Team considered and the reasons why those choices were rejected; and

H) Provide a description of other reasons why the Charter School proposed or refused the action.

The notice must be:

A) Written in language understandable to the general public; and

B) Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

C) If your native language or other mode of communication is not a written language, the Charter School will ensure that:

D) The notice is translated for you orally or by other means in your native language or other mode of communication;

E) You understand the content of the notice; and

F) There is written evidence that A) and B) above have been met.

Native language, when used with an individual who has limited English proficiency, means the following:

A) The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;

B) In all direct contact with a child (including evaluation of a child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

ParentalConsent

Consent means (34 CFR §300.9):

A) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;

B) The parent understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the record (if any) that will be released and to whom; and

C) The parent understands that the granting of consent is voluntary on the

part of the parent and may be revoked at any time.

If a parent revokes consent, that revocation is not retroactive (i.e., it does **not** negate an action that has occurred after the consent was given and before the consent was revoked).

If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the Charter School is **not** required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

WHEN IS PARENTAL CONSENT NEEDED?

Parental consent is needed in the following instances:
1. When the Charter School proposes to initiate the provision of special education services to the child; and,
2. When the Charter School seeks to evaluate or re-evaluate the child.

InitialEvaluations
the Charter School cannot conduct an initial evaluation of a child to determine whether they are eligible under Part B of the IDEA to receive special education and related services without first providing parents with prior written notice of the proposed action and without obtaining parental consent as described above, under the heading Parental Consent.

Charter School will make reasonable efforts to obtain parents informed consent for an initial evaluation to decide whether the child is a child with a disability. Parental consent for initial evaluation does not mean that parent has also given consent to start providing special education and related services to the child. If parent has refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, the Charter School may, but is not required to, seek to conduct an initial evaluation of the child by utilizing mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. The Charter School will not violate obligations to locate, identify, and evaluate the child if an evaluation of the child is not pursued in these circumstances.

Special rules for Initial Evaluation of Wards of the State
Under Pennsylvania law, 34 CFR § 300.45 if a child is designated a ward of the state, the whereabouts of the parent are not known or the rights of the parent have been terminated in accordance with State law. Therefore, someone other than the parent has been designated to make educational decisions for the child.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the Charter School is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

A) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;

B) The rights of the parents of the child have been terminated in accordance

with State law; or

C) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Consent for an initial evaluation should, therefore, be obtained from the individual so designated to make educational decisions for the child.

Ward of the State, as used in the IDEA, encompasses other categories, so as to include a child who is:

A) A foster child who does not have a foster parent;

B) Considered a ward of the State under State law; or

C) In the custody of a public child welfare agency.

Initial Placement in Special Education

Charter School must obtain informed parental consent before providing special education and related services to a child for the first time. The Charter School must make reasonable efforts to obtain informed parental consent before providing special education and related services to a child for the first time.

If parents do not respond to a request to provide consent for their child to receive special education and related services for the first time, or if parents refuse to give such consent, the Charter School may not use the procedural safeguards (i.e. mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services as recommended by the child's IEP Team may be provided to the child without parental consent.

If parents refuse to give consent for their child to start receiving special education and related services, or if they do not respond to a request to provide such consent and the Charter School does not provide the child with the special education and related services for which consent is sought, the Charter School:

A) Is not in violation of the requirement to make FAPE available to the child for its failure to provide those services to the child; and

B) Is not required to have an IEP meeting or develop an IEP for the child for the special education and related services for which consent was requested.

Reevaluations

The Charter School must obtain informed parental consent before a child is reevaluated, unless:

A) Charter School took reasonable steps to obtain parental consent of a child's reevaluation; and

B) Parent did not respond.

Parental consent is **not** required before:

A) Reviewing existing data as part of an evaluation or a reevaluation; or

B) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

If parents refuse to consent to their child's reevaluation, the Charter School may, but is not required to, pursue the child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override parental refusal to consent to a child's reevaluation. As with initial evaluations, the Charter School will not violate obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

The Charter School may **not** use parental refusal to consent to one service or activity in order to deny parents or their children any other service, benefit, or activity.

WHAT EFFORTS WILL CHARTER SCHOOL MAKE TO OBTAIN PARENTAL CONSENT?

the Charter School will take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including:

A) Notifying parents of the meeting early enough to ensure that they will have the opportunity to attend; and

B) Scheduling the meeting at a mutually agreed upon time and place.

