ROLE AND MISSION OF THE KENTUCKY SCHOOL FOR THE BLIND AND THE KENTUCKY SCHOOL FOR THE DEAF

Research Report No. 205

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

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ROLE AND MISSION OF THE KENTUCKY SCHOOL FOR THE BLIND AND THE KENTUCKY SCHOOL FOR THE DEAF

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of the
Interim Joint Committee on Education

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FOREWORD

Prior to 1970 it was not unusual for handicapped children across the nation to be denied admission to the public schools. Through the relentless efforts of advocacy groups made up of parents and professionals, federal and state legislation has been adopted to assure each handicapped child an opportunity to receive a free and appropriate educational program in the public schools.

Though comprehensive programs for handicapped children in local school districts are relatively recent, Kentucky has for more than one hundred and forty years served visual and hearing impaired pupils in a residential setting at the Kentucky School for the Blind and the Kentucky School for the Deaf. In addition to supporting the residential schools, Kentucky's General Assembly has responded to the needs of handicapped children by providing enabling legislation and funding which would allow pupils to receive their education closer to their homes in local school districts.

House Resolution 90 of the 1982 General Assembly required the Interim Joint Committee on Education to review the two residential schools to determine their role and mission in the state's overall responsibility of providing an education for its handicapped children. The study which follows reviewed educational programs at all service delivery levels to determine whether Kentucky has a network of services to provide all sensory impaired children, whether they have mild or severe handicaps, access to the type of program needed at each particular stage of their educational lives.

Several areas the study discusses indicate that there are still unmet needs in the educational system for sensory impaired pupils in Kentucky. It is hoped that the conclusions and recommendations of this report will be helpful to the members of the General Assembly and the educational community as they continue to improve educational programs for the sensory impaired.

This report was prepared by Sandra Deaton and Bonnie Brinly. The manuscript was edited by Charles Bush and typed by Carole Suter.

Department of Education personnel have been most helpful in providing information and assistance in the course of this study.

VIC HELLARD, JR.
Director

The Capitol
Frankfort, Kentucky
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SUMMARY

House Resolution 90 of the 1982 regular session of the General Assembly directed the Interim Joint Committee on Education to study the Kentucky School for the Blind (KSB) and the Kentucky School for the Deaf (KSD) to determine their role in the Commonwealth's responsibility to provide an education for all handicapped children.

In 1981, KSD denied admission to two deaf children who had attendant handicapping conditions. The denials raised the question of whether the state-funded residential schools have the right to deny admission to residents of the Commonwealth. House Bill 361 was introduced during the 1982 session of the General Assembly to require that admission policies to KSB and KSD give equal consideration to deaf or blind pupils who have additional handicapping conditions. Though HB 361 died in the House Education Committee, discussions of the bill revealed that there were conflicting opinions on the purposes of the residential schools. The discussion raised the following questions which the General Assembly must answer:

1. Are there appropriate educational programs available for all of the Commonwealth's sensory impaired children?

2. Should KSB and KSD continue to operate under selective admission policies?

3. Is the state providing adequate resources for the residential schools to carry out their missions?

The findings of the study support the following conclusions:

- Though local school districts are the responsible agency for the education of school age handicapped pupils, educational programs for the sensory impaired are not readily available at Kentucky's local school district level.

- The majority of resources for Kentucky's educational program for the sensory impaired are centered at KSB and KSD, which enroll approximately forty percent of the children being served.

- There is evidence that an educational placement in one of the residential schools is often the only placement option which is considered for a child and there is little evidence that specific educational goals and timelines are established for pupils which will encourage their movement back to their local school district.

- The individual educational plans (IEP) do not specify which special services are available for pupils at KSB or KSD which are not available at the local school district level.

- The admission policies for KSB and KSD include cut-off levels of functioning as determined by intelligence tests, which could have the effect of denying admission to some children who could bene-

fit from the special services of the schools.

