

Student With Disabilities

Some children differ from their peers enough to need specialized educational services to meet Kentucky’s learning goals. The federal Individuals with Disabilities Education Act (IDEA) defines those children’s education rights. Kentucky recognizes a specific list of disabilities (see box at the right) and provides specialized services if a disability has an adverse effect on a child’s academic success. Kentucky regulation further defines adverse affect to mean the student’s educational performance is significantly and consistently below the level of similar-age peers.

HOW ARE STUDENTS WITH POSSIBLE DISABILITIES IDENTIFIED?

A **Child Find** process is used by school districts to identify and evaluate children ages 3 to 21 who may need special services. **Referrals** are a second way children can be identified, allowing those who know the child (parents, teachers, or others) to request an evaluation. A referred student first receives appropriate instruction and intervention services in a regular classroom, with data being collected to see if the student makes adequate progress. If the student does not make adequate progress, an evaluation for disabilities may occur if the child’s parent consents.

WHO DETERMINES IF A STUDENT HAS A DISABILITY?

WHO PLANS THE SERVICES AND SUPPORTS FOR THAT STUDENT?

An **Admission and Release Committee (ARC)** is convened, including:

- ⑤ The child’s parents
- ⑤ A regular education teacher who works with the child
- ⑤ A special education teacher who works with the child or has knowledge about the child’s disability
- ⑤ A district person with knowledge of special education and local resources
- ⑤ Someone who can interpret the evaluation results
- ⑤ Other people who can help, identified by the school or the parents
- ⑤ The child, if appropriate (At least a year before students turn 18, they are informed about their special education rights and told that at age 18, they can take over from their parents in making decisions about their own educations.)

The ARC’s job is to refer the child for evaluation and determine eligibility. If the child is found eligible for IDEA services, the ARC addresses the child’s needs with an **Individual Education Program (IEP) and** reviews and revises the IEP at least annually, and more often if needed. The IEP includes:

- ⑤ Information on the child’s present levels of achievement and performance
- ⑤ Annual goals and how the child’s progress toward the goals will be measured and reported
- ⑤ A placement decision assigning the child to the **least restrictive environment** that can meet the child’s needs. Depending on the child, that can be a regular classroom, a regular classroom plus help from an aide or special education teacher, a regular classroom plus pullout services, or another arrangement
- ⑤ Plans for instruction, services, and assessments, including **accommodations and modifications** (meaning changes made in the way materials are presented and in the setting, timing and scheduling for instruction)

DEFINING DISABILITY

Kentucky defines a child with a disability to include those with:

- Autism
- Deaf-blindness
- Hearing impairment
- Visual impairment
- Developmental delay
- Emotional-behavior disability
- Mental disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment (includes ADHD)
- Specific learning disability (includes dyslexia)
- Speech or language impairment
- Traumatic brain injury

RESOLVING DISAGREEMENTS

To solve disputes involving a student with a disability, it is best to start locally, contacting the school principal or the district’s director of special education. There are also formal processes for resolving disputes related to students with disabilities under the Individuals with Disabilities Act (IDEA), including mediation, formal complaints and administrative due process hearings. Request forms for those processes may be found at education.ky.gov by searching for “Dispute Resolution”

LEARNING MORE

Federal requirements for serving students with disabilities are explained at idea.ed.gov.

The State Advisory Panel on Exceptional Children gives policy guidance to state leaders and holds regular hearings where parents and others can be heard. Contact them by going to education.ky.gov and searching for “SAPEC”

© For students 16 and over, goals for post-secondary training, education, employment, and, where appropriate, independent living skills, along with transition services to help the child reach those goals.

HOW DOES HAVING A DISABILITY AFFECT RULES FOR STUDENT CONDUCT AND DISCIPLINE?

The Education Guide on Student Conduct and Discipline addresses this question at www.prichardcommittee.org. Physical restraints and seclusion are only allowed to address imminent physical danger to the student or other people, never as a consequence for misbehavior: search for “restraints” at education.ky.gov for those rules.

