

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Administrative Regulation No.: 114-1
Section: PROGRAMS
Title: SPECIAL EDUCATION
Date Last Revised 5/6/22; 6/4/14; 1/2/12

**R114-1: INDIVIDUALIZED STUDENT SUPPORTS AND SERVICES
SPECIAL EDUCATION**

I. Educational Evaluations

The District will follow all procedures for evaluations and re-evaluations as specified in the Individuals with Disabilities Education Improvement Act (“IDEIA”) and its implementing regulations (20 U.S.C.S. § 1414; 34 C.F.R. § 300.301 to § 300.305) as well as in the Pennsylvania State Board of Education Regulations (22 Pa. Code § 14.123 to § 14.124). These include but are not limited to the following:

1. The District will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent/guardian and by the student when of transition age.
2. The District will not use any single measure or assessment as the sole criterion for determining whether a student is a child with a disability.
3. The District will use technically sound instruments that may assess the relative contribution of cognitive, academic, and behavioral factors, in addition to behavioral or developmental factors.
4. The District will use a process that assesses a student’s individual strengths and needs and ensures that findings give full consideration to cultural factors, environmental or economic disadvantage, limited English proficiency, and access to appropriate instruction.

Independent Educational Evaluation (IEE)

A parent/guardian who disagrees with an evaluation conducted by the District may request an Independent Educational Evaluation at public expense.

“Independent Educational Evaluation (“IEE”)” means an evaluation conducted by a qualified examiner who is not employed by the District.

“Public expense” means that the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/guardian.

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The District will follow all required procedures regarding parent/guardian requests for IEEs as promulgated in the IDEIA.

When the District receives a request for an IEE, Student Services Administration will review the most recent evaluation completed by the District to determine if it is appropriate and satisfies the requirements for an evaluation set forth in the IDEIA regulations. (34 C.F.R. § 300.301 to § 300.311).

Following this review, if Student Services Administration agrees to an IEE at public expense, the District shall inform the parents/guardians in writing that the District will agree to an IEE. Student Services Administration shall provide the parents/guardians with information about where an IEE may be obtained, and the District's criteria applicable for IEEs.

If Student Services Administration determines that the most recent evaluation or re-evaluation completed by the District complies with the IDEIA regulations and intends to deny the IEE request, they shall inform the parents/guardians in writing that the District will not provide an IEE. Student Services Administration shall then submit a due process complaint to establish the appropriateness of the District's most recent evaluation, as required by IDEIA regulation. (34 C.F.R. § 300.502(b)(2)(i)).

District Criteria for Independent Educational Evaluations

An appropriate evaluation or re-evaluation, whether conducted by school district staff or persons not employed by the school district, shall consist of the administration of all testing and the use of all assessment procedures required to rule in or rule out the existence of all legally-defined disabilities consistent with IDEIA that school staff, parents/guardians, or the evaluator reasonably suspect the student might have.

The evaluation need only include testing and assessment techniques that are required in light of information already available from previous evaluations or re-evaluations, information from school staff familiar with the performance of the student, information gathered from parents/guardians relating to the student, and education records concerning the student. The evaluator shall review all such sources of information prior to conducting testing and assessment.

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Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure, if any, and in compliance with applicable and authoritatively recognized professional principles and ethical tenets and shall report any factor that might affect the validity of any results obtained.

The evaluation shall include an observation of the student in an educational setting, unless the student is not then in such a setting, and the evaluator shall obtain information concerning the performance of the student directly from at least one current teacher of the student, unless the student does not have a current teacher.

The evaluator shall hold an active certification from the Pennsylvania Department of Education that qualifies the evaluator to conduct the type of evaluation that they are conducting of the student. If certification from the Pennsylvania Department of Education is not issued for the particular area of professional practice in which the evaluator is otherwise lawfully engaged, the evaluator shall hold such license or other credentialing as is required for the area of professional practice under Pennsylvania law.

The evaluator shall prepare and sign a full report of the evaluation containing (a) a clear explanation of the testing and assessment results; (b) a complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and subtest scores reported in standard, scaled, or T-score format; (c) a complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator; and (d) specific recommendations for educational programming and, if possible, placement.

