

Lower Merion School District

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| Policy No. | 114 |
| Section: | PROGRAMS |
| Title: | INDIVIDUALIZED STUDENT SUPPORTS AND SERVICES |
| Date Adopted: | 5/16/88 |
| Date Last Revised: | 4/17/23; 6/9/14; 1/2/12 |
| Reviewed (No revisions) | 6/5/22 |

114 INDIVIDUALIZED STUDENT SUPPORTS AND SERVICES

This Policy intends to safeguard the rights of students to access and receive an appropriately individualized education in compliance with federal and state law requirements and to make sure parents and guardians are fully informed as to their child’s rights to individualized student programs and services in the areas of special education and gifted education. Therefore, this Policy and its implementing Administrative Regulations implement the following laws and their respective federal and state regulations.

1. Individuals with Disabilities Education Improvement Act (IDEIA: Special Education),
2. Section 504 of the Rehabilitation Act (Section 504), and
3. 22 Pa. Code Chapter 16 - Pennsylvania’s Gifted Education regulations (“Gifted Education”).

Each of these types of individualized student programs and services is defined below and each has its own separate and accompanying Administrative Regulation with detailed information about procedures and parental notification:

1. IDEIA: Special Education – Administrative Regulation 114-1,
2. Section 504 – Administrative Regulation 114-2, and
3. Gifted Education – Administrative Regulation 114-3.

IDEIA (Special Education)

IDEIA is a law ensuring direct services to children with disabilities through creation and implementation of an appropriate individualized educational program (IEP) in accordance with applicable federal and state law.

The phrase “student with a disability” means a student:

- (i) with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
- (ii) who, by reason thereof, needs special education and related services.

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Section 504

Section 504 is a law which prohibits discrimination against students with disabilities. Section 504 requires the District to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

Currently Section 504 defines the phrase “student with a disability” as a student who meets the following conditions: (1) the student is of school age; (2) the student has a physical or mental disability which substantially limits one or more major life activities, without consideration of the ameliorating effects of any mitigating measures used by the student; and, (3) the student is not eligible for special education services pursuant to IDEIA.

Some students who are not “school age” may also be eligible under Section 504. Students eligible under Section 504 are those who are of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Improvement Act (IDEIA).

Additionally, Section 504 applies not only to students who have a physical or mental impairment that substantially limits one or more major life activities, but also those students who have a record of such an impairment or are regarded as having such an impairment.

Gifted Education

Chapter 16 of the Pennsylvania Code (hereinafter referred to as Pennsylvania Chapter 16) addresses a school district’s obligation to identify and provide services to gifted students who require gifted education to reach their potential. The phrase “gifted student” means a student who possesses outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program.

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Prohibition Against Discrimination

It shall also be the policy of this Board that students with disabilities will have an equal opportunity to participate in co-curricular, extracurricular, intramural or interscholastic activities or any of the services offered or recognition rendered regularly to students of this District. The District will make an individualized inquiry to determine if there are reasonable modifications, or necessary aids and services, which would allow a student with a disability the chance to take part in any such activity. The determination of the extent of the participation and any required program modifications shall be made by the team responsible for development of the student's IEP or service agreement, whichever is applicable.

Delegation of Responsibility

The Superintendent is responsible for establishing and implementing a system for the proper identification, evaluation, placement and programming for students in accordance with federal and state laws.

The Superintendent is also responsible for establishing and implementing a system of procedural safeguards and parental notification.

The Superintendent or designee shall develop procedures for evaluation of the effectiveness of the District's educational plan for students with disabilities and gifted students and shall periodically report to the Board the criteria and results of such evaluations.

Cross references:

Individuals with Disabilities Education Improvement Act, 20 U.S.C. §§1400-1482; 34 C.F.R. §§300.1300.818

22 Pa. Code Chapter 14, Special Education Services and Programs

Section 504 of the Rehabilitation Act, 29 U.S.C. §794; 34 C.F.R. §§104.31-104.39

22 Pa. Code Chapter 15, Protected Handicapped Students

22 Pa. Code Chapter 16, Special Education for Gifted Students