

PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

ARC DETERMINATION OF PLACEMENT

A child's placement shall be:

- (a) determined at least annually;
- (b) based on the child's IEP; and
- (c) as close as possible to the child's home.

707 KAR 1:350 Section 1 (6)
34 CFR 300.116 (b)

The ARC makes a placement decision based on the IEP of the child and the continuum of placement alternatives. The ARC makes sure that the decision regarding the setting (types of classes, schools or facilities) in which the IEP is to be implemented is made after all parts of the IEP have been completed.

The ARC determines placement in the least restrictive environment for a child with a disability on an annual basis. At least once each calendar year, each ARC reviews and revises the IEP and determines the educational placement of each child with a disability who is receiving special education and related services.

Prior to the ARC Meeting to Discuss Placement in the Least Restrictive Environment

LEA staff shall not be limited by 707 KAR Chapter 1, from having informal, or unscheduled conversations on issues which may include:

- (a) teaching methodology;
- (b) lesson plans;
- (c) coordination of service provision; or
- (d) preparatory activities that LEA personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later ARC meeting.

707 KAR 1:340 Section 1 (4)
34 CFR 300.305 (b)

Prior to the ARC meeting to discuss placement, teachers, related services providers, and the school psychologist may meet to gather and review existing data collected about the child and make recommendations to the ARC.

ORGANIZING THE MEETING TO MAKE A PLACEMENT DETERMINATION

Prior to making a placement decision, the ARC Chairperson selects and notifies ARC members for an ARC Meeting (according to **ARC MEMBERSHIP** in procedures for **PROCEDURAL SAFEGUARDS**). The ARC Chairperson notifies all members (according to **NOTICE OF ARC MEETINGS** in procedures for **PROCEDURAL SAFEGUARDS**) to bring data or information about the child to use in making a placement decision. The ARC Chairperson brings to the meeting information about the continuum of placement alternatives, the types of educational programs and services, academic programs, non-academic services and activities, and extra-curricular activities available to OCSD students.

A member of the ARC may be excused from attending the meeting according to procedures for **Excusal From ARC Meetings** in **PROCEDURAL SAFEGUARDS**.

The ARC Chairperson is responsible for making sure that the ARC decisions are documented on the Conference Summary and IEP, as appropriate.

Making a Placement Decision

Current and Complete IEP

In determining the educational placement of a child with a disability, the LEA shall ensure that the placement decision is made by the ARC in conformity with the least restrictive environment provisions.

707 KAR 1:350 Section 1 (5)

34 CFR 300.116 (a) (2)

Step 1: The ARC reviews the IEP to ensure the IEP is current.

Continuum of Placement Alternatives

A LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum shall include the alternative placements of instruction in:

- (a) regular classes;
- (b) special classes;
- (c) special schools;
- (d) home instruction; and
- (e) hospitals and institutions.

707 KAR 1:350 Section 1 (2-3)

34 CFR 300.115 (a), (b) (1)

The LEA shall make provision for supplementary services to be provided in conjunction with regular class placement.

707 KAR 1:350 Section 1 (4)

34 CFR 300.115 (b) (2)

Selecting a Placement Alternative

Each time the ARC makes a placement decision, the ARC first considers full-time placement in general classes in the school the child would attend if not disabled. If at any time in the process the ARC determines a placement is not appropriate, the ARC selects a different alternative and repeats the placement decision-making process.

The ARC makes placement decisions based on each child's individual abilities and needs, and not solely on factors such as:

1. the category of disability of the child;
2. availability of special education and related services;
3. configuration of the service delivery system;
4. availability of space; or
5. administrative convenience.

Placement Option	Description of Placement
Full time General Education	Participation only in the general education classroom/environment. This may include general education with supplementary aids and services, and/or general education with specially designed instruction, which may include collaboration.
Part time General Part time Special Education	Participation in both general and special education classroom/environments. This is for any time the student is pulled out of general education, regardless of the amount of time.
Full time Special Education	Participation only in the special education classroom. This includes a school environment where the student participates only with students with disabilities.

The continuum of services may extend beyond the geographic boundaries of the Owen County School District (hereinafter called OCSD).

Step 2: The ARC uses the current IEP, referral and student performance information, evaluation information, progress data, and the transition plan, as appropriate, to determine if all components of the IEP can be implemented in the proposed placement.