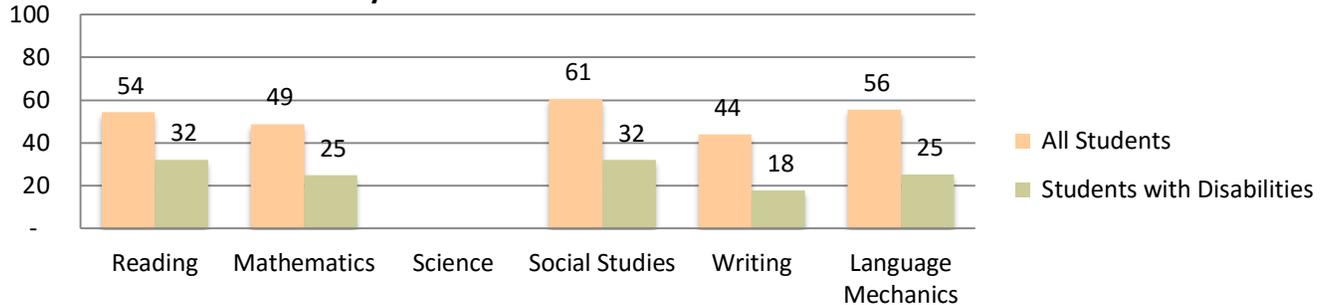
HOW DO STUDENTS WITH DISABILITIES PARTICIPATE IN STATEWIDE ASSESSMENTS?

Most students with disabilities take the same assessments as their classmates, either in the same way or with the same accommodations they receive during regular schoolwork. A small number of students with severe disabilities participate in an **alternate assessment** based on alternate achievement standards. Those students may receive an **alternative high school diploma** after completing a modified curriculum and an individualized course of study.

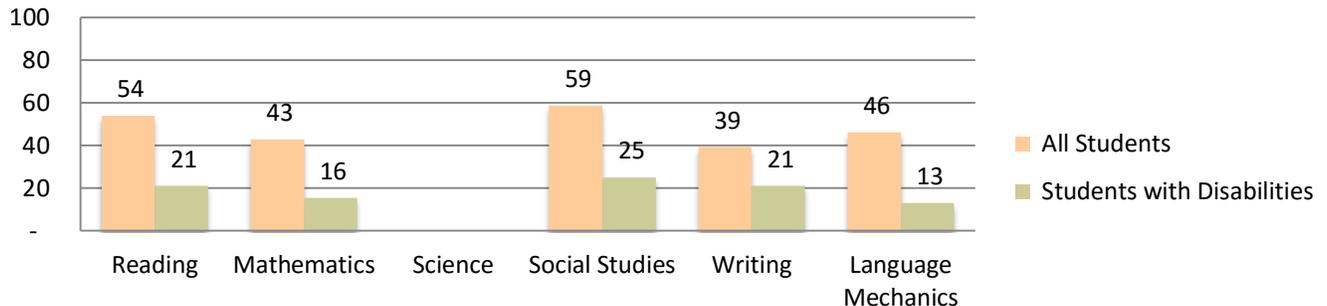
HOW ARE SPECIAL EDUCATION SERVICES FUNDED?

The federal government provides partial funding for special education under the Individuals with Disabilities Education Act (IDEA). The SEEK formula also provides an “add on” amount based on students with disabilities.

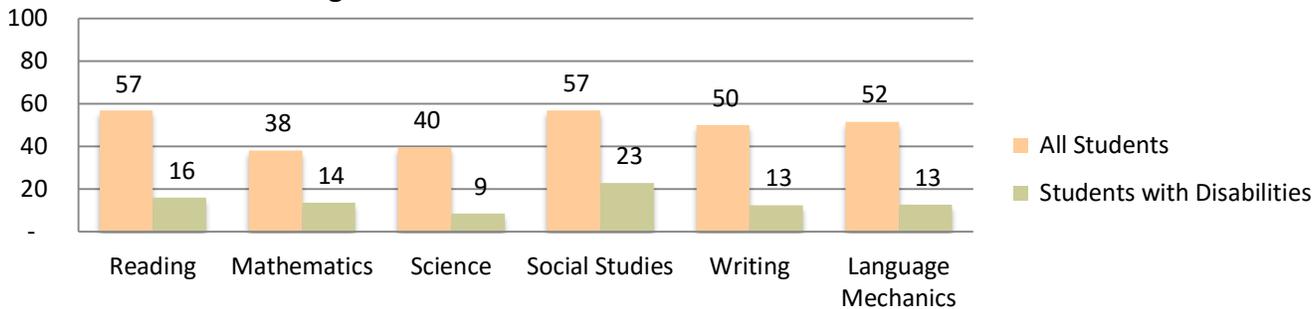
Elementary School 2015 Percent Proficient or Above



Middle School 2015 Percent Proficient or Above



High School 2015 Percent Proficient or Above



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