

STUDENTS WITH SPECIAL NEEDS

THE BASICS OF THE LAW

- **Exceptional students** are defined as those who differ from same-aged children in physical, mental, learning, emotional, or social characteristics and abilities to such a degree that they need special educational programs or services. This includes students with health, physical or mental impairments, vision or hearing impairments, autism, traumatic brain injury, developmental delay, multiple disabilities, communication disorders, learning disabilities, emotional behavioral disabilities, and/or exceptional ability to perform at high levels (gifted and talented). Kentucky schools are held accountable for helping all students learn through the state's accountability system and the federal No Child Left Behind laws. See Chapter on Assessment and Accountability.
- Schools must review **achievement** data broken out by race, eligibility for the free lunch program, English as a second language, disability, and gender and set targets and plans for eliminating substantive gaps. Schools failing to meet targets in two years will submit their plans to the local superintendent for approval. After four years of not meeting targets, they will be reported to the Commissioner of Education for review and approval of school plans. These provisions are in Senate Bill 168 passed in 2002.
- **No Child Left Behind** The federal No Child Left Behind Act (NCLB) requires states to set standards for performance in reading, math and science, assess student progress on meeting the standards and issue a report card that includes the percent of students reaching a proficient level of achievement as a whole and by subgroup. Goals are established that must be met for all students and by each subgroup based on ethnicity, poverty, English as a second language, and disabilities. Title I schools failing to reach the goals for all students and for each subgroup, fail to make "adequate yearly progress" and face consequences that give parents choices for their children. This federal law requires schools to focus on learning for every child regardless of income, race or disability.

Student with Disabilities

- Under the **federal Individuals with Disability Education Act (IDEA)**, all students with disabilities from ages three to twenty-one years must have available to them a "free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living." In addition, infants and toddlers with disabilities from birth to age three are eligible for evaluation and early intervention services, usually provided by agencies other than schools. Referrals can be made or more information obtained by calling "Child Find" at 1-800-688-0340. A state law adopted in 2004 requires that requests for a hearing alleging violations of the federal IDEA laws must be made within three years after the violation occurred.

- In Kentucky, students ages three to twenty-one with disabilities are served by public schools. Students eligible for these services must be offered an appropriate program in the “**least restrictive environment (LRE)**.” Public schools must ensure that children with disabilities are not removed from the regular education environment, unless the nature and severity of their disability is such that education in the regular classroom with special aids and services cannot be achieved satisfactorily. Exceptional children programs as well as home and hospital instruction must be available for those who need it.
- Kentucky’s funding formula provides some **additional funding** to schools for those students defined as exceptional.
- Schools are accountable in Kentucky for helping all students succeed academically so all students take the state tests that determine school progress. Students with disabilities, who have special **accommodations** for everyday learning, may use those same accommodations when taking state assessments. Students with severe disabilities who are not able to take the test have an alternative (or modified) portfolio. These accommodations are acceptable for accountability in Kentucky’s system but are not always acceptable for No Child Left Behind. The Department of Education is working on this.
- Each eligible exceptional student must have an **individual education program (IEP)**. School personnel and parents determine the student’s educational needs, services needed, and expected results. School staff must report to parents (at least as often as parents are informed of nondisabled students’ progress) on their child’s progress toward the annual goals. The Kentucky Board of Education developed administrative regulations to see that these education programs are monitored for compliance with federal laws and regulations. The State Board is authorized to provide assistance to and withhold funds from districts that are not complying with these laws. These funds can be returned once districts are in compliance
- **The Kentucky Special Education Mentor Program** was established to select and train expert special education teachers and administrators and assign them to assist districts that are not complying with state and federal laws.
- The **State Advisory Panel for Exceptional Children (SAPEC)** advises and assists the Kentucky Department of Education, Division of Exceptional Children Services for children and students from birth through age twenty. The panel is required by the federal Individuals with Disabilities Education Act. The public is encouraged to comment via e-mail or speaking at their meetings. Meeting dates are posted on the department Web site at www.education.ky.gov ; search for SAPEC. .
- Kentucky Parent Resource Centers (PRCs) are available in some school districts. They provide information and support to parents of exceptional children. A listing of Kentucky PRCs may be found at <http://www.education.ky.gov> ; search for PRC.
- Kentucky Special Parent Involvement Network (KY-SPIN) is a non-profit organization that promotes programs to enable children and their families to enhance their quality of life. For more information about KY-SPIN, go to <http://www.kyspin.com/>.