If the IEP can be implemented in the proposed placement, the placement alternative is appropriate.

If the IEP cannot be implemented in the proposed placement, the ARC decides what modifications can be made to the placement alternative to implement the IEP (see procedures for Modifications to the General Education Environment in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**).

If modifications cannot be made, the ARC selects another placement alternative and repeats the steps.

Harmful Effects

In selecting the least restrictive environment, consideration shall be given to any potential harmful effects on the child or on the quality of services that he needs.

707 KAR 1:350 Section 1 (8)
34 CFR 300.116 (d)

Step 3: The ARC uses data collected over a period of time, including written results of previous interventions, teacher observations, evaluation information, IEP present level of performance, environmental influences, progress data, social competence, and medical evaluation information to identify:

- a. factors in the placement alternative which may keep the child from making progress in the general curriculum;
- b. behaviors which may significantly interfere with other children making progress in the general curriculum;
- c. factors in the placement alternative which may have a harmful effect on the child; and
- d. other factors in the placement alternative that may adversely affect the quality of services needed by the child.

The ARC determines what modifications are necessary to address the harmful effects issues in the placement alternative (see procedures for Modifications to the General Education Environment in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**).

If modifications cannot be made, the ARC selects another placement alternative and repeats the steps.

Consideration of School the Child would attend if not Disabled

Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he would attend if nondisabled.

707 KAR 1:350 Section 1 (7)
34 CFR 300.116 (c)

Step 4: The ARC selects the school the child would attend if not disabled as the place or facility the student will attend school. If the IEP cannot be implemented in that school or facility, the ARC selects a similar level school or location that has the placement alternative selected.

Participation in Academic, Nonacademic, and Extracurricular Activities with Children Who Are Not Disabled

An LEA shall ensure that to the maximum extent appropriate, children with disabilities, including children placed by the LEA in public or private institutions or other care facilities are educated with children who are nondisabled. The LEA shall ensure that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.

707 KAR 1:350 Section 1 (1)
34 CFR 300.117

A LEA shall ensure that all children with disabilities have available to them the variety of educational programs, services and curriculum as described in the Kentucky Program of Studies, 704 KAR 3:303, that is available to children without disabilities. These educational services may include art, music, industrial arts, consumer and family science education, career and technical education, and other educational services.

707 KAR 1:290 Section 4
34 CFR 300.107 (a)

In providing or arranging for the provision of nonacademic and extracurricular services and activities, a LEA shall ensure that a child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of the child.

707 KAR 1:350 Section 1 (10)
34 CFR 300.117

A LEA shall take steps, including the provision of supplementary aids and services as determined appropriate and necessary by the child's ARC, to provide all children with disabilities the nonacademic and extracurricular services and activities which give children with disabilities an equal opportunity for participation in those services and activities. These services and activities may include: counseling services; athletics; transportation; health services; recreational activities; special interest groups or clubs sponsored by the LEA; referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA and assistance in making outside employment available.

707 KAR 1:290 Section 5
34 CFR 300.107 (b)

OCSD takes steps to provide children who have disabilities equal opportunities for participation in the academic, nonacademic, and extracurricular programs and activities as are available to children without disabilities. OCSD ensures that all children, including children with disabilities, meet the established criteria and eligibility for participation in academic, nonacademic, and extracurricular activities.

Step 5: The ARC discusses the child's participation in academic, nonacademic and extracurricular activities and determines what supplementary aids and services are to be provided for the child to participate with children who are not disabled.

The ARC specifies any conditions, modifications, or adaptations for participation in the general programs and activities with children who are not disabled according to Modifications to the General Education Environment in procedures for **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

If modifications cannot be made, the ARC selects another placement alternative and repeats the steps.

Modifications to the General Education Environment

A child with a disability shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

707 KAR 1:350 Section 1 (9)
34 CFR 300.116 (e)

For each step, the ARC specifies on the Conference Summary any needed changes in the general education environment to implement the IEP. Changes may include:

1. changing the physical environment (e.g., preferential seating, special lighting);
2. using supplementary aids and services (e.g., large print books);
3. reorganizing staff patterns (e.g., adding a additional adult support, changing teacher assignments);
4. implementing different modes of instruction (e.g., cooperative learning, behavioral instruction, modeling);
5. modifying the curricula (e.g., learning strategies, social skills); or
6. training personnel (e.g., special instruction techniques, positive behavior interventions, strategies, etc.).

