

APPENDIX E

§300.227

INTERMEDIATE UNIT 20:

PARTICIPATION IN REGULAR EDUCATION PROGRAMS

PARTICIPATION IN REGULAR EDUCATION PROGRAMS

In order for the Local Education Agency to insure that to the maximum extent practicable, and consistent with Least Restrictive Environment, the following procedures are followed by the LEA in regard to placement of children who are disabled within the jurisdiction of the LEA.

The following types of alternative placements are available:

- (1) Regular classroom instruction for the entire school day, with instructional support including modifications to the regular instructional program and individualization of instruction by the classroom teacher for part of the school day.
- (2) Regular classroom instruction for all or most of the school day, with supplemental aids and services provided by a special education teacher or related service staff member.
- (3) Special education services and programs outside the regular class for most or all of the school day, with some instruction in the regular classroom or opportunities for participation with nonexceptional students in nonacademic and extracurricular activities in a regular education environment.
- (4) Special education services and programs outside the regular school, including the following:
 - (i) Special education services and programs provided in a school district or intermediate unit special education center, with opportunities for some instruction in the regular classroom or opportunities for participation with noneligible students in nonacademic and extracurricular activities in a regular education environment to the maximum extent appropriate.
 - (ii) Special education services and programs provided in an approved private school, with opportunities for some instruction in the regular classroom or opportunities for participation with noneligible students in nonacademic and extracurricular activities in a regular education environment to the maximum extent appropriate, subject to Section 14.43 (relating to approved private schools).

- (iii) Special education services and programs provided with parental consent in a residential school, residential facility, State school or hospital or special secure setting on an individual or group basis.
- (iv) An approved out-of-State program.
- (v) Instruction in the home.

The number of children within each disability category who are served in each type of placement is reported in this LEA APPLICATION for the year 1994/1995 as part of an Exhibit-Federal Project Application-Statistical Information (Form 3015).

The procedures for determining placement by the LEA are initiated after an IEP is developed by the parties of an IEP meeting. The IEP team determine placement based on the developed IEP. The IEP team meeting is convened at least annually, or more frequently if conditions warrant, following an evaluation or reevaluation. An IEP team meeting is also convened at the request of a member of the IEP team.

The placement recommended, based on an IEP, is a result of a determination by the IEP team and is based on the degree of need and as represented in the multidisciplinary evaluation report. The LEA's IEP team bases the placement of recommendation of an exceptional student on the following criteria:

- (1) The appropriate level of intervention.
- (2) The appropriate location of intervention.
- (3) The appropriate grouping of students.

The IEP Team's determination of the appropriate level of intervention required to meet the student's need and ability which is the level at which the student performs successfully. In making this determination, the IEP will consider the student's age, the services required by the IEP and the type and intensity of the student's academic or behavioral needs, or both.

The IEP team recommends placement of the student in regular educational environment of the regular public school which the student would attend if not exceptional, unless the IEP team determines that the IEP cannot be implemented even with supplemental aids and services.

The IEP Team includes in its determination of a recommended placement, the provision of nonacademic and extracurricular services and activities for each child with a disability receiving special education and related services. This is accomplished by the inclusion and participation of an LEA representative, student's present teacher and student's parent and guardian in each IEP Team meeting. The provision of nonacademic and extracurricular services and activities, may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies which provide assistance to persons with disabilities, and employment of students.

The description of services and activities are written in the IEP developed for the student and subject to due process proceedings.

In regard to private school students, the LEA abides by the provision of State law, 24 P.S. Section 13- 1301, in which a parent resident of the Commonwealth may enroll their child in a private school and this parent may "dual enroll" the child in the public schools to gain access to all rights and privileges as a student eligible or exceptional for special education and related services. Therefore, any disabled students in private schools within the jurisdiction of the LEA, under dual enrollment would have access to an available free appropriate public education.