

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 113

Section: 100 Programs

Title: Special Education

Adopted: August 24, 2011

Revised: April 21, 2021

113 SPECIAL EDUCATION

Purpose

The Board of Education (“Board”) is committed to ensuring every child has the resources they need to thrive in School District of Philadelphia (“District”) classrooms. The purpose of this policy is to ensure that each child who is determined to have a disability and requires special education supports and services under this policy receives the appropriate educational, instructional, transitional, and related services.

Definitions

For purposes of this policy, terms are defined as follows:

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 in accordance with other law or Board policy. [8][9][10][11][12]

Individualized Education Program (“IEP”): The written educational statement for each student with a disability that is developed, reviewed, and revised by an IEP team in accordance with federal and state law and regulations. [13][14]

IEP team: A group of individuals who are knowledgeable about the student, the curriculum, and resources of the District, the meaning of the evaluation data, and the placement options for the student, who are responsible for developing, reviewing, or revising an IEP. The team includes the student's parents/guardians; general education teacher; special education teacher; District administrator and/or designee; other district staff who can interpret the instructional needs of the student based on the evaluation results; other individuals requested by the parent/guardian who have special knowledge of the student, including related services personnel; and, whenever appropriate, the student with a disability. [15][16]

Parent/Guardian: For purposes of this policy and Board policies related to special education, parent/guardian shall have the definition of parent in the federal Individuals with Disabilities Education Act (“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 biological or adoptive parent, including a grandparent or other relative, with whom the child lives, or an individual legally responsible for the child’s welfare; a surrogate parent who has been appointed, in accordance with law and regulations; or a court appointed educational decision maker or guardian. [9][17]

Continuum of placement options: The educational placements available for identified students with disabilities. The members of the IEP team, including the parent/guardian, determine the least restrictive educational placement to provide the appropriate educational programs and services to the student with a disability; these include, but are not limited to, instruction in regular classes (with supplementary aids and services when necessary), special classes, special schools, instruction in hospitals and institutions, and instruction in the home. [3][18]

Authority

As required by IDEA, 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/IU 26 shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its special education plans and administrative procedures. [1][5][7][19][20][21][22][23][24]

A student who requires special education shall receive programs and services according to an 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. [1][2][3][4][5][6][7]

Notices to parents/guardians, including notices regarding placement and procedural safeguards, shall be in the parents’/guardians’ native language or mode of communication. [25][26]

The District/IU 26 shall develop and submit special education plans to the Department of Education and shall implement such plans as required by law and regulations. The special education plans shall include procedures for identifying and educating students with disabilities; specify the services and programs to be operated, including services to nonpublic students; and describe the elements required by state and federal law, regulations, and Board policy. Prior to approval by the Board and submission to the Department of Education, the special education plans shall be made available for public inspection and comment in the administrative offices for a minimum of twenty-eight (28) days. [4][7][27][28][29]

The special education plans 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/IU 26 shall establish procedures to ensure the plans are updated and implemented as necessary. The special education plans shall address the components required by law and regulation. [4][28][30][31][32][33]

The Board 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. [4][7]

Delegation of Responsibility

The Board directs the Superintendent or their designee, through the Office of Specialized Services, 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. The Superintendent or designee shall develop administrative procedures for evaluating the effectiveness of the special education plans and shall periodically report to the Board the criteria and results of such evaluation.

Mandatory Regulatory Procedures

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. [5][34][35][36]

The District shall provide parents/guardians with opportunity for meaningful input and 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.

The District/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 state and federal laws and regulations. The District/IU 26 shall ensure participation by representatives of nonpublic schools is included in such meetings. [3][4][27][37][38][39]

The District prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations that will permit them to participate in District programs, services, and activities as required by law. [12][40]

If the District is identified with significant disproportionality, the special education plans shall include prevention measures for inappropriate overidentification and disproportionate representation by race or ethnicity of children with disabilities. [4]

Fiscal and Program Compliance

The Superintendent or designee shall establish procedures to ensure that the District complies with all federal and state laws and regulations and program requirements for special education-related funding and reimbursement.

Child Find/Outreach

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. [37][41]

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 website. Public awareness activities must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.

The District/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 located within the District. [37][38][41]

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 laws 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.

Screening

The District/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. [42][43]

Confidentiality

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. [44][45][46] District staff shall maintain the confidentiality of

student records and personally identifiable information, as required by law, regulations, and Board policy.

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 decisionmaking and recording is the only feasible means of accommodating the limitation and
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 permission to record 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.

Legal References:

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 4.28](#)
6. [34 CFR 300.1](#)
7. [24 P.S. 1372](#)
8. [20 U.S.C. 1401](#)
9. [22 PA Code 14.101](#)
10. [24 P.S. 502](#)
11. [34 CFR 300.8](#)
12. [Policy 103.1](#) - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students

13. [22 PA Code 14.131](#)
14. [34 CFR 300.320-300.324](#)
15. [34 CFR 300.321](#)
16. [34 CFR 300.23](#)
17. [34 CFR 300.30](#)
18. [34 CFR 300.114-300.117](#)
19. [20 U.S.C. 1400 et seq](#)
20. [22 PA Code 12.41](#)
21. [22 PA Code 14.101 et seq](#)
22. [29 U.S.C. 794](#)
23. [34 CFR Part 300](#)
24. [42 U.S.C. 12101 et seq](#)
25. [20 U.S.C. 1415](#)
26. [Policy 901](#) - School-community Relations Objectives
27. [20 U.S.C. 1412](#)
28. [22 PA Code 4.13](#)
29. [Policy 100](#)
30. [34 CFR 300.201 et seq](#)
31. [Policy 113.3](#) - Screening & Evaluations for Students with Disabilities
32. [Policy 113.2](#) - Behavior Support
33. [Policy 113.1](#) - Discipline of Students with Disabilities
34. [20 U.S.C. 1414](#)
35. [22 PA Code 14.145](#)
36. [34 CFR 300.320-300.327](#)
37. [22 PA Code 14.121](#)
38. [34 CFR 300.130-300.144](#)
39. [34 CFR 300.37](#)
40. [Policy 103](#) - Nondiscrimination in School and Classroom Practices
41. [34 CFR 300.111](#)
42. [22 PA Code 14.122](#)
43. [Policy 209](#) - Health Examinations/Screenings
44. [22 PA Code 15.9](#)
45. [34 CFR 300.611-300.627](#)
46. [Policy 113.4](#) - Confidentiality of Special Education Student Information

Related Information:

[24 P.S. 1371](#)

[24 P.S. 922.1-A](#)

[24 P.S. 923.2-A](#)

[24 P.S. 5711-5713](#)

[55 PA Code 3270.17](#)

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