Placement Completed

When all components of the IEP are complete, and the placement decision is made, the ARC Chairperson gives a copy of the IEP and the Conference Summary to the parent. The originals of the IEP and Conference Summary are filed in the records of the child.

If the parent does not attend the ARC meeting to develop the initial IEP, the ARC Chairperson sends a copy of the IEP, Conference Summary, and Consent for Special Education and Related Services forms to the parents. OCSD does not implement the IEP until the signed Consent for Special Education and Related Services is received.

If the parent does not attend an ARC meeting to review or revise the IEP, the ARC Chairperson sends a copy of the IEP and Conference Summary to the parents, and services begin as indicated on the revised IEP.

ARC PLACEMENT OF A CHILD IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL, OR FACILITY

An LEA shall be responsible for ensuring the rights and protections under 707 KAR Chapter 1 are given to children with disabilities referred to or placed in private schools and facilities by that LEA.

707 KAR 1:290 Section 1 (2)

If the decision of the ARC requires a placement in another public school, private school or facility, or a location other than a OCSD school or facility, the ARC Chairperson contacts the DoSE and requests the DoSE attend an ARC meeting for the consideration of placement alternatives.

Prior to the ARC meeting, the DoSE contacts programs that provide the type of services specified on the IEP. The DoSE inquires regarding:

1. the possible referral of the child to the program; and
2. the agency's or organization's willingness to provide the services specified by the IEP.

When the DoSE identifies a program that provides the type of services specified on the IEP, the DoSE schedules an ARC meeting to address the referral of the child to the school program.

Placement in Private Schools or Facilities

Prior to a LEA placing a child with a disability in, or referring a child to, a private school or facility, the LEA shall initiate and conduct an ARC meeting to develop an IEP for the child.

707 KAR 1:320 Section 8 (1)
34 CFR 300.325 (a) (1)

The LEA shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

707 KAR 1:320 Section 8 (2)
34 CFR 300.325 (a) (2)

After a child with a disability is placed in a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the LEA.

707 KAR 1:320 Section 8 (3)
34 CFR 300.325 (b)

If a private school or facility initiates the meetings, the LEA shall ensure that the parents and LEA staff are involved in any decision about the child's IEP and agree to any proposed changes in the IEP before those changes are implemented. If a child with a disability is placed by the LEA in a private school or facility, the LEA shall remain responsible for compliance with 707 KAR Chapter 1.

707 KAR 1:320 Section 8 (4)
34 CFR 300.325 (b) & (c)

The DoSE invites a representative of the program to participate in the ARC meeting. The representative may participate through attendance at meetings, written communication, individual calls, or conference calls.

The ARC members follow the procedures for **ARC DETERMINATION OF PLACEMENT** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

If the ARC places a student in another public school, private school, or facility, the DoSE follows procedures for **CONTRACTUAL PROVISIONS FOR STUDENTS PLACED IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL OR FACILITY** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT** to arrange and provide services.

Residential Placement

If it is determined necessary by an ARC to place a child with a disability for educational purposes in a private residential educational program, the program, including non-medical care and room and board, shall be provided by the LEA that convened the ARC. An LEA may fulfill its responsibility under this section by providing the services directly or by contracting for those services.

707 KAR 1:290 Section 2
34 CFR 300.104

If the ARC determines a private residential educational program is needed to provide the student FAPE, the ARC Chairperson contacts the DoSE and requests that the DoSE attend an ARC meeting for the consideration of placement alternatives.

The ARC members follow the procedures for **ARC DETERMINATION OF PLACEMENT** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

If the ARC places a student in another public school, private school, or facility, the DoSE follows procedures for **CONTRACTUAL PROVISIONS FOR STUDENTS PLACED IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL OR FACILITY** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT** to arrange and provide services.

Placement at KSB or KSD

Kentucky School for the Deaf and Kentucky School for the Blind, in conjunction with the child's resident LEA, shall ensure that an IEP is developed and implemented for each child with a disability placed in its school by an ARC.

