

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: SPECIAL EDUCATION

ADOPTED: August 24, 2011

REVISED:

<p>1. Purpose SC 1372 Title 22 Sec. 4.28, 12.1, 12.4, 14.102, 14.104 34 CFR Sec. 300.1</p> <p>2. Definitions SC 502, 1372 Title 22 Sec. 14.101 20 U.S.C. Sec. 1401 34 CFR Sec. 300.8 Pol. 103.1</p> <p>Title 22 Sec. 14.131 34 CFR Sec. 300.320- 300.324</p>	<p style="text-align: center;">113. SPECIAL EDUCATION</p> <p>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.</p> <p>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 School Reform Commission policy.</p> <p>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.</p>
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<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>20 U.S.C. Sec. 1415 Pol. 901</p> <p>SC 1372 Title 22 Sec. 4.13, 14.104 20 U.S.C. Sec. 1412 Pol. 100</p> <p>SC 1372 Title 22 Sec. 14.104</p>	<p>The SRC directs that all students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state law and regulations. The district shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its Special Education Plan and administrative procedures.</p> <p>Notices to parents/guardians shall be in the parents’/guardians’ native language or mode of communication, unless not feasible to do so.</p> <p>The School District of Philadelphia/IU 26 shall annually prepare a Special Education Plan specifying the services and programs to be operated, including services to nonpublic students, in compliance with federal and state law and regulations. The plan shall be submitted to the Pennsylvania Department of Education, as required, and aligned with the Strategic Plan adopted by the SRC.</p> <p>The SRC shall determine the facilities, programs, services and staff that shall be provided for the instruction of students with disabilities, based upon the identified needs of the district’s special education population.</p>
<p>4. Delegation of Responsibility</p>	<p>The Superintendent or designee is directed to annually recommend to the SRC the employment and retention of necessary staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.</p> <p>The Superintendent or designee shall develop administrative procedures for evaluating the effectiveness of the Special Education Plan and shall periodically report to the SRC 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 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 district shall provide parents/guardians with prior written notice each time it proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, in accordance with applicable law and regulations and administrative procedures.</p>
<p>Pol. 103, 103.1</p>	<p>The School District of Philadelphia/IU 26 shall initiate and conduct consultation meetings to develop, review and revise a Service Plan to provide equitable services to each parentally-placed nonpublic school student, in accordance with law and regulations. The School District of Philadelphia/IU 26 shall ensure participation by representatives of nonpublic schools is included in such meetings.</p>
<p>Title 22 Sec. 14.104 34 CFR Sec. 300.201 et seq Pol. 100</p>	<p>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.</p> <p>The Special Education Plan shall comply with the requirements of state and federal law and regulations. The Superintendent or designee shall establish procedures to ensure the plan is updated and implemented as necessary. The Special Education Plan and/or Strategic Plan shall address:</p> <ol style="list-style-type: none"> 1. Educational plans. 2. Core services. 3. Child find, including child find activities necessary to provide equitable services for parentally-placed nonpublic students. 4. Identification of special education programs that operate in the district and those operated by other agencies.

113. SPECIAL EDUCATION - Pg. 4

Pol. 113.3	<ol style="list-style-type: none">5. Auxiliary services.6. Provision of personnel and technical assistance.7. Interagency coordination and transition services.8. Staff and parent/guardian training.9. Assessments.10. Screening.11. Criteria used to identify specific learning disabilities.12. Evaluation.13. Re-evaluation.14. Individualized Education Programs (IEPs), including examples of supplementary aids and services provided.15. Extended School Year services (ESY).
Pol. 113.2	<ol style="list-style-type: none">16. Behavior support.17. 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.
Pol. 113.1	<ol style="list-style-type: none">18. Disciplinary placements.19. Facilities.20. Early intervening services, if provided.21. Procedural safeguards.22. Confidentiality of information.23. Highly qualified staff.

