

# LUZERNE

## INTERMEDIATE

### UNIT #18

#### SECTION: PROGRAMS

#### TITLE: SPECIAL EDUCATION

ADOPTED: NOVEMBER 20, 2002

REVISED: MAY 27, 2015

	113. Special Education
1. Purpose SC 1372 Title 22 Sec. 4.28, 12.1, 12.4, 14.102, 14.104 34 CFR Sec. 300.1	<p>The Intermediate Unit shall provide classes or schools, as necessary, for the proper education and training of students with disabilities. The Intermediate Unit 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 Intermediate Unit's programs, curriculum and participation in assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with nondisabled peers. The Intermediate Unit, in coordination with the school district of residence, shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.</p>
2. Definitions SC 1372 Title 22 Sec. 14.101 20 U.S.C. Sec. 1401 34 CFR Sec. 300.8 Pol. 100. 103.1	<p><b>Students with disabilities</b> - 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 Intermediate Unit programs which serve students with disabilities pursuant to other law or Board policy.</p>
Title 22 Sec. 14.131 34 CFR Sec. 300.320- 300.324	<p><b>Individualized Education Program (IEP)</b> - 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.</p>
20 U.S.C. Sec. 1401 34 CFR Sec. 300.30	<p><b>Parent/Guardian</b> - for purposes of this policy and Board policies related to special education, parent/guardian shall have the definition of <b>parent</b> 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.</p>

<p>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</p> <p>SC 1372 Title 22 Sec. 14.104 20 U.S.C. Sec. 1412(a)(10) 34 CFR Sec. 300.130- 300.144, 300.201 et seq</p> <p>SC 1372 Title 22 Sec. 14.104</p>	<p>The Board directs that all students with disabilities, including students enrolled in nonpublic schools, shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The Intermediate Unit, in coordination with member school districts, shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its special education plan.</p> <p>The Intermediate Unit shall annually prepare a special education plan, specifying the services and programs to be operated, including services to nonpublic students. The plan shall <b>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.</b> The Intermediate Unit shall establish procedures to ensure the plan is updated and implemented as necessary.</p> <p>The Board shall determine the facilities, programs, services and staff that shall be provided by the Intermediate Unit for the instruction of students with disabilities, based upon the identified needs of the Intermediate Unit's special education population.</p>
<p>4. Delegation of Responsibility</p>	<p>The Executive Director or designee is directed to annually recommend to the Board 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.</p> <p>The Executive Director or designee shall develop procedures for evaluating the effectiveness of the Intermediate Unit's special education plan and shall periodically report to the Board the criteria and results of such evaluation.</p>
<p>5. Guidelines Title 22 Sec. 4.28, 14.145 20 U.S.C. Sec. 1414 34 CFR Sec. 300.320- 300.327</p>	<p>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 laws and regulations.</p>

<p>Title 22 Sec. 14.102, 14.104, 14.121 20 U.S.C. Sec. 1412 (a)(10) 34 CFR Sec. 300.37, 300.130-300.144</p>	<p>The Intermediate Unit shall initiate and conduct meetings to develop, review and revise a services plan to provide equitable services to each parentally-placed nonpublic school student, in accordance with state and federal laws and regulations. The Intermediate Unit shall ensure participation by representatives of nonpublic schools is included in such meetings.</p>
<p>Pol. 103, 103.1</p>	<p>The Intermediate Unit prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in Intermediate Unit programs, services and activities as required by law.</p> <p><u>Fiscal and Program Compliance</u></p> <p>The Executive Director or designee shall establish procedures to ensure that the Intermediate Unit complies with all federal and state laws and regulations and program requirements for special education-related funding and reimbursement.</p> <p><u>Child Find/Outreach</u></p>
<p>Title 22 Sec. 14.121 34 CFR Sec. 300.111, 300.130-300.144</p>	<p>The Executive Director or designee shall ensure that the Intermediate Unit annually conducts child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.</p> <p>The Intermediate Unit shall assist member school districts in developing or implementing child find activities as necessary, at the request of the school district.</p> <p><u>Screening</u></p>
<p>Pol. 100, 209</p>	<p>The Intermediate Unit shall conduct appropriate screenings, including hearing and vision screenings, in accordance with applicable law and regulations.</p> <p>Intermediate Unit Staff shall notify and coordinate with a student's school district of residence regarding screening results of students with disabilities and students thought to be eligible students with disabilities.</p>
<p>Title 22 Sec. 14.122</p>	<p>The Intermediate Unit shall assist member school districts in conducting appropriate screenings and training staff in appropriate screening procedures, at the request of the school district.</p>

<p>Title 22 Sec. 15.9 34 CFR Sec. 300.611- 300.627 Pol. 113.4</p> <p>(Choose first 3 options OR choose 4<sup>th</sup> option)</p>	<p><u>Confidentiality</u></p> <p>The Intermediate Unit 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.</p> <p>Intermediate Unit staff shall maintain the confidentiality of student records and personally identifiable information, as required by law, regulations and Board policy.</p> <p><u>Recording of Meetings</u></p> <p>Except as specifically provided for within this policy, the Intermediate Unit prohibits audio, video and electronic recording of meetings between parents/guardians and teachers, paraprofessionals, program specialists, consultants or administrators.</p> <p>An attempt to record a meeting by a parent/guardian after a verbal prohibition by Intermediate Unit staff shall result in immediate termination of the meeting and may result in ejection from Intermediate Unit property and possible prosecution.</p> <p>The Intermediate Unit shall permit audio recording of a meeting when a participant submits, at least five (5) days prior to the meeting, documentation that substantiates:</p> <ol style="list-style-type: none"> <li>1. Participant has a disability or limited English proficiency that significantly limits his/her ability to meaningful understand or participate in the meeting's intended decision-making and recording is the only feasible means of accommodating the limitation.</li> <li>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.</li> </ol> <p>The Intermediate Unit shall permit audio recording of a meeting between parents/guardians and teachers, paraprofessionals, program specialists, consultants or administrators when the parent/guardian submits, at least five (5) days prior to the meeting, notification to the building administrator or program supervisor of the intent to record the meeting.</p> <p>When permission to record a meeting is granted, the Intermediate Unit 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.</p> <p>The Intermediate Unit may permit videotaping of a meeting when written consent is given by all participants at the meeting.</p>
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References:

School Code – 24 P.S. Sec. 922.1-A, 923.2-A, 1371, 1372

Nonpublic School Children Speech and Hearing Defect Services – 24 P.S. Sec. 5711-5713

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

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.

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

Pennsylvania Training and Technical Assistance Network –  
[www.pattan.net](http://www.pattan.net)

Board Policy – 100, 103, 103.1, 113.1, 113.2, 113.3, 113.4, 209, 216