707 KAR 1:320 Section 1 (2)

The ARC may consider placement of a child with a visual impairment at the Kentucky School for the Blind (KSB) and placement of a child with a hearing impairment at the Kentucky School for the Deaf (KSD).

If the ARC determines placement is needed at KSB or KSD to provide the student FAPE, the ARC Chairperson contacts the DoSE and requests that the DoSE attend an ARC meeting for the consideration of placement alternatives.

The ARC members follow the procedures for **ARC DETERMINATION OF PLACEMENT** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

If the ARC places a student in another public school, private school, or facility, the DoSE follows procedures for **CONTRACTUAL PROVISIONS FOR STUDENTS PLACED IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL OR FACILITY** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT** to arrange and provide services.

Transportation to KSB or KSD

If a child of school age is admitted for resident instruction at the Kentucky School for the Deaf (KSD) or the Kentucky School for the Blind (KSB), the district in which the child resides shall provide transportation to and from the school on a regularly scheduled basis, at weekly intervals while the child is enrolled, either by individual district or in cooperation with other school districts on a regional basis. Students who live more than two hundred (200) miles from the school they attend are not required to go home more than twice each month.

KRS 157.280 (4)

Students follow the transportation schedule and participate in the weekend activities for students who remain at school according to policies established by KSD or KSB and approved by the State Board of Education.

If a child of school age is admitted as a day school pupil for instruction at KSB or KSD, the district in which the child resides may provide transportation to and from the school on a daily basis, either by individual district or in cooperation with other school districts on a regional basis. School districts providing this transportation shall be reimbursed from the transportation fund of the foundation program at the same rate per trip as that which is calculated under subsection (4) of this section.

KRS 157.280 (5)

The DoSE, in consultation with the Director of Transportation, makes arrangements for regional transportation planning when feasible and obtains approval from the State Board of Education according to procedures provided by the Kentucky Department of Education (KDE).

Other State Agencies Responsible for Education

State agencies charged with the responsibility of providing educational services to children with disabilities within their care shall provide those services in accordance with 707 KAR Chapter 1.

707 KAR 1:290 Section 1 (3)
34 CFR 300.118

The Cabinet for Families and Children and the Department of Juvenile Justice are State agencies responsible for providing educational services to children with disabilities. These agencies may contract with local school districts for the provision of educational services, or may hire staff to provide such services.

The ARC members follow the procedures for **ARC DETERMINATION OF PLACEMENT** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

If the ARC places a student in another public school, private school, or facility, the DoSE follows procedures for **CONTRACTUAL PROVISIONS FOR STUDENTS PLACED IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL OR FACILITY** in **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT** to arrange and provide services.

CONTRACTUAL PROVISIONS FOR STUDENTS PLACED IN ANOTHER PUBLIC SCHOOL, PRIVATE SCHOOL OR FACILITY

An LEA that places or refers a child with a disability in a private school shall ensure that the child:

- (a) is provided specially designed instruction and related services in conformance with an IEP that meets the standards of 707 KAR Chapter 1, and at no cost to the parents;
- (b) is provided an education that meets the standards of the LEA including general curriculum standards; and
- (c) has all the rights of any child with a disability served by the LEA.

707 KAR 1:320 Section 8 (5)
34 CFR 300.146

If a child with a disability is placed in a program outside of OCSD, the DoSE makes sure:

1. services are provided in conformance with the IEP;
2. services are provided at no cost to the parent;
3. standards that apply to education provided by state and local education agencies are met;
4. the child has all the rights of any child with a disability served by OCSD;
5. during the time that the placement in another program is being developed, OCSD is responsible for the provision of FAPE to the child; and
6. implementation of the terms specified in the contract or agreement are monitored.

Transportation

If a local school district's admissions and release committee determines that a child requires placement in a special education program operated by another county or independent district or private organization, the resident local school district shall assume responsibility for the payment of the costs incurred in educating the child. The school board of the school district in which any child resides shall pay for his transportation to and from the program in the other school district or the private organization. However, if the school board of the other district or the private organization providing the program also provides transportation, the cost of transportation shall be included in the total cost.

KRS 157.280 (2)

Attendance

If a local school district, under the provisions of KRS 157.360 (6) enrolls a child with a disability in a private school or agency, the private school or agency shall certify the attendance of the child to the local school district at the close of each school month.