If the Charter School is unable to convince parents to attend an IEP Team meeting, the meeting may still be conducted; however, the Charter School must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, for reevaluation and to locate parents of wards of the State for initial evaluations. The documentation will include a record of attempts in these areas, such as:

A) Detailed records of telephone calls made or attempted and the results of those calls;

B) Copies of correspondence sent to the parents and any responses received; and

C) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Disagreements with an Evaluation

A) General

1) As described below, parents have the right to obtain an independent educational evaluation (IEE) of their child if they disagree with the evaluation of their child that was obtained by the Charter School. The Charter School must provide parents who request an IEE with information about where they may obtain an IEE and about the Charter School's criteria that apply to IEEs.

B) Definitions

1) **Independent educational evaluation** means an evaluation conducted by a qualified examiner who is not employed by the Charter School and responsible for the education of the child in question.

2) **Public expense** means that the Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to parent, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

C) Parent right to evaluation at public expense

1) A parent has the right to an IEE at the public expense if the parent disagrees with an evaluation obtained by the Charter School, subject to the following conditions:

2) If a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either:

a) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

b) Provide an IEE at public expense, unless the Charter School demonstrates in a hearing that the evaluation obtained by the parent did not meet the Charter School criteria.

c) If Charter School files a due process complaint notice to request a hearing and the final decision is that the Charter School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

If a parent requests an IEE, Charter School may ask for the parent's reason why he or she objects to the public evaluation. However, the Charter School may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation. A parent is entitled to only one IEE at public expense each time Charter School conducts an evaluation with which the parent disagrees.

D) Parent-Initiated Evaluations

1) If a parent obtains an IEE at public expense or shares an evaluation with the Charter School that was obtained at private expense, the results of the evaluation:

a) Must be considered by Charter School, if it meets Charter School criteria, in any decision made with respect to the provision of FAPE to the child; and

b) May be presented by any party as evidence at a due process hearing regarding the child.

E) Charter School Criteria

1) If an IEE is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the Charter School uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE.

2) Except for the criteria described above, Charter School may not impose conditions or timelines related to obtaining an IEE at public expense.

F) Requests for evaluations by hearing officers

1) If a hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

ANNUAL NOTICE OF RIGHTS REGARDING STUDENT RECORDS: CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION (34CFR§300.622)

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act ("FERPA"), parental consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, parental consent is not required before personally identifiable Part B of the IDEA is disclosed.

Parental 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 to officials of participating agencies providing or paying for transition services.

ACCESS TO CONFIDENTIAL INFORMATION RELATED TO STUDENT (34CFR§300.611)

A) Related to the confidentiality of information, the following definitions apply:

1) *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

2) *Education records* means the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing FERPA).

3) *Participating agency* means any Charter School, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

4) *Personally identifiable* (34 CFR § 300.32) means information that has:

a) The name of the child, the child's parent, or other family member;

b) The address of the child;

c) A personal identifier, such as the child's social security number or student number; or

d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

B) Parent Access Rights (34 (CFR §300.613)

1) Charter School must permit parents to inspect and review any education records relating to their child that is collected, maintained, or used by Charter School under Part B of the IDEA. The Charter School must comply with such parental request without unnecessary delay and before any meeting regarding an IEP, or hearing pursuant to 34 CFR § 507 (relating to due process complaints); 34 CFR § 530 (relating to discipline); 34 CFR § 531 (relating to an interim alternative educational setting for services); 34 CFR § 532 (relating to Appeals); or a resolution session pursuant to 34 CFR § 300.510, and in no case more than 45 calendar days after a parental request has been made.

2) The parental right to inspect and review education records includes:

a) The right to a response from the Charter School to reasonable requests for explanations and interpretations of the records;

b) The right to request that the Charter School provide copies of the records containing the information if failure to provide those copies would review the records; and

c) The right to have a representative of the parent inspect and review the records.

C) The Charter School may presume that parent has authority to inspect and review records relating to their child unless advised that the parent does not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

1) If any education **record includes information on more than one child**, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

2) On request, the Charter School must provide parent with a list of the types and locations of education records collected, maintained, or used by the Charter School.

D) Other Authorized Access (34 CFR §300.614)

1) The Charter School must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

E) Fees (34 CFR §300.617)

1) The Charter School may charge a fee for copies of records that are made for parents under Part B of the IDEA, if the fee does not effectively prevent parents from exercising their right to inspect and review those records. The Charter School may not charge a fee to search for or to retrieve information under Part B of the IDEA.

F) Amendment of Records at Parent's Request (34 CFR §300.618)

1) A parent who believes that information in the education records regarding their child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of the child, may request the Charter School to amend the information. The Charter School must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the Charter School refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing for this purpose.

