

SECTION: PROGRAMS
 TITLE: SPECIAL EDUCATION
 ADOPTED: JANUARY 11, 1999
 REVISED: September 5, 2002, August 5, 2010,
 December 2, 2014

DERRY AREA SCHOOL DISTRICT

No. 113 SPECIAL EDUCATION

- 1. Purpose
 Title 22
 Sec. 4.28, 12.1, 12.4,
 14.102, 14.104
 34 CFR
 Sec. 300.1

The district shall offer each student with a disability education programs and services that appropriately meet the student’s needs for educational, instructional, transitional and related services. A student who requires special education shall receive programs and services according to an individualized education program (IEP). The IEP shall provide access to the district’s general curriculum and participation in state and local assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with their nondisabled peers. The district shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.

- 2. Definitions
 SC 502
 Title 22
 Sec. 14.101
 20 U.S.C.
 Sec. 1401
 34 CFR
 Sec. 300.8
 Pol. 103.1

Students with disabilities – school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services. School-aged children who have identified disabilities but do not require special education may be entitled to accommodations or services or to enroll in courses of study in the district which serve students with disabilities pursuant to other law or Board policy.

- Title 22
 Sec. 14.131
 34 CFR
 Sec. 300.320
 300.324

Individualized Education Program (IEP) – the written educational statement for each student with a disability that is developed, reviewed and revised in accordance with federal and state laws and regulations.

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3. Authority
SC 1372
Title 22
Sec. 4.28, 12.1,
12.41, 14.101 et seq
20 U.S.C.
Sec. 1400 et seq
29 U.S.C.
Sec. 794
42 U.S.C.
Sec. 12101 et seq
34 CFR
Part 300

The Board directs that all students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The district shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its Special Education Plan.

Title 22
Sec. 4.13, 14.104
Pol. 100

The district shall develop and submit a special education plan to the Department of Education for approval every three (3) years, and shall implement such plan as required by law and regulations. The district's special education plan shall include procedures for identifying and educating students with disabilities and describe the elements required by law, regulations and Board policy. Prior to approval by the Board and submission to the Department of Education, the special education plan shall be made available for public inspection and comment in the district's administrative offices and the nearest public library for a minimum of twenty-eight (28) days.

Title 22
Sec. 4.13, 14.104
34 CFR
Sec. 300.201 et seq.

The district's special education plan shall comply with the requirements of state and federal laws and regulations, and shall be submitted in accordance with the guidelines and in the form established by the Department of Education. The district shall establish procedures to ensure the plan is updated and implemented as necessary.

SC 1372
Title 22
Sec. 14.104

The Board shall determine the facilities, programs, services and staff that shall be provided by the district for the instruction of students with disabilities, based upon the identified needs of the district's special education population.

Title 22
Sec. 14.104

In order to maintain an effective Special Education Plan, the Board may participate in special education programs or services of Westmoreland Intermediate Unit No. 7.

4. Delegation of
Responsibility

The Superintendent or designee is directed to annually recommend to the Board the employment and retention of necessary staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

The Superintendent or designee shall develop procedures for evaluating the effectiveness of the district's Special Education Plan and shall periodically report to the Board the criteria and results of such evaluation.

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5. Guidelines
Title 22
Sec. 4.2.8, 14.145
20 U.S.C.
Sec. 1414
34 CFR
Sec. 300.320,
300.327

Each student with a disability shall be educated pursuant to an IEP which shall provide an appropriate education in the least restrictive environment, in accordance with federal and state regulations.

Pol. 103, 103.1

The district prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in district programs, services and activities as required by law.

Title 22
Sec. 14.104
34 CFR
Sec. 300.201 et seq

The district's Special Education Plan shall comply with the requirements of state and federal law and regulations. The district shall establish procedures to ensure the plan is updated and implemented as necessary. The Special Education Plan shall address:

1. Educational plans.
2. Child find.
3. Identification of special education programs that operate in the district, those operated in the district by the Intermediate Unit, vocational schools and other agencies.
4. Staff and parent/guardian training.
5. Assessments.
6. Screening.
7. Criteria the district will use to identify specific learning disabilities.
8. Evaluation.
9. Reevaluation.
10. Individualized Education Program (IEPs), including examples of supplementary aids and services provided by the district.
11. Extended School Year services (ESY).
12. Behavior support.