- **First Steps: Kentucky’s Early Intervention System**, funded through the federal Individuals with Disabilities Education Act (IDEA), serves children ages birth to three whose development in communication, movement, learning, social growth, emotional growth, and adaptability is delayed. Anyone, including a family member, who is concerned about the development of an infant or toddler may make a referral to First Steps or get more information by calling the statewide toll free number, 1-800-442-0087. Each family makes the decision whether to participate in First Steps.
- The Kentucky Transition Program, funded through the Kentucky State Improvement Grant for Nurturing All Learners (KYSIGNAL), offers professional development, technical assistance, trainings, and other resources to school personnel, students, and parents to facilitate successful transition planning and post school supports. More information is available from the Human Development Institute, University of Kentucky, at 859-519-7375.
- The Kentucky Department of Education must give preference when selecting textbooks, to companies that make their materials available in additional formats for use by students with disabilities. This is an incentive to make textbook materials available for all students that was enacted into law in 2002. The Kentucky Accessible Materials Consortium (KAMC), the state repository for digitized textbooks, distributes accessible digital materials to all Kentucky public P-12 schools. Schools may order digital materials from the Kentucky Accessible Materials Database (KAMD) for use by qualified students with disabilities at no cost to the schools. With each textbook adoption cycle, increasing numbers of publishers are providing digital copies of new textbooks and instructional materials to the KAMC. Currently over 1,250 titles are available through the KAMD. For more information search for KAMC and KAMD at www.education.ky.gov.

Gifted and Talented Students

- Kentucky’s definition of exceptional children includes gifted and talented students, defined as those who possess demonstrated or potential ability to perform at exceptionally high levels in one or more of the following categories: general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychological or leadership skills, and/or visual or performing arts.
- School districts are required to provide gifted education services for the Primary Talent Pool, primary program students informally selected, and for formally identified students in grades 4-12. The state provides some additional funds to assist school districts in providing these services.
- The purpose of the **State Advisory Council for Gifted and Talented Education** is to make recommendations to the Kentucky Board of Education and the Department of Education regarding services for gifted and talented students. The council’s 19 governor-appointed voting members and three non-voting ex-officio members meet four times each year to discuss and make plans to address current needs of these students.
- **Gifted Student Services Plans (GSSP)** are required for all formally identified gifted students, grades 4-12 and serve as a means of communicating with parents. Districts are required to obtain information related to the interests, needs, and abilities of identified

students from parents or guardians for use in determining appropriate services. Parents must be informed about the plan for their child, be updated no less than once a year, and understand how to request changes in services.

- The **Kentucky Virtual High School (KVHS)** is an option for offering challenging courses to gifted students. (See High Schools and contact information below.)

Students At-Risk

- **Students at-risk for educational failure** are defined in the law as those whose family income qualifies them for the federal school lunch program. To help these students succeed, Kentucky law makes the following provisions:
 - ✓ a commitment to provide all students with the opportunity to learn by including all children in the accountability program
 - ✓ preschool programs for four-year-old children who would qualify for the school lunch program
 - ✓ extended school services to allow additional instruction for students who need it
 - ✓ family resource and youth services centers to address problems that interfere with student learning (Advisory councils for these centers must include adequate representation of parents of all students in their schools.)
 - ✓ waiver or reduction of school fees for pupils who qualify for the free- and reduced-price lunch program.
- Title I funds from the federal government are available for some schools with high percentages of students on the free- and reduced-price lunch program to provide assistance to students who have academic deficiencies.
- The Department of Education has a federal grant to help Kentucky High Schools **expand Advanced Placement (AP) courses**, to increase access of minority students and those living in poverty, and to increase the opportunity for students to obtain the Commonwealth Diploma. Part of the grant will be used to pay tuition for courses available through the Kentucky Virtual High School and to pay the AP exam fee for eligible students. See below for contact information.
- Kentucky has received a federal GEAR UP grant to encourage and support students at risk to attend postsecondary education. See Chapter on High Schools for more information.

