

## **9300 Special Instructional Programs**

### **9301 Special Education Programs for ~~Exceptional Students~~ with Disabilities**

#### **Definition of ~~Exceptional Children~~ Student with a Disability:**

~~An exceptional child~~ **A student with a disability** is defined as a child at least five years of age, but not yet twenty-one years of age, who, in accordance with state and federal guidelines, deviates from the average in physical, cognitive, or emotional characteristics to such an extent that he/she requires specially designed instruction or services.

#### **Identification of ~~Exceptional Children~~ Student with a Disability:**

Under the direction of the Superintendent, the District shall develop and maintain a system for identifying children, residing in the District, who may be eligible for services as ~~an exceptional child~~ **a student with a disability**. This identification system shall be in keeping with state and federal requirements. **The district shall establish and implement a system of procedural safeguards and parental notification.**

**In order to identify resident students with learning disabilities, the Board directs that four factors shall be used to determine the eligibility as a student with specific learning disabilities. The four factors are as follows:**

- 1. A multidisciplinary evaluation team shall address whether the child does not achieve adequately for the child's age or meet state-approved grade-level experiences and scientifically based instruction appropriate for the child's age or state-approved grade levels standards: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving.**
- 2. The evaluation team shall utilize a process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between ability and achievement or relative to age or grade.**
- 3. The evaluation team shall determine that its findings are not primarily a result of a visual, hearing or orthopedic disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.**
- 4. Finally, the team must ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that: prior to or as part of the referral process, the child was provided scientifically-based instruction in general education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.**

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2 **The district's special education plan shall include procedures for identifying and**  
3 **educating students with disabilities and shall be aligned with the Strategic Plan adopted**  
4 **by the Board.**

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6 Free and Appropriate Public Education (FAPE) for ~~Exceptional Children~~ **Student with a**  
7 **Disability:**  
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9 In compliance with applicable state and federal laws the District shall provide a free and  
10 appropriate program of specially designed instruction and services to meet the needs of each  
11 student who has been determined by a placement team to be exceptional, eligible, and in  
12 need of such programming. The instructional program is to be based on the unique needs of  
13 the student. **Each student with a disability who is a resident of the district shall be**  
14 **provided quality education programs and services that meet the student's needs for**  
15 **educational, instructional, transitional and related services.**  
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17 **The program to which each student with a disability is assigned shall be one that**  
18 **provides an appropriate education, seeks to assure success in learning, and offers the**  
19 **least restrictive environment, in accordance with state and federal laws.**  
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22 Related Services for ~~Exceptional Children~~ **Student with a Disability:**  
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24 In accordance with state and federal guidelines, the District shall provide related services  
25 which are determined by an exceptional child's individualized education plan (IEP) to be  
26 necessary to ensure that the child can access and benefit from his/her program.  
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28 Range of Programs and Services for ~~Exceptional Children~~ **Student with a Disability:**  
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30 The programs and related services provided by the district shall be adequate in quantity,  
31 variety, and range to meet the needs of eligible persons of every exceptionality as defined by  
32 state and federal laws.  
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34 **No student with a disability shall be denied, because of handicap/disability,**  
35 **participation in activities, programs or services offered or recognitions rendered to**  
36 **District students, unless participation is not possible because of handicap/disability as**  
37 **determined on a case-by-case basis.**  
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39 Facilities:  
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41 The district shall ~~provide~~ **determine** facilities, programs, services and staff that will be  
42 **provided for the instruction of students with disabilities in keeping with state and**  
43 **federal requirements. In order to maintain an effective special education plan, the**  
44 **District may participate in special education programs of Northwest Tri-County**  
45 **Intermediate Unit No. 5.**  
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Disciplinary Actions for ~~Exceptional Children~~ Student with a Disability:

**Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), behavior support plan, and Board policy.**

Disciplinary actions which may or may not lead to the exclusion of an exceptional child from his/her program of instruction, as outlined in his/her individualized educational plan, shall be in keeping with state and federal regulations and protections applicable to exceptional children. **No student with a disability shall be expelled if the student's particular misconduct is a manifestation of his/her disability.**

Prior to a change in placement or a revision of an individualized educational plan, the IEP team shall consider whether an eligible student's behavior is attributable to the student's disability, and, if it is not, whether routine school discipline procedures might be applicable. **A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student's behavior is a manifestation of his/her disability.** A disciplinary exclusion of an exceptional student for more than the **ten (10) consecutive or fifteen (15)** cumulative school days in a school year is considered a change in educational placement, requiring prior notice to the parent or guardian, regarding procedural safeguards and their right to a hearing. The disciplinary exclusion of a student with mental retardation for any length of time is always considered a change of placement which requires prior notice to the parent or guardian. Under the direction of the Superintendent, the District shall discipline children in keeping with state and federal requirements.

**Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.**

**A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the misconduct is determined to be a manifestation of his/her disability. A hearing officer may remove the student for no more than forty-five (45) days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.**

**A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the misconduct is determined to be a manifestation of his/her disability. A student with a disability who carries a weapon to school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.**

**A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the misconduct is determined to be a manifestation of his/her disability. A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school**

or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.

Equal Opportunities and Access for ~~Exceptional Children~~ Student with a Disability:

Exceptional children shall have equal access to programs and services offered by the District. The District shall take appropriate steps to ensure that exceptional children are not harassed or otherwise discouraged from seeking access to the program and services offered by the District.

Public Awareness of Programs for ~~Exceptional Children~~ Student with a Disability:

Under the direction of the Superintendent or his/her designee, the District shall conduct public awareness activities to inform the public of available special education programs and services, procedures for requesting these programs and services, screening programs, due process provisions, and an explanation of confidentiality right and protections guaranteed by law.

The district shall maintain procedures and processes that implement special education programs and services, in accordance with federal and state laws and regulations, in the following areas:

1. Educational plans
2. Child Find
3. Assessments
4. Screening
5. Evaluation
6. Reevaluation
7. Individualized Education Program (IEP)
8. Extended School Year services (ESY)
9. Behavior support
10. Educational placement
11. Disciplinary placements
12. Facilities
13. Early intervention
14. Procedural safeguards
15. Confidentiality of information

Adoption Date	-	September 13, 1999
Revised -	-	<b>Date to be entered</b>
Practice -		
Legal Reference	-	Public School Code of 1949, Section 1371 22 PA Code 14.2, et. seq. 22 PA Code 342.1, et. seq. <b>20 U.S. C. § 1400, et. seq.</b> <b>34 CFR Part 300</b>
Cross Reference	-	Policy 7265

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