

## **Special Education Laws and Regulations**

Federal and state laws govern Special Education. Council Rock complies with these laws when it creates and implements an Individualized Education Program (IEP) for students who are eligible under both the federal and state eligibility/disability requirements. The federal and state laws regulate the process for Identification and complaints, require the collection and reporting of data, and set rigorous academic standards. Specifics on the delivery of Special Education in Council Rock can be found on page \_\_\_\_.

### **Federal Special Education Laws**

Federal laws governing Special Education include the *Individuals with Disabilities Education Act* (IDEA), *the Rehabilitation Act of 1973* and the *Americans with Disabilities Act*.

In order for a student to qualify for a special education service under IDEA, the disability must result in needing different or additional services to succeed in school. IDEA has been amended several times and in 2004 Congress clarified that students must be provided a Free and Appropriate Public Education (FAPE) from birth (Early Intervention Programs) through age 21.

The IDEA recognizes 13 categories of disabilities including: students with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbances, orthopedic impairments, Autism, traumatic brain injury, other health impairments, specific learning disabilities, and those who because of conditions need special education and related services. Under the auspices of the IDEA, schools districts are required to develop an IEP designed to meet the specific needs of each individual child.

One of the major amendments to IDEA in recent years was the provision for education to be given in “the least restrictive environment”. This means that the school is required to frame an IEP to give the individual student the greatest access to his/her peers in a regular classroom environment, as well as access to extra-curricular and social activities within the school day.

### **Pennsylvania State Laws and Regulations**

Title 22 PA School Code (Chapter 14) requires that each school district develop and implement a special education plan “aligned with the strategic plan of the school district.” Chapter 14 describes the state regulations for implementing IDEA, defines reporting data, outlines what the IEP of each student should include, and gives the number of students allowed on a teacher’s caseload. Since the 1990’s, there has been a change in how the regulations are applied. Currently the IEP and delivery of special education is more focused on the needs of the child, not the title of the disability.

Some of the data that the state requires from the school district are enrollments by special needs title, the amount of time (as a percentage of the day) the students spend in a regular education classroom, and participation and performance in statewide assessments.

The district has nine categories of Special Education: Learning Support, Emotional Support, Autistic Support, Life Skills Support, Multiple Disabilities, Speech/Language Support, Vision Support, Hearing Support and Physical Support. Within those nine categories there are three

levels of intensity of services: Itinerant (least restrictive), Supplemental (moderately restrictive), and Full-Time (most restrictive).

The state requires that the district report the amount of time each student spends in a mainstream environment inside the regular classroom in three categories: 80% or more of the day, 79% to 40%, and less than 40% of the day. The state also requires a breakdown of the number of students going to a school outside the district including: special schools, residential facilities, instruction inside the home and other settings. This is expressed as 80% or more and 40% or less.

Abiding by all state and federal Special Education laws and regulations comes at a high price. Please see the article titled "Special Education – Special Cost – Insufficient Funding" on page \_\_\_\_.