- The admission policies include prerequisites which sensory impaired children may not have been able to acquire, if they have not had the opportunity to receive special instruction.

- There are no data to support the need for a new facility and educational program for Kentucky's multi-handicapped sensory impaired children.

- To fulfill the state's obligation to provide appropriate programs for all children, existing programs should be so operated as to assure that qualified sensory impaired pupils are not denied admission to KSB and KSD because of the severity of their handicap.

- If the missions of KSB and KSD are expanded to include multi-handicapped sensory impaired pupils, the financial resources will have to be provided by the General Assembly.

Recommendations

- The Bureau of Education for Exceptional Children should require the local school districts to submit a detailed program proposal for serving every visually impaired and hearing impaired child in the least restrictive environment. The proposal should include a projection of the number of children needing services, the resources needed, and reasonable timelines for implementation. The Bureau should then revise the statewide plan required by KRS 157.224 to meet the needs of the state's sensory impaired.

- The Bureau of Education for Exceptional Children should monitor the local school districts to assure that they follow the admissions and release process and the IEP development process for sensory impaired pupils, as established by regulation 707 KAR 1:051.

- The Bureau of Education for Exceptional Children, through its monitoring responsibilities required by P.L. 94-142, should review the IEP's for all children at KSB and KSD to assure that each child is being served in the least restrictive environment, that the special services being provided by the school are delineated, and that reasonable timelines are established for the completion of the goals and the movement to a less restrictive environment.

- The State Board of Education should request funding for adequate staff for the Bureau of Education for Exceptional Children to work with the local districts, KSB and KSD to locate all sensory impaired children who require special education and to monitor the pupils' programs to assure that they are being served in the least restrictive environment.

- The Kentucky School for the Blind and the Kentucky School for the Deaf should seek accreditation through a national or regional

accrediting agency and report the findings of such agency to the Legislative Research Commission.

- The Kentucky School for the Blind and the Kentucky School for the Deaf should officially be designated as the state's primary resource centers for the education of the sensory impaired and should be allotted the necessary funding to improve their diagnostic, evaluative, consultative, and instructional services to local school districts, parents, higher education institutions, and sensory impaired adults.

- The Kentucky School for the Blind and the Kentucky School for the Deaf should continue their current efforts to expand and improve the following programs:

  a. Preschool programs and family services at the local level;

  b. Integration of pupils into the adjacent local school districts' programs and other community activities;

  c. Vocational and rehabilitation programs, particularly for lower functioning pupils;

  d. Developmental programs for multi-handicapped sensory impaired pupils;

  e. Evening and weekend programs to develop independent living, job-seeking and social skills; and

  f. Summer programming for children with specific needs, particularly those who attend local school districts who need short courses in educational skills not available in the local district.

- The General Assembly should amend KRS 167.035 and KRS 167.037 to require the advisory boards of the Kentucky School for the Blind and the Kentucky School for the Deaf to make annual written recommendations to the Superintendent of Public Instruction and the Legislative Research Commission concerning all areas relating to the effective operation of the school, including but not limited to:

  a. Goals and objectives,
  b. Budget requests,
  c. Student services,
  d. Public relations,
  e. Construction and maintenance, and
  f. Program evaluation.

- The General Assembly should enact legislation to specify the missions of the Kentucky School for the Blind and the Kentucky School for the Deaf.

- The Kentucky School for the Blind, the Kentucky School for the Deaf and the local school districts should revise their IEP's to state the goals and objectives in measurable terms with established, reasonable timelines for completion.

- The General Assembly should enact legislation to implement a program to establish a high-risk register for children with potential hearing impairments, with follow-up services.

- The General Assembly should appropriate funds for KSB and KSD to provide preschool education and services for the sensory impaired on a statewide basis, with the goal of assisting pupils to remain in their local school districts for their educational programs.

- The General Assembly should amend KRS 157.280(3) to require local school districts to provide transportation to and from KSB and KSD more often than once each month and should increase funding to meet the needs of the program.

