

IMPLEMENTATION AND SERVICE DELIVERY

IMPLEMENTATION OF THE IEP

Each person responsible for IEP implementation:

1. designs and initiates instructional plans for accomplishing IEP goals, benchmarks or objectives;
2. collects student progress data;
3. maintains records of progress for each student;
4. uses evaluation techniques that are specified in the IEP for the goals, benchmarks/objectives being measured;
5. reports progress toward the goals as documented on the IEP; and
6. provides feedback to students and parents.

Each implementer collects and analyzes student progress data to determine if the student is making progress according to the expected criteria designated for the goals, benchmarks/objectives. If the student is making expected progress, the implementer continues the instructional process. If the student is not making progress, the implementer contacts the ARC Chairperson to initiate an ARC meeting to review the IEP.

The ARC uses the progress data maintained by each implementer to:

1. evaluate performance of the student toward progress of the goals, benchmarks/objectives;
2. modify instructional strategies;
3. determine if the student continues to need special education and related services according to procedures for **Release from Special Education and Related Services** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**;
4. revise the IEP, as needed; and
5. document implementation of the IEP.

Review of the IEP

A LEA shall ensure that the ARC reviews each child's IEP periodically, but no less than annually, to determine whether annual goals are being achieved, and revises the IEP as appropriate to address:

1. any lack of expected progress toward the annual goals;
2. any lack of expected progress in the general curriculum, if appropriate;
3. the results of any reevaluation;
4. information about the child provided by or to the parents;
5. the child's anticipated needs;
6. and other matters.

707 KAR 1:320 Section 2 (4) (a-b)
34 CFR 300.343 (c)
34 CFR Appendix A, Q. 20

Prior to an ARC meeting to review the IEP, the ARC Chairperson sends a notice of ARC meeting to appropriate committee members according to **NOTICE OF ARC MEETING** in procedures for **PROCEDURAL SAFEGUARDS**.

Review of Student Progress

The ARC members use student performance data, evaluation information, and progress data to determine if the student made progress in the general curriculum and toward the goals, benchmarks and objectives. The ARC members consider the following in determining if the student made progress:

1. the student performed the targeted behavior(s);
2. the student made expected progress toward each goal, benchmark/objective;
3. the student made expected progress in the general curriculum;
4. the present level of educational performance of the student improved; and
5. the student generalized behaviors into environments where the behaviors would naturally occur.

Based on the review of student progress information, the ARC members:

1. revise the current IEP; or
2. develop a new IEP; or
3. release the student from special education according to **Release from Special Education and Related Services** in procedures for **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

Revising the IEP

When revising an IEP, the ARC members review, as appropriate:

1. student progress data;
2. results of any reevaluation;
3. information about the child provided by or to the parents;
4. the child's anticipated needs; and
5. other matters as determined by the ARC.

The ARC follows procedures for **DEVELOPING THE INDIVIDUAL EDUCATION PROGRAM** in IEP.

IEP ACCOUNTABILITY

The LEA shall provide specially designed instruction and related services to each child with a disability in accordance with his IEP and shall make a good faith effort to assist the child to achieve the goals and objectives or benchmarks in the IEP.

707 KAR 1:320 Section 8 (1)
34 CFR 300.350 (a)

Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, the Act does not prohibit a state or public agency from establishing its own accountability systems regarding teacher, school, or agency performance.

34 CFR 300.350 (b)

Owen County School District staff, individual schools, and teachers make good-faith efforts to assist the child in making progress toward the goals and benchmarks and/or objectives developed in the IEP, including those related to transition services. In addition, teachers and other personnel who carry out portions of the child's IEP are informed about the content of the IEP and their responsibility regarding its implementation according to **IEP Accessibility** in procedures for **IEP**.

Parents Retain all Due Process Rights

The provisions of this administrative regulation shall not limit the parents' right to ask for revisions of the child's IEP or to invoke due process procedures if the parents feel that good faith efforts are not being made.

707 KAR 1:320 Section 8 (3)
34 CFR 300.350 (c)

If the parents disagree with the decision(s) of the ARC, the ARC Chairperson informs the parents of the use of mediation, complaint, and due process procedures according to the appropriate procedures in **PROCEDURAL SAFEGUARDS**.

GRADUATION AND PROGRAM COMPLETION

Owen County School District issues the same high school diploma to each student with a disability who meets the required graduation criteria and standards as that issued to student without disabilities who meet the same criteria. The ARC plans an appropriate course of study leading to graduation and a diploma for a student no later than age fourteen (14) according to **Post-School Transition Services** in procedures for **IEP**.

The Owen County School District Board of Education grants a student with a disability a diploma or a certificate of program completion as part of the graduating class, with no distinction made in the ceremonies. Each student with a disability who completes the secondary program has the opportunity to participate in graduation ceremonies with peers who are not disabled.

Graduation with a Diploma

Each student with a disability in Owen County School District has an opportunity to complete high school in the same manner and following the course of study available to students who are not disabled. Owen County School District grants a high school diploma to each student with a disability who meets the required graduation criteria and standards as established by the State Board for Elementary and Secondary Education. Owen County School District personnel do not act in any way to prevent a student with a disability from obtaining a high school diploma.

Determining Certificate of Completion and Alternate Portfolio

A student with a disability who meets the criteria for an alternate portfolio is issued a certificate of program completion upon completing a program designed by the ARC.