702 KAR 7:125 Section 11

The DoSE develops a contractual arrangement with a program consistent with the beginning dates in the IEP. If another program accepts a child with a disability from OCSD, the contract specifies that the receiving program will:

1. provide special education and related services as specified on the IEP including:
 - a. each implementer designs and initiates instructional plans for accomplishing IEP goals, benchmarks/objectives;
 - b. each implementer monitors and collects documentation of student progress; uses measurement techniques specified in the IEP to measure progress of the goals, benchmarks/objectives; and reports progress toward achievement of goals, benchmarks/objectives on an on-going basis, at least as often as reported for all students;
2. make sure that the child and parent are afforded all rights and protections according to 707 KAR Chapter 1;
3. notify OCSD of the need to initiate and conduct ARC meetings;
4. monitor and evaluate the IEP at intervals specified on the IEP;
5. forward written results of monitoring and evaluation of the IEP to the parent and OCSD;
6. participate in ARC meetings convened by OCSD;
7. make sure that special education and related services are provided by qualified personnel; and
8. monitor and report attendance to OCSD at the close of each month.

Disputes between OCSD and other agencies are resolved according to the policies and procedures specified in Kentucky's State Plan approved under Part B of the Individuals with Disabilities Education Act (IDEA).

Educational records, copies of contracts, agreements, and correspondence with the service provider are maintained by the DoSE.

Payment for Services

If payment for services under 707 KAR Chapter 1 is to be provided by an agency other than the LEA, the LEA shall ensure the services are provided without delay even if there is a delay in the payment for those services.

707 KAR 1:290 Section 1 (4)
34 CFR 300.103 (c)
KRS 157.280 (1)

If the ARC determines that the child requires placement in a special education program operated by another county or independent district, or a private school or facility, OCSD maintains responsibility for the payment of the costs incurred in educating the child.

If the child is placed in a parochial school, OCSD uses federal funds to pay for the cost of the placement.

If OCSD provides a program by contract with another county or independent district, or private organization that maintains a special education program approved by the State Board of Education, OCSD shares the total cost of the special education program in accordance with a contract agreement between the agency and OCSD.

CHANGE IN ELIGIBILITY FOR FAPE

A “change in eligibility for FAPE” means the child is either entering or exiting special education and related services.

A change in eligibility for FAPE includes:

1. initiation of special education and related services;
2. release due to concluding special education and related services and resuming full-time general education services;
3. graduation with a regular diploma; and
4. exceeding the age of eligibility for FAPE.

Initiation of Special Education and Related Services

The ARC initiates special education and related services according to **DEVELOPING THE INDIVIDUAL EDUCATION PROGRAM** in procedures for **IEP** and **ARC DETERMINATION OF PLACEMENT** in procedures for **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

Release from Special Education and Related Services

An LEA shall evaluate a child with a disability in accordance with 707 KAR 1:300 Section 4 before determining that the child is no longer a child with a disability.

707 KAR 1:300 Section 4 (20)
34 CFR 300.305 (e)

The ARC releases a child when the ARC determines the child no longer needs special education and related services. Prior to releasing a child, the ARC completes a **REEVALUATION** according to **EVALUATION** Procedures.

The ARC uses the evaluation data, information from the most recent IEP, and information from the current placement to determine what services, if any, are needed for the child to receive full-time general education services in the general education environment. The ARC may discuss any services needed to facilitate progress of the child in the general education program, including those services that are available to children who are not disabled and who are enrolled in the general education program.

The ARC determines that the child may be released when the child:

1. can function in the general education program without special education and related services; **and**
2. has reached an educational achievement level which falls within the expected performance range for similar age peers who do not have disabilities; that is, the disability no longer adversely affects their education; **or**
3. is no longer identified as educationally disabled (e.g., student who has had surgery to correct vision or hearing problems, students whose misarticulations have been corrected).

The ARC concludes the child no longer needs special education and related services after considering the following:

1. The current functioning level of the child within the performance range of similar age peers without disabilities.
2. The child has strategies, skills, and behaviors needed to achieve education expectations and to cope with the demands of the general education program and environment.
3. The general education program can provide accommodations to the child through services available to similar age peers in the general education program who are not disabled.