Pol. 113.3

Pol. 113.2

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Pol. 113.1

- 13. A full continuum of educational placements and evidence that placements in other than regular education settings are not based on lack of resources, facilities, staff or for administrative convenience.
- 14. Disciplinary placements.
- 15. Facilities.
- 16. Early intervention services, if provided by the district.
- 17. Procedural safeguards.
- 18. Confidentiality of information.
- 19. Highly qualified staff.
- 20. Maintenance of information concerning students with disabilities, services provided, performance and discipline data, and report information as required by the Secretary of the Department of Education.

Title 22
Sec. 14.104

If the district is identified with significant disproportionality, the Special Education Plan shall include prevention measures of inappropriate over identification and disproportionate representation by race or ethnicity of children with disabilities.

Child Find/Outreach

Title 22
Sec. 14.121
34 CFR
Sec. 300.111

The Superintendent or designee shall ensure that the district annually conducts awareness and outreach programs and activities designed to reach district residents including parents/guardians of students with disabilities who are enrolled in the district, preschool-aged children, students who attend private schools, homeless children and children who are wards of the state.

The district's public awareness activities shall include annual publication of a written notice in newspapers and other media 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. Written information shall be published in district handbooks and on the district web site. Public awareness activities must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.

The Intermediate Unit shall be responsible for conducting child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.

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Screening

Title 22
Sec. 14.122
Pol. 209

The district shall establish a system of screening, including hearing and vision screenings. Screenings shall be conducted at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

Confidentiality

Title 22
Sec. 15.9
34 CFR
Sec. 300.611
300.627

The district 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.

District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law and regulations.

The district may release, without parent/guardian consent, educational records that the district has designated as directory information.

Pol. 216

The district shall obtain written parent/guardian consent prior to releasing a student's educational record when prior consent is required by law, regulations or Board policy.

The district shall notify parents/guardian prior to destroying personally identifiable information in a student's record that is no longer relevant or necessary for providing educational services to the student.

Recording of Meetings

Except as specifically provided for within this policy, the district prohibits audio, video and electronic recording of meetings between parents/guardians and district teachers, paraprofessionals, program specialists, consultants or administrators.

An attempt to record a meeting by a parent/guardian after a verbal prohibition by district staff shall result in immediate termination of the meeting and may result in ejection from district property and possible prosecution.

The district shall permit audio recording of a meeting when a participant submits, at least five (5) days prior to the meeting, documentation that substantiates:

1. Participant has a disability that significantly limits his/her ability to meaningfully understand or participate in the meeting's intended decision-making and recording is the only feasible means of accommodating the limitation.

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2. Individual has a legitimate interest in attending the meeting but for good cause is unable to do so, and recording is the only feasible means by which s/he can meaningfully understand and participate in the decision-making.

The district may permit video taping of a meeting when written consent is given by all participants at the meeting.

When an exception to recording a meeting is granted, the district employee responsible for the meeting shall arrange to record the meeting by similar means. Such recording shall be considered part of the student's educational record and be subject to relevant law and regulations.

References:

School Code – 24 P.S. Sec. 502, 1371, 1372

State Board of Education Regulations – 22 PA Code Sec. 4.13, 4.28, 12.1, 12.4, 12.41, 14.101 et seq., 15.9

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99

Individuals With Disabilities Education, Title 34, Code of Federal Regulations 34 CFR Part 300

Pennsylvania Training and Technical Assistance Network – www.pattan.net

Board Policy – 100, 103, 103.1, 113.1, 113.2, 113.3, 202, 209, 216, 914

NOTES:

Language on making the special education plan available at “the nearest public library” is included in the official sign-off sheet for PDE’s comprehensive planning tool. Chapter 4 Regulations only require the plan to be made available for public inspection and comment, generally.