G) Opportunity for a Records Hearing (34 CFR §300.619) Charter School must, on request, provide parents an opportunity for to challenge information in education records regarding their child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

1) Hearing Procedures (34 CFR §300.621) A hearing to challenge information in education records must be conducted according to the following procedures for such hearings under FERPA, 34 CFR § 99.22:

a) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.

c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.

f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

H) Result of Hearing (34 CFR §300.620) If, as a result of the hearing, the Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and inform the parent in writing. If, as a result of the hearing, the Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Charter School must inform parent of their right to place in the records a statement commenting on the information or providing any reasons for disagreeing with the decision of the participating charter school. Such an explanation placed in the child's records must:

1) Be maintained by the Charter School as part of the records of the child as long as the record or contested portion is maintained by the Charter School; and

2) If the Charter School discloses the records of the child or the challenged portion to any party, the explanation must also be disclosed to that party.

I) Safeguards (34 CFR §300.623)

1) Charter School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at the Charter School must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding State policies and procedures regarding confidentiality under Part B of the IDEA and FERPA. The Charter School must maintain, for public inspection, a current listing of the names and positions of those employees within the Charter School who may have access to personally identifiable information.

J) Destruction of Information (34 CFR §300.624)

1) The Charter School must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide

educational services to the child, and the information must be destroyed at the request of parents. However, a permanent record of the child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

PROCEDURESFORDISCIPLINARYEXCLUSIONOFCHILDRENWITHDISABILITIES.

There are special rules in Pennsylvania for excluding children with disabilities for disciplinary reasons:

AUTHORITYOFSCHOOLPERSONNEL(34CFR§300.530)

Case-by-CaseDetermination

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 consecutive school days**, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 consecutive school days** in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below) or **exceed fifteen (15) cumulative school days in a school year**. Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading ***Services***.

AdditionalAuthority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 consecutive school days**, the Charter School may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under ***Services***. The child's IEP Team may determine the interim alternative educational setting for such services. Under PA special education regulations, a disciplinary exclusion of a student with a disability for **more than 10 cumulative school days** in a school year can be considered a pattern so as to be deemed a change in educational placement (explained under ***Change of Placement Because of Disciplinary Removals***). The Charter School is required to issue a NOREP/Prior Written Notice to parents

prior to a removal that constitutes a change in placement (removal for more than 10 consecutive days or more than 15 cumulative days).

Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting. A the Charter School is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed. Students may have the responsibility to make up exams and work missed while being disciplined by suspension and may be permitted to complete these assignments within guidelines established by the Charter School.

A child with a disability who is removed from the child's current placement for **more than 10 consecutive school days** must:

A) Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

B) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for 10 school days during one school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team will determine the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

ManifestationDetermination

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and the Charter School) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

A) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

B) If the conduct in question was the direct result of the Charter School's failure to implement the child's IEP.

If the Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the Charter School's failure to implement the IEP, the Charter School must take immediate action to remedy those deficiencies.

Determination that behavior was manifestation of the child's disability

If the Charter School, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

A) Conduct a functional behavioral assessment, unless the Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

B) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading **Special Circumstances**, the Charter School must return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

Special Circumstances

Whether or not the behavior was a manifestation of the child's disability, School personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

A) Carries a weapon (see the Definitions below) to school or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Charter School;

B) Knowingly possesses or uses illegal drugs (see the **Definitions** below), or sells or solicits the sale of a controlled substance, (see the **Definitions** below), while at school, on school premises, or at a school function under the jurisdiction of the Charter School; or

C) Has inflicted serious bodily injury (see the Definitions below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the Charter School.

Definitions

A) *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812(c)).

B) *Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

C) *Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

D) *Weapon* has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child with a disability because of a violation of a code of student conduct, the Charter School must notify the parents of that decision, and provide the parents with a Procedural Safeguards Notice.

Change of Placement Because Of Disciplinary Removals (34 CFR §300.536)

A removal of a child with a disability from the child's current educational placement is a **change of placement** requiring a NOREP/prior written notice if:

A) The removal is for more than 10 consecutive school days; **or**

B) The removal is for 15 cumulative school days total in any one school year;

C) The child has been subjected to a series of removals that constitute a pattern because:

1) The series of removals total more than 10 school days in a school year;

2) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals; and

3) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the Charter School and, if challenged, is subject to review through due process and judicial proceedings.

DeterminationofSetting(34CFR§300.531)

The child's IEP Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the heading ***Special circumstances***, above.

Appeal(34CFR§300.532)

A) The parent of a child with a disability may file a due process complaint to request a due process hearing if he or she disagrees with:

1) Any decision regarding placement made under the discipline provisions; or

2) The manifestation determination described above.