To determine the general education environment for the child, the ARC identifies the grade level and school the child would attend if not disabled. The DoSE or principal arranges for each child that an ARC releases to return to the location the child would have been if not determined disabled and in need of special education and related services.

The ARC decisions are documented on the Conference Summary. The ARC Chairperson gives a copy of the Conference Summary to the parent and to each of the general instructional personnel who will be serving the child and files a copy in the student's record.

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** in **CHILD FIND** and places the record on inactive status.

Graduation with a Diploma

“Graduates” means a child completes the established program of study leading to the receipt of a diploma and leaves the school system. The OCSD Board of Education grants a youth with a disability a diploma who has met the State Board of Education criteria standards. Each youth with a disability who completes the secondary program is given the opportunity to participate in graduation ceremonies with peers who are not disabled.

The LEA shall not be required to conduct an evaluation as described in 707 KAR 1:300 Section 4 before termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for a free, appropriate public education.
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707 KAR 1:300 Section 4 (20)
34 CFR 300.305 (e) (2)

For students who graduate or age out of the program, the LEA shall provide the child with a summary of the child's academic achievement and functional performance including recommendations on how to assist the child in meeting the child's postsecondary goals.

707 KAR 1:300 Section 4 (21)
34 CFR 300.305 (e) (3)

Prior to the annual review date, the ARC Chairperson schedules an ARC to discuss a change in services/placement due to graduation and assigns a OCSD staff person to prepare a summary, in consultation with the student, of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals. OCSD staff provides the student with a copy of the summary before graduation.

At the annual review meeting prior to a youth's expected graduation date, the ARC:

1. reviews the youth's progress in the current program;
2. reviews, and revises if appropriate, the IEP and transition plan;
3. checks earned credits in the youth's education record against the requirements established by the State Board of Education to determine if the youth meets, or is scheduled to complete at the conclusion of the coming school year, the requirements for graduation;
4. determines any support or assistance the youth needs for successful participation in the commencement ceremonies (diploma in Braille, wheelchair access, etc.); and
5. provides the student with a copy of the summary of performance including any documentation the student may need to assist in meeting postsecondary goals..

The ARC decisions are documented on the Conference Summary. The ARC Chairperson gives a copy of the Conference Summary to the parent and files a copy in the student's record.

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** procedures in **CHILD FIND** and places the record on inactive status.

Completion of Certificate Program

An LEA shall evaluate a child with a disability in accordance with 707 KAR 1:300 Section 4 before determining that the child is no longer a child with a disability.

707 KAR 1:300 Section 4 (20)
34 CFR 300.305 (e)

Prior to a student's program completion, the ARC completes a **REEVALUATION** according to **EVALUATION** Procedures.

For students who graduate or age out of the program, the LEA shall provide the child with a summary of the child's academic achievement and functional performance including recommendations on how to assist the child in meeting the child's postsecondary goals.

707 KAR 1:300 Section 4 (21)
34 CFR 300.305 (e) (3)

A youth with a disability who meets the criteria for certificate program, whose individualized secondary program is established by the ARC, earns a certificate of attainment according to the Kentucky Program of Studies. The youth is provided with the opportunity to participate in graduation ceremonies with peers who are not disabled.

Prior to releasing the youth, the ARC Chairperson assigns a OCSD staff person to prepare a summary, in consultation with the student, of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals. OCSD staff provides the student with a copy of the summary before graduation.

At the annual review meeting prior to the completion of the youth's program, the ARC:

1. reviews the youth's progress in the current program;
2. reviews, and revises if appropriate, the IEP and transition plan;
3. determines any support or assistance the youth needs for successful participation in the commencement ceremonies;
4. determines reevaluation needs;
5. documents the decisions of the committee in the Conference Summary; and
6. provides the student with a copy of the summary of performance including any documentation the student may need to assist in meeting postsecondary goals.

If the youth has completed attained a certificate of completion, but has not aged out, the youth may return to special education and related services until the youth ages out.

The youth participates in commencement exercises according to school commencement procedures and receives a certificate of completion with no distinction regarding disability made in the ceremony.

The ARC decisions are documented on the Conference Summary. The ARC Chairperson gives a copy of the Conference Summary to the parent and files a copy in the student's record.