A student is eligible for an alternate portfolio and a certificate of program completion if the ARC determines that:

1. The student has a current Individual Education Program;
2. The student's demonstrated cognitive ability and adaptive behavior itself prevents completion of the regular course of study even with program accommodations;
3. The student's current adaptive behavior requires extensive direct instruction in multiple settings to accomplish the application and transfer of skills necessary in school, work, home, and community environments;
4. The student's inability to complete the course of study may not be the result of excessive or extended absences; or it may not be primarily the result of visual or auditory disabilities, specific learning disabilities, emotional-behavioral disabilities, or social/cultural/economic differences;
5. The student is unable to apply or use academic skills at a minimal competency level in natural settings (i.e., home, community, or work site) when instructed solely or primarily through school-based instruction;
6. The student is unable to acquire, maintain, or generalize skills, and demonstrate performance without intensive, frequent, and individualized community-based instruction; and
7. The student is unable to complete a regular diploma program even with extended schooling and program accommodations.

The ARC documents the decisions on the Participation Guidelines for the Alternate Portfolio Assessment Program.

Each year during the Annual Review meeting, the ARC reviews the alternate assessment format decision. The ARC may recommend changing assessment formats (alternate assessment or general assessment) based on the meeting the above criteria.

CASE LOAD AND CLASS SIZES

Children who are determined to be eligible for special education and related services are served in general education classes, resource classes, or special classes as determined by the ARC and based upon the implementation of the IEP.

Case Load for Special Class

"Case load for special classes" means the number of children with disabilities assigned to a teacher of exceptional children for the purpose of providing individualized specially designed instruction and related services in a special class setting.

707 KAR 1:280 Section 1 (8)

A LEA shall provide special education according to caseload for special classes for each child with a disability as follows:

- (a) emotional-behavior disability is eight (8);
- (b) functional mental disability is ten (10);
- (c) hearing impairment is six (6);
- (d) mild mental disability for primary is fifteen (15) and for secondary is fifteen (15);

- (e) multiple disabilities is ten (10);
- (f) orthopedic impairment is sixteen (16);
- (g) other health impairment is sixteen (16);
- (h) specific learning disability for primary is ten (10) and for secondary is fifteen (15); and
- (i) visual impairment is ten (10).

707 KAR 1:350 Section 2 (1)

A “special class” means that more than fifty per cent (50%) of the children are served in the class more than fifty per cent (50%) of the school day. The class size requirement of a special class is the same as the caseload requirement.

Case Load for Resource Class

Caseload for resource teachers refers to the maximum number of student records for whom a teacher can be assigned. A LEA shall make those assignments based on the following:

- (a) emotional-behavioral disability is fifteen (15);
- (b) functional mental disability is ten (10);
- (c) hearing impairment is eight (8);
- (d) mild mental disability for primary is fifteen (15) and for secondary is twenty (20);
- (e) multiple disabilities is ten (10);
- (f) orthopedic impairment is twenty (20);
- (g) other health impairment is twenty (20);
- (h) specific learning disability for primary is fifteen (15) and for secondary is twenty (20); and
- (i) visual impairment is ten (10).

707 KAR 1:350 Section 3

If a teacher of children with disabilities is employed less than full time to provide special education and related services, or provides instructional services for children without disabilities, the DoSE and the building principal adjust the teacher's class size and caseload proportionately.

Caseload for a Collaborative Model Class

If a teacher of exceptional children provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) children with disabilities for secondary, and fifteen (15) children with disabilities for primary.

707 KAR 1:350 Section 2 (4)

Resource Class Size

“Class size for resource classes” means that number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of the time set by the individual school.

707 KAR 1:280 Section 1 (10)

A LEA shall provide special education according to class size for resource classes for each child with a disability as follows:

- (a) emotional-behavior disability is eight (8);
- (b) functional mental disability is eight (8);
- (c) hearing impairment is eight (8);
- (d) mild mental disability is ten (10);
- (e) multiple disabilities is eight (8);

- (f) orthopedic impairment is ten (10);
- (g) other health impairment is ten (10);
- (h) specific learning disability is ten (10); and
- (i) visual impairment is eight (8).

707 KAR 1:350 Section 2 (2)

Placement for Children with Autism, Deaf-blindness and Developmental Delay

Children with disabilities that meet the definition of autism; deaf-blindness; developmental delay for ages six (6), seven (7), and eight (8); and traumatic brain injury shall be served in regular classes, special classes, or resource classes as determined by the ARC.

707 KAR 1:350 Section 2 (3)

Caseload for Speech and Language Pathologists

- (1) The caseload limitations for speech-language pathologists in the public schools shall not exceed sixty-five (65) pupils.
- (2) The total caseload of speech-language pathologists who supervise assistants may be increased by no more than one-half of amount set forth (above) for each speech-language pathology assistant working under this supervision.

KRS 334A.190 (1-2)

Waiver of Caseload or Class size Limits

Pursuant to KRS 157.360, if caseload for special classes or class size for resource classes exceeds the maximum specified in this section for thirty (30) days, a LEA shall submit a waiver request to the Kentucky Department of Education.

707 KAR 1:350 Section 2 (5)

If a caseload or a class size exceeds the maximum specified in the regulation for thirty calendar (30) days, the principal notifies the DoSE, who requests an exemption or waiver from the State Board of Education as allowed by KRS 157.360 and KRS 156.160(2) according to the forms and directions provided by KDE.

Copies of correspondence and copies of the approval or rejection by the DECS are maintained in the office of the DoSE. The DoSE sends a copy of DECS's response to the waiver request to the principal.