The Charter School may file a due process complaint to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of Hearing Officer

An impartial hearing officer must conduct the due process hearing and make a decision. The hearing officer may:

A) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading *Authority of School Personnel*, or that the child's behavior was a manifestation of the child's disability; or

B) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the Charter School believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. Whenever a parent or the Charter School files a due process complaint to request such a hearing, a hearing must be held in accordance with the following:

A) The Charter School must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is filed and must result in a determination within 10 school days after the hearing.

B) Unless the parents and Charter School agree in writing to waive the resolution meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings.

Placement During Appeals (34 CFR §300.533)

When the parent or the Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the Charter School agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period specified in 34 CFR §300.530(c) or (g) l, whichever occurs first, unless the parent and the Charter School agree otherwise.

Special Rules for Students with an Intellectual Disability

The disciplinary removal of a child with an intellectual disability attending the Charter School for any amount of time is considered a change in placement under 22 Pa. Code §14.143 and requires NOREP/prior written notice (if the disciplinary event does not involve drugs, weapons and/or serious bodily injury). A removal from school is not a change in placement for a child who is identified with an intellectual disability when the disciplinary event involves weapons, drugs, and/or serious bodily injury.

According to certain assurances the Commonwealth entered into related to the PARC consent decree, a the Charter School may suspend, on a limited basis, a student with an intellectual disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education and only to the extent that a student with a disability other than an intellectual disability could be suspended.

Protections For Children Not Yet Eligible For Special Education and Related Services (34 CFR §300.534)

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for a child with a disability if the Charter School had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action.

Basis of Knowledge for Disciplinary Matters

The Charter School must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

A) The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the Charter School, or a teacher of the child;

B) The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or

C) The child's teacher, or other Charter School personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Charter

School's Chief Executive Officer or his/her designee or to other supervisory personnel of the Charter School.

Exception

The Charter School would not be deemed to have such knowledge if:
The child's parent has not allowed an evaluation of the child or refused special education services; or the child has been evaluated and determined not to be a child with a disability under Part B of the IDEA.

Conditions that apply if there is no basis of knowledge

If, prior to taking disciplinary measures against the child, the Charter School does not have knowledge that a child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by School authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the Charter School and information provided by the parents, the Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES (34 CFR §300.535)

A) The state and federal regulations do not:

1) Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or

2) Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of records
If the Charter School reports a crime committed by a child with a disability, the Charter School must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the Charter School reports the crime and may transmit copies of the child's special education and disciplinary records only to the extent permitted by FERPA.

THIS ANNUAL NOTICE AND STATEMENT OF POLICY AND PROCEDURES HAS BEEN WRITTEN IN ACCORDANCE WITH CHAPTER 711 OF TITLE 22 OF THE PA CODE AND

INCORPORATED INFORMATION FROM APPLICABLE PDE AND STATE FORMS AND SOURCES INCLUDING THE PATTAN PROCEDURAL SAFEGUARDS NOTICE.

THE CONTENT OF THIS NOTICE HAS BEEN WRITTEN IN STRAIGHTFORWARD, SIMPLE ENGLISH LANGUAGE. IF A PERSON DOES NOT UNDERSTAND ANY OF THIS NOTICE, HE OR SHE SHOULD ASK THE DIRECTOR OF SPECIAL EDUCATION OF CHARTER SCHOOL FOR AN EXPLANATION. CHARTER SCHOOL WILL ARRANGE FOR AN INTERPRETER FOR PARENTS WITH LIMITED ENGLISH PROFICIENCY. IF A PARENT IS DEAF OR BLIND OR HAS NO WRITTEN LANGUAGE, CHARTER SCHOOL WILL ARRANGE FOR OTHER COMMUNICATION (E.G., SIGN LANGUAGE, BRAILLE, OR ORAL COMMUNICATION).

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 AND IS ONLY A SUMMARY OF THE CONFIDENTIALITY RIGHTS REGARDING STUDENT INFORMATION.

FOR MORE INFORMATION OR TO REQUEST EVALUATION OR SCREENING OF A CHARTER SCHOOL STUDENT CONTACT THE CHIEF EXECUTIVE OFFICER OF THE CHARTER SCHOOL AT OR HIS/HER DESIGNEE 590 NORTH GULPH ROAD, KING OF PRUSSIA, PA 19406, (844) 462-4672.

NOTHING IN THIS NOTICE IS INTENDED TO CONFLICT WITH OR SUPPLANT THE INFORMATION CONTAINED IN PDE'S CURRENT "PROCEDURAL SAFEGUARDS NOTICE" WHICH IS AVAILABLE THROUGH THE CHARTER SCHOOL FOR PARENTS/GUARDIANS TO REVIEW. NOTHING IN THIS NOTICE IS INTENDED TO CONFLICT WITH OR SUPPLANT APPLICABLE STATE AND/OR FEDERAL LAWS.