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** procedures in **CHILD FIND** and places the record on inactive status.

Exceeding the Age of Eligibility for FAPE

"Aging out" means the age of the youth has reached the mandated service age for a free appropriate public education and the school district is no longer required to provide special education and related services to the youth. This is a change in eligibility for FAPE.

The LEA shall not be required to conduct an evaluation as described in 707 KAR 1:300 Section 4 before termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for a free, appropriate public education.

707 KAR 1:300 Section 4 (20)
34 CFR 300.305 (e) (2)

For students who graduate or age out of the program, the LEA shall provide the child with a summary of the child's academic achievement and functional performance including recommendations on how to assist the child in meeting the child's postsecondary goals.

707 KAR 1:300 Section 4 (21)
34 CFR 300.305 (e) (3)

Prior to the annual review date, the ARC Chairperson schedules an ARC for the purpose of discuss a change in services/placement due to graduation and assigns a OCSD staff person to prepare a summary, in consultation with the student, of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals. OCSD staff provides the student with a copy of the summary before graduation.

At the annual review meeting prior to the youth's 21st birthday, the ARC:

1. reviews the youth's progress in the current program;
2. reviews, and revises if appropriate, the IEP and transition plan;
3. determines the last date of services based on the youth's 21st birthday; and
4. provides the student with a copy of the summary of performance including any documentation the student may need to assist in meeting postsecondary goals.

The ARC decisions are documented on the Conference Summary. The ARC Chairperson gives a copy of the Conference Summary to the parent and files a copy in the student's record.

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** procedures in **CHILD FIND** and places the record on inactive status.

Withdrawal Prior to Program Completion

"Withdrawal" means that a youth leaves the educational system prior to completing the prescribed course of study. Withdrawal procedures are the same for a youth with a disability as those for a youth without a disability.

When a youth age 16 or older who has been receiving special education and related services withdraws from school, the Counselor, Principal and Director of Pupil Personnel follow the district procedures for any child who withdraws from school.

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** in procedures for **CHILD FIND** and places the student record on inactive status.

Annually, the DoSE sends a letter to the parent, or the youth if emancipated, of the availability of services.

Shortened School Day

The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age who is enrolled and in regular attendance in a state-supported program for exceptional children.

KRS 159.030 (1) (f)

A shortened school day may be a change in setting for a student with a disability. The ARC may apply the exemption from compulsory attendance to a child with a disability whose condition warrants less than a full day of attendance. The ARC follows OCSD procedures to review and revise, as appropriate, the IEP. If the ARC determines the child needs a shortened school day, the ARC Chairperson notifies the DoSE. The DoSE requests the OCSD Board of Education (in closed session) to grant the exemption from full day attendance for the child. If the Board approves the exemption, the DoSE notifies the Division of Exceptional Child Services of the local board decision using the DECS-provided form.

TRANSFER STUDENTS

Transfer means the student leaves a school district's programs and enrolls in another educational program. Transfer procedures for a child with a disability are the same as those for a child without a disability.

Students Who Transfer to OCSD from a Kentucky Public School District

If a child with a disability transfers between school districts within the same academic year within Kentucky, and had an IEP in effect in Kentucky, the child shall be provided a free, appropriate public education including services comparable to those described in the previous IEP. These services shall be provided in consultation with the parents and until the LEA adopts the previous IEP or develops, adopts and implements a new IEP.

707 KAR 1:320 Section 6 (1)
34 CFR 300.323 (e)

OCSD makes special education and related services available for children with disabilities who transfer into OCSD within the same academic year, and who were receiving special education and related services according to an IEP at the time of transfer.

OCSD provides special education and related services in consultation with the parents or legal guardian and consistent with the timelines specified in the IEP if:

1. a child transfers from another school district in the Commonwealth; and
2. upon enrollment, the parent or youth presents special education records from the prior district which document:
 - a. the child has a disability;
 - b. the child has been determined to meet Kentucky eligibility guidelines for special education and related services;
 - c. the district from which the child transferred provided special education and related services up to the time the child transferred; and
 - d. due process requirements have been met.

The ARC of the school in which the child enrolls assumes responsibility for educational services. The ARC adopts the previous IEP or develops, adopts, and implements a new IEP.