WHAT'S NEW?

- The Kentucky Academy of Mathematics and Science, opened in the fall of 2007 and is housed on the campus of Western State University. It is a residential high school for gifted students who intend to pursue a career in math and science. The program serves 11th and 12th grade high school students from throughout Kentucky who have an exceptional interest and

ability in these subjects For more information contact The Center for Gifted Studies, 270-745-6323 or e-mail gifted@wku.edu or visit the academy web site www.wku.edu/academy .

WHAT YOU CAN DO TO HELP

- ★ **Encourage schools to have high expectations for all students.** Don't assume students cannot learn because they have a disability or special learning need or live in poverty.
- ★ **Review** student test data broken out by poverty, English as a second language, gifted and talented, and disabilities to see how well students with special needs are performing. This information is available in your school's expanded report card and the Department of Education at <http://www.education.ky.gov>; search for School Performance Reports.
- ★ **Volunteer** to work on setting targets and plans to reduce any achievement gaps and **attend** public meetings required to review those plans.
- ★ **Talk** with and encourage students who have disabilities or special learning needs.
- ★ **Encourage all students** to consider taking challenging courses including algebra and advanced placement courses and set goals for themselves.
- ★ If you are concerned that a child ages birth to three years is not developing normally, **make a referral** to First Steps by calling the statewide toll free number, 1-800-442-0087. For those ages three to twenty-one call Child Find at 1-800-688-0340.
- ★ If you know parents who are struggling to help their special needs children in school, suggest they **call one of the parent support groups** listed below.
- ★ If you know of or have a child who is gifted and needs additional services, ask to speak to the director of gifted and talented services in your district or contact the Kentucky Association for Gifted Education. See information below.
- ★ **Call** the Department of Education if you believe children in your district who have special needs are not being served well (502) 564-4970.
- ★ **Recognize and support** the diverse academic, social, economic, gender, and cultural learning needs of students.
- ★ **Encourage** all parents to get involved in the PTA/PTO/PTSA. If your school does not have a PTA, form one. Call the Kentucky PTA office at (502) 564-4378.