- The General Assembly should appropriate the necessary funds to assure that KSB and KSD have the financial resources to accomplish their missions and that the Bureau of Education for Exceptional Children has the necessary manpower resources to work with KSB, KSD and the local school districts.

CHAPTER I

INTRODUCTION

The Kentucky School for the Blind and the Kentucky School for the Deaf were established over one hundred forty years ago to educate blind and deaf children, who, at that time, were not generally accepted in the public schools. The Kentucky School for the Deaf (KSD) opened in 1823 with seventeen students, and the Kentucky School for the Blind (KSB) began in 1842 with five students. Over the years the two schools have grown and expanded their services to provide a total educational and social program for approximately 550 pupils in grades one through twelve, on campuses which encompass a total of 190 acres and have facilities to meet nearly every need of the residents.

Though a few local school districts began special education programs for handicapped children prior to 1954, the passage of the Foundation Program in that year provided the impetus for the development of a statewide educational program for every child in the Commonwealth, including handicapped children. However, special education programs grew slowly and did not receive adequate funding or philosophical support until a 1974 Consent Agreement between the State Board of Education and the Kentucky Association for Retarded Children established the right of every handicapped child of school age to receive an education.

Since 1974, the number of special education programs in local school districts has tripled. During the same period, primarily because of new federal legislation and court interpretations on the rights of the handicapped, the philosophy of educating children with handicaps has changed. As a result of Public Law 94-142 and Section 504 of the Rehabilitation Act, two comprehensive pieces of federal legislation for the handicapped, educators now design instructional programs which will maintain a child in the educational mainstream with non-handicapped children for as much time as possible. Each child must have an individual educational plan (IEP) specifically designed for him within an elaborate due process system, which has been developed to protect his rights.

In recent years several states have reviewed the role of their residential schools and have responded in several ways. For example, sixty percent of the states participating in the survey conducted for this study have written admission policies, most of those developed since the passage of P.L. 94-142. A few states have combined their residential schools for the deaf and blind; others have added multi-handicapped units to the existing schools or opened new schools for the multi-handicapped.

Kentucky's policymakers should now make similar decisions to assure that our multi-handicapped deaf and multi-handicapped blind children have access to appropriate educational programs.

Purpose of the Study

The new laws and regulations requiring local school districts to assume responsibility for educating each of their handicapped residents and the philosphy that the educational program should be in the least restrictive

environment have caused states to evaluate their residential schools in terms of their purposes, their population of pupils, and their role in the states' overall plan to serve all handicapped children. In recent years, KSB and KSD have implemented many procedural changes to enable them to work more closely with local school districts and to comply with the requirements of P.L. 94-142, Section 504 of the Rehabilitation Act and the Consent Agreement. However, there are still unresolved questions related to the schools' role, their rights and their responsibilities.

In 1981, KSD denied admission to two deaf children who had attendant handicapping conditions. The denials raised the question of whether the state-funded residential schools have the right to deny admission to residents of the Commonwealth. House Bill 361 was introduced during the 1982 session of the General Assembly to amend KRS 167.150 to require that admission policies to KSB and KSD give equal consideration to deaf or blind pupils who have additional handicapping conditions. Though HB 361 died in the House Education Committee, discussions of the bill revealed that there were conflicting opinions on the purposes of the residential schools. The discussion raised the following questions, which the General Assembly must answer:

1. Are there appropriate educational programs available for all of the Commonwealth's sensory impaired children?

2. Should KSB and KSD continue to operate under selective admission policies?

3. Is the state providing adequate resources for the residential schools to carry out their missions?

Methodology

House Resolution 90 requires the Interim Joint Committee on Education to study KSB and KSD to determine their role in the Commonwealth's responsibility to provide an appropriate education for all handicapped children. The Interim Joint Committee on Education assigned the study to the Subcommittee on Program Implementation Oversight.

