

Book	Policy Manual
Section	100 Programs
Title	Special Education
Number	113
Status	First Reading

Legal

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 14.102
4. 22 PA Code 14.104
5. 22 PA Code 339.21
6. 22 PA Code 339.22
7. 34 CFR 300.1
8. 22 PA Code 14.101
9. 20 U.S.C. 1401
10. 34 CFR 300.8
11. Pol. 103.1
12. 22 PA Code 14.131
13. 34 CFR 300.320-300.324
14. 34 CFR 300.30
15. 22 PA Code 4.28
16. 22 PA Code 12.41
17. 22 PA Code 14.101 et seq
18. 20 U.S.C. 1400 et seq
19. 29 U.S.C. 794
20. 42 U.S.C. 12101 et seq
21. 34 CFR Part 300
22. 45 CFR Part 80 App B
23. 22 PA Code 14.145
24. 22 PA Code 339.23
25. 20 U.S.C. 1414
26. 34 CFR 300.320-300.327
27. Pol. 103
28. 22 PA Code 339.41
29. 34 CFR 300.156
30. 34 CFR 300.207
31. Pol. 304
32. 22 PA Code 15.9
33. 34 CFR 300.611-300.627
34. Pol. 113.3
- 24 P.S. 1371
- 24 P.S. 1850.1
- Pol. 100
- Pol. 113.1

Pol. 113.2

Pol. 216

[Pennsylvania Training and Technical Assistance Network \(PaTTAN\)](#)

Last Revised April 11, 2018

Last Reviewed April 11, 2018

Purpose

The school 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 school's curriculum and participation in assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with their nondisabled peers.**[\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]](#)

Definitions

Students with disabilities - school-aged children 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 or programs which serve students with disabilities pursuant to other law or Joint Operating Committee policy.[\[8\]\[9\]\[10\]](#)[\[11\]](#)

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 law and regulations.[\[5\]\[12\]\[13\]](#)

Parent/Guardian - for purposes of this policy and Joint Operating Committee policies related to special education, parent/guardian shall have the definition of parent in IDEA statute and regulations, which includes a biological or adoptive parent of a child; a foster parent, unless prohibited by state law or regulations; a guardian authorized to act as the child's parent, in accordance with law or regulations; an individual acting in the place of a parent, including a grandparent or other relative, with whom the child lives or an individual legally responsible for the child's welfare; or an appointed surrogate parent, in accordance with law and regulations.[\[9\]\[14\]](#)

Authority

The Joint Operating Committee directs that all students with disabilities shall be provided with appropriate educational **programs and** services, in accordance with federal and state law and regulations. The school shall implement procedural safeguards and parent/**guardian** notifications **in accordance with federal and state law and regulations, and in coordination with the student's school district of residence.**[\[1\]\[15\]\[16\]\[17\]\[18\]\[19\]\[20\]\[21\]\[22\]](#)

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

Delegation of Responsibility

The Director or designee is directed to annually recommend to the Joint Operating Committee the employment and retention of necessary, **qualified** staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

The **Director**~~Superintendent~~ or designee shall develop **administrative regulations** to implement **this policy.**

Guidelines

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 law and regulations. A representative from the school shall participate on the IEP team to provide input regarding placement decisions and development of the IEP. The IEP shall address safety education and training in accordance with state regulations, as applicable to each student with a disability enrolled in career and technical programs.[\[5\]](#)[\[15\]](#)[\[23\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)

The school shall annually notify sending school districts that a representative from the school should be invited to participate in IEP meetings when it is likely that the student's placement will be at the school the following year.

The school prohibits discrimination in admission and provision of programs and services based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in school programs, services and activities as required by law.[\[5\]](#)[\[11\]](#)[\[22\]](#)[\[27\]](#)

School administrators and staff shall notify the school district of residence if they have reason to believe that a student should be identified as a student with a disability, or if a parent/guardian has requested an evaluation of their child.

Staff members participating on IEP teams and providing educational programs and services to students with disabilities shall be highly qualified and appropriately certified, in accordance with applicable law and regulations.[\[28\]](#)[\[29\]](#)[\[30\]](#)[\[31\]](#)

Fiscal and Program Compliance

The Director or designee shall establish procedures to ensure that the school coordinates with participating school districts and complies with all federal and state law and regulations and program requirements for special education-related funding and reimbursement.

Confidentiality

The school shall implement procedures designed to protect the confidentiality of students' educational records and personally identifiable information when collecting, storing, disclosing and destroying student records.[\[32\]](#)[\[33\]](#)[\[34\]](#)

School staff shall maintain the confidentiality of student records and personally identifiable information, as required by law, regulations and Joint Operating Committee policy.

Recording of Meetings

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

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

The school 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 or limited English proficiency 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.**
- 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.**

When permission to record a meeting is granted, the school 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.

The school may permit videotaping of a meeting when written consent is given by all participants at the meeting.

Last Modified by Terri Birchard on April 11, 2018