II. Child Find and Screening

Public Awareness

The District shall adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education supports and services within the jurisdiction of the District, regardless of whether those children are homeless, wards of the state, or attend public or private/independent schools as follows:

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1. Directly or through Montgomery County Intermediate Unit, publish at least once annually a written notice, in a newspaper or other media with circulation adequate to notify parents/guardians throughout the District of child identification activities, of District and other public early intervention and special education supports and services, of the manner in which to request supports and services, about information regarding potential signs of developmental delays and other risk factors that could indicate disabilities, and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children in accordance with state and federal law;
2. Post conspicuously on the Internet home page of the District the information described in subsection 1;
3. Publish in the District handbook the information described in subsection 1;
4. Directly or through Montgomery County Intermediate Unit, consult annually with private/independent school administrators and representatives concerning the development of, and then develop, child find activities designed to identify, locate, evaluate, and offer special education supports and services to children that may be eligible for special education supports and services who are within the District's jurisdiction and who attend private/independent schools, provided, however, that nothing in these Administrative Regulations or the corresponding Policy shall be construed to authorize the provision of special education supports and services in or on the premises of private/independent schools;
5. Display conspicuously in every public school building in the District printed circulars or pamphlets containing the information described in subsection 1.

Outreach

The District will conduct the following outreach activities concerning programs and services for students with disabilities who are within the District's jurisdiction, regardless of whether those children attend public or private/independent schools:

1. Directly or through Montgomery County Intermediate Unit, offer parent/guardian and family training and information activities and publicize the availability of such activities to all parents/guardians;

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2. Directly or through Montgomery County Intermediate Unit, provide to physicians, hospitals, mental health professionals, daycare providers, and County agency personnel training or other information concerning the types of special education supports and service available in and through the District and the manner in which parents/guardians can access those services;
3. Directly or through Montgomery County Intermediate Unit, provide periodic training to regular education staff of the District and, by invitation, of the private/independent schools concerning the identification and evaluation or re-evaluation of, and provision of special education supports and services to, students with disabilities.

Screening Process

The screening process described in District policy shall include:

1. Hearing and vision screening in accordance with Section 1402 of the Pennsylvania School Code for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education supports and services;
2. Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects;
3. For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards;
4. For students with behavioral concerns, a systematic observation of the student's behavior in the classroom or school area in which the student is displaying difficulty;
5. An intervention to increase the student's level of academic achievement or behavioral regulation based on the results of the assessments conducted in accordance with subsections 3 or 4 above;
6. An assessment of the student's response to the intervention;
7. A determination of whether or not the assessed concerns of the student are the result of cultural factors, environmental or economic disadvantage, limited English proficiency, or a lack of instruction;

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8. A determination of whether or not the student’s needs exceed the functional capacity of the regular education classroom, without special education supports and services, to maintain the student at an instructional level appropriate to the level and pace of instruction provided in the regular education classroom;
9. Activities designed to gain the participation of parents/guardians;
10. Controls to ensure that if screening activities have produced little or no improvement after initiation, the student shall be referred for a multidisciplinary team evaluation.

III. Intellectual Disability

“Intellectual Disability,” when used to describe a District resident of school age, means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance. The term is synonymous with the term “mental retardation,” as used and defined in the IDEIA. The following terms shall have the following meaning as used in this definition:

1. Significantly subaverage general intellectual functioning. Either—
 - (a) on a validly administered and reliable standardized test of intelligence, allowing for the standard error of measurement, a full scale or general intelligence quotient representing general intelligence that falls approximately two standard deviations below the norm for the test instrument used, including a margin for measurement error, or
 - (b) general intelligence in the range commensurate with such a quotient or standard deviation below norm, as determined through other valid and reliable means of assessing intelligence, provided, however, that in either case, the determination that a student has “significantly sub average general intellectual functioning” shall be corroborated by a finding that other valid and reliable factors, such as educational performance, achievement, or education-related behavior, or the attainment of developmental milestones, are consistent with the results of the testing or assessment of general intelligence. A finding of “significantly subaverage general intellectual functioning” can be supported when general

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intellectual ability scores are not at least two standard deviations below the norm for the test instrument used, including a margin for measurement error, only when such other valid and reliable factors, and deficits in adaptive behavior as defined below, strongly support such a finding.

2. Deficits in adaptive behavior. Scores on standardized or criterion-referenced, validly administered tests, assessments, or inventories of adaptive behavior that are commensurate with testing or assessment establishing significantly sub average general intellectual functioning, provided, however, that results of such tests, assessments, of inventories are (a) derived from a reliable source of informant; and (b) not the primary result of a history of abuse or neglect, cultural factors, environmental or economic disadvantage, or limited English proficiency.

3. Developmental period. The period from birth through the attainment of age eighteen.

School age residents of the District whom multidisciplinary teams have identified, in accordance with Pennsylvania law, as having Intellectual Disability prior to June 9, 2001 shall continue to be entitled to all services and protections appurtenant to such identification until such time as they graduate from high school, are no longer school age, or are deemed not to be eligible for special education in accordance with the criteria under which they were initially identified.