FOR MORE INFORMATION, CONTACT

- **American Civil Liberties Union (ACLU) of Kentucky**, 315 Guthrie Street, Suite 300, Louisville, Kentucky, 40202, (502) 581-1181 (government infringement on Bill of Rights).
- **The Center for Gifted Studies**, Western Kentucky University, 1 Big Red Way, Bowling Green, KY 42101, (270) 745-6323; e-mail: gifted@wku.edu or visit the Web site at www.wku.edu/gifted.
- **Child Find**, 1 (800) 688-0340 for information and referral of children ages three through twenty-one. [MICHELLE – DID YOU TALK WITH THESE FOLKS AND IS THIS NUMBER CORRECT? IF NOT – PLEASE RECHECK. THX.
- **Family Voices of Kentucky at Parent Information Network of Kentucky (PINK)**, 4915 Hickory Hollow Lane, Shepherdsville, KY 40165; (502) 471-6239; (information and networking with other families of children with disabilities).
- **First Steps: Kentucky's Early Intervention System**, (800) 442-0087, visit the Web site at <http://chfs.ky.gov/dph/firststepshtm> (evaluation and services for children birth to three with developmental delays).
- **Kentucky Assistive Technology Service (KATS) Network**, 8412 Westport Road, Louisville, KY 40242; (800) 327-5287; visit the Web site at <http://www.katsnet.org/> (information and referral to individuals with disabilities).
- **Kentucky Association for Gifted Education (KAGE)**; P.O. Box 9610, Bowling Green, Kentucky 42102-9610; (270) 745-4301 or visit the Web site at <http://www.wku.edu/kage/> or e-mail at kage@wku.edu.
- **Kentucky Autism Training Center and Resource Center**. Spectrum Building, 911 South Brook St., Louisville, KY 40203, 502-852-4631 or 800-334-8635; A manual, *Technical Assistance for Autism* is available from the Kentucky Department of Education; (502) 564-2672; e-mail: katc@louisville.edu; or visit the Web site at <http://www.louisville.edu/education/kyautismtraining/>.
- **Kentucky Department of Education**: Capital Plaza Tower, 500 Mero Street, Frankfort, KY 40601, (800) KDE-KERA (800-533-5372) or visit the Web site at <http://www.education.ky.gov/KDE/Default.htm>.
 - **Division of Curriculum Development**, Learning Strategies Branch, 502-564-2106 ext. 4137 (gifted and talented education); (502) 564-2106 (advanced placement grant).
 - **Division of Exceptional Children Services**, (502) 564-4970; or visit the Web site at <http://www.education.ky.gov/> (search for exceptional children).
 - **Kentucky Virtual High School (KVHS)**, (866) 432-0008, (502) 564-4772 or visit the Web site at <http://www.kvhs.org/>.
- **Kentucky Disabilities Coalition**, P.O. Box 1589, Frankfort, KY 40602; (502) 875-1871 or (800) 977-7505; fax (502) 875-1982 or visit the Web site at <http://www.geocities.com/kydisabilitiescoalition/> (coalition of over 70 organizations that refer callers to support groups).

- **Kentucky Partnership for Families and Children**, 207 Holmes Street, 1st Floor, Frankfort, KY 40601; (502) 875-1320 or (800) 369-0533; fax (502) 875-1399; or visit the Web site at <http://www.kypartnership.net>.
- **Kentucky Special Parent Involvement Network (KY SPIN)**, 10301-B Deering Road, Louisville, KY 40272 (800) 525-7746 or Louisville area (502) 937-6894; fax (502) 937-6464; visit the Web site at <http://www.kyspin.com/> or e-mail at spininc@kyspin.com; (training, information and support to parents and families of children with all types of disabilities).
- **Learning Disabilities Association of Kentucky, Inc., (LDA of Kentucky)** 2210 Goldsmith Lane, Suite 118, Louisville, Kentucky 40218; (502) 473-1256; e-mail: info@ldaofky.org or visit the Web site at <http://www.ldaofky.org/>.
- **Office of Family Leadership, Department of Mental Health**, 100 Fair Oak Lane, 4E-B, Frankfort, KY 40621; (502) 564-4527; or visit the Web site at <http://www.mhmr.ky.gov> (support and information for families of children with emotional and behavioral problems).
- **Prichard Committee for Academic Excellence**, P.O. Box 1658, Lexington, KY 40588-1658; (859) 233-9849 or (800) 928-2111; e-mail: admin@prichardcommittee.org or visit the Web site at <http://www.prichardcommittee.org/>.
- **Protection and Advocacy Division**, 100 Fair Oaks Lane, 3rd floor, Frankfort, KY 40601; (800) 372-2988; (502) 564-2967; or visit the Web site at <http://www.kypa.net/> (protection of rights for persons with disabilities and mental illnesses).
- **Spina Bifida Association of Kentucky**, 982 Eastern Parkway, Box 18, Louisville, KY 40217; (502) 637-7363; (866) 340-SBAK (7225); fax (502) 637-1010; e-mail: sbak@sbak.org or visit the Web site at <http://www.sbak.org/> (information and referral service for families and individuals affected by spina bifida).

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