<p>Title 22 Sec. 14.104</p>	<p>24. 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.</p> <p>If the district is identified with significant disproportionality, the Special Education Plan shall include prevention measures for inappropriate overidentification and disproportionate representation by race or ethnicity of children with disabilities.</p>
<p>Title 22 Sec. 14.121 34 CFR Sec. 300.111</p>	<p><u>Child Find/Outreach</u></p> <p>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.</p> <p>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, school calendars or brochures 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.</p>
<p>34 CFR Sec. 300.130- 300.144</p>	<p>The School District of Philadelphia/IU 26 shall conduct 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 district shall conduct professional development activities and ongoing training for staff, organizations, agencies and individuals to ensure that child find, screening activities and referrals for special education evaluations are carried out in a manner consistent with the timelines and requirements established in applicable state and federal law and regulations. Through its communication links with agencies that provide services to children with disabilities within the community, the district shall disseminate child find materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services.</p>

<p>Title 22 Sec. 14.122 Pol. 209</p>	<p><u>Screening</u></p> <p>The School District of Philadelphia/IU 26 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.</p>
<p>Title 22 Sec. 15.9 34 CFR Sec. 300.611- 300.627</p>	<p><u>Confidentiality</u></p> <p>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.</p> <p>District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law and regulations.</p>
<p>Pol. 216</p>	<p>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 SRC policy.</p>
<p>34 CFR Sec. 300.614</p>	<p>The building principal or designee shall keep a log and record the name of those individuals obtaining access to the education records, including the name of the individual, the date access was given, and the purpose of the review.</p>
<p>34 CFR Sec. 300.623</p>	<p>The district shall maintain, for public inspection, a current list of the names and positions of district agents and employees who are authorized to have access to personally identifiable information.</p>
<p>34 CFR Sec. 300.613 Pol. 216</p>	<p><u>Parental Access To Records</u></p> <p>The district shall permit parents/guardians to inspect and review all educational records relating to their child with respect to the identification, evaluation and educational placement of the student, and the provision of FAPE to the student, which are collected, maintained or used by the district.</p>
<p>34 CFR Sec. 300.613</p>	<p>The district shall comply with a request for access without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation or placement of the student, and in no case more than forty-five (45) days after the request has been made.</p>
<p>34 CFR Sec. 300.613</p>	<p>The parent's/guardian's right to inspect and review education records under this section includes:</p> <ol style="list-style-type: none"> 1. The right to have a representative inspect and review the records.

<p>34 CFR Sec. 300.613</p>	<p>2. The right to request that the district provides copies of the records containing the information if the parent/guardian indicates that s/he would not be able to effectively inspect and review the records at the school.</p> <p>The district may presume that the parent/guardian has the authority to inspect and review records relating to their child unless the district has been advised that the parent/guardian does not have the authority under applicable law governing such matters as guardianship, separation and divorce.</p> <p><u>Amendment Of Records</u></p>
<p>34 CFR Sec. 300.618 Pol. 216</p>	<p>A parent/guardian who believes that information in education records collected, maintained or used by the district is inaccurate, misleading or violates the privacy or other rights of the student, may request the district to amend the information.</p>
<p>34 CFR Sec. 300.618, 300.619</p>	<p>The district shall decide whether to amend the information in accordance with the request of the parent/guardian within a reasonable period of time of receipt of the request to amend.</p>
<p>34 CFR Sec. 300.618, 300.619</p>	<p>If the district decides to refuse to amend the information in accordance with the request, the district shall inform the parent/guardian in writing of the refusal and will notify the parent/guardian of the right to request and receive a hearing. Hearings shall be conducted in accordance with applicable law and regulations.</p>
<p>34 CFR Sec. 300.620</p>	<p>If, as a result of the hearing, the district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the district shall amend the information and inform the parent/guardian in writing.</p> <p>If, as a result of the hearing, the district decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent/guardian of their right to place a statement in the student's records describing the parent's/guardian's disagreement with the district's decision. Such statement shall be maintained in the student's records as long as that record or portion of the record is maintained, and shall be disclosed along with the record each time disclosure is authorized.</p> <p><u>Destruction Of Records</u></p>
<p>34 CFR Sec. 300.624 Pol. 216</p>	<p>The district shall inform parents/guardians when personally identifiable information in the records of a student is no longer relevant to and necessary for the provision of educational services to the student.</p>

Upon the written request of the parents/guardians, information no longer relevant to and necessary for the provision of educational services to the student shall be destroyed by the district.

A record of a student's name, address, phone number, grade, attendance records, programs attended and grade level completed may be maintained without limitation.

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 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.

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, 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. 4.13, 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

School Reform Commission Policy – 100, 103, 103.1, 113.1, 113.2, 113.3, 209, 216, 901