Students Who Transfer to OCSD from Outside of Kentucky

If a child with a disability transfers between school districts within the same academic year from outside the state, and had an IEP in effect in another state, the child shall be provided a free, appropriate public education including services comparable to those described in the previous IEP. These services shall be provided in consultation with the parents and until the LEA conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP if the child meets the eligibility criteria as defined in 707 KAR 1:280.

707 KAR 1:320 Section 6 (2)
34 CFR 300.323 (f)

OCSD makes special education and related services available for children with disabilities who transfer into OCSD from outside the state within the same academic year and who were receiving special education and related services according to an IEP at the time of transfer.

OCSD provides special education and related services in consultation with the parents or legal guardian and consistent with the timelines specified in the IEP if:

1. a child transfers from another public school district outside of the state of Kentucky; and
2. upon enrollment, the parent or youth presents special education records from the prior district which document:
 - a. the child has a disability;
 - b. the child has been determined to meet Kentucky eligibility guidelines for special education and related services;
 - c. the district from which the child transferred provided special education and related services up to the time the child transferred; and
 - d. due process requirements have been met.

The ARC of the school in which the child enrolls assumes responsibility for educational services. The ARC conducts an evaluation, if necessary, and develops, adopts, and implements the new IEP if the child meets eligibility guidelines according to procedures for ELIGIBILITY.

Students who Transfer During the Evaluation Process

Assessments and evaluation of children with disabilities that transfer from one school district to another in the same academic year shall be coordinated with the previous and current schools as necessary and as expeditiously as possible, to ensure prompt completion of a full evaluation.

707 KAR 1:300 Section 4 (13)
34 CFR 300.304 (c) (5)

The sixty (60) school-day timeline shall not apply if the child moves to a new LEA after consent for the initial evaluation is given but before the evaluation can be completed, as long as the new LEA is making sufficient progress to complete the evaluation and parent and the LEA agree to a specific time when the evaluation shall be completed.

707 KAR 1:320 Section 2 (5) (a)
34 CFR 300.301 (e)

Upon receiving the records of a student who is transferring to OCSD during the evaluation process, OCSD staff reviews the record and contacts the previous school to coordinate the completion of the evaluation. OCSD staff reviews the status of the child's evaluation and determines if the sixty (60) school day timeline can be met. OCSD staff discuss with the parent the progress of the child in the evaluation process and work together to agree on the timeline for completion of the evaluation.

OCSD staff follows **Transmittal of Educational Records for Transfer Students** in procedures for **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**.

Transmittal of Educational Records for Transfer Students

To facilitate the transition of a child who transfers, the receiving LEA shall take reasonable steps to obtain the child's records, including the IEP, supporting documents, and any other records, including discipline records, relating to the provision of special education and related services. The previous LEA shall take reasonable steps to promptly respond to such requests from the receiving LEA.

707 KAR 1:320 Section 6 (3)
34 CFR 300.323 (g)

If another district contacts OCSD to verify a previously enrolled child was receiving services at the time of the transfer, the intake person answers questions and records the request for information.

The intake person receiving the request for information records the following information:

1. date of request;
2. name of the child (first, middle, last, and nickname);
3. date of birth;
4. name and address of person making request and the agency they are representing;
5. information requested; and
6. preferred method of information transfer (e.g., FAX, telephone, mail, etc.).

Upon receipt of notification that a child has transferred to another school district, OCSD personnel send copies of the education record to the receiving school district or educational agency according to district procedures. A copy of the request for information is filed in the education records of the child and recorded on the Record of Disclosure.

Copies (not originals) of the following special education records are sent to the requesting district/agency:

1. Consent to Evaluate/Reevaluate
2. Consent for Special Education and Related Services
3. Current Conference Summary
4. Current IEP, student performance information, and data summaries
5. Current Assessment Report and Eligibility Determination
6. Initial Assessment Referral, Written Assessment Report, and Eligibility determination
7. Consent to bill Medicaid, if appropriate

The ARC Chairperson notifies the DoSE through the **CHILD TRACKING SYSTEM** in procedures for **CHILD FIND** and places the record on inactive status.

Placement when the Current IEP is not Available

If the child's current IEP is not available, the OCSD representative enrolls the child and places the child in an age-appropriate general education program according to OCSD Board Policy.