To determine the future role of KSB and KSD it was necessary to develop an overall view of what an educational program for sensory (visually and hearing) impaired pupils should include. Information was collected from reviews of historical information, literature on the education of the sensory impaired, statutes and regulations, policies and procedures in other states, KSB and KSD demographic data, available programs throughout the state, as well as visits to the residential schools, and interviews with a representative group of people knowledgeable about the issue.

Telephone interviews were conducted with coordinators of special education programs in twenty percent of the local districts, to determine the relationship between the local districts and the two residential schools. The interview questions were designed to determine how the referral and admission process to the residential schools functions, the characteristics of the children who are referred, the characteristics of the children who return to the districts, how the transportation program operates, and to gather ideas for improving educational programs for sensory impaired pupils.

A survey of the other states was conducted to determine how Kentucky compares with other states in the operation of their residential schools and to explore alternative approaches.

The Subcommittee on Program Implementation Oversight conducted meetings on the campus of each residential school. School personnel, parents and advisory committee members presented program information and their views of the future needs of the schools.

CHAPTER II

EDUCATION FOR SENSORY IMPAIRED PUPILS

Residential Schools

Kentucky School for the Deaf

In 1822, the Kentucky General Assembly passed legislation authorizing the trustees of Centre College in Danville to promote education for the deaf by receiving funds, appointing a teacher and other necessary personnel, and establishing by-laws for the operation of the institution. The school was the first state school for the deaf in the United States and was to serve children statewide with equal availability to all counties.[1]

Soon after the passage of the legislation the trustees began their planning by corresponding with the nation's three private institutions to obtain management information. Letters were sent to members of the General Assembly requesting information on deaf persons in their counties and an estimate of the probable number that would be sent to the institution for instruction. A two-story frame building was rented and the Board hired Reverend John R. Kerr as superintendent, and his wife as matron.

On April 10, 1823, the first three pupils, all from Green County, arrived. Over a period of seven months, other pupils arrived and by November 19, 1823, there were seventeen pupils in the first class. They represented eleven counties and their ages ranged from twelve to thirty years.

The first critical problem for the trustees was finding a teacher with the skills to teach the deaf. After many months they were able to engage Mr. Dewitt Clinton Mitchel, a son of the president of a private school in New York, who had one year's experience in teaching in that school.

The original statutes which established KSD did not specify the role of the school, the scope of the curriculum, or the characteristics of the pupils who were eligible to attend. The Legislature e.tablished three years as the maximum time limit pupils could attend and there were provisions made for indigent pupils. It was the original intent that pupils who were able would pay tuition and that the school would be nearly self-supporting through gifts and endowments. This intention was never realized and from the beginning the school has been maintained by the Legislature.

Though the Legislature did not establish a curriculum the first annual report of the Superintending Committee to the Legislature discussed their expectations for an academic and vocational program in their rationale for purchasing a site away from town.

> In this, the Board have in view not only the health of the pupils, but hope, at some period, to have it in their power to employ a portion of their time (and particularly of the indigent), in acquiring a knowledge of such things as may enable them when discharged from the institution, to procure a subsistence. We conceive the education of indigent pupils who have learned to read and

> write and have not been taught any branch of industry, by which to obtain for themselves a support in life, as incomplete. Our means at present, admit only of giving this kind of instruction to our female pupils, who are taught the use of the needle, housewifery, etc. We hope the period may not be distant when, through the bounty of the Legislature of our country, and the donations of the charitable, we shall be enable to carry this part of the plan into complete operation.[2]

Two years after the beginning of KSD the Legislature extended the maximum time a pupil could attend to four years and in 1835 it extended the time to five years. In 1854, the statute was amended to allow pupils to remain at the school until the age of twenty-one.

The General Assembly of 1910 appropriated funds "to employ a teacher for the deaf-blind, for which class of children no provision has hitherto been made by the Commonwealth." Then, in 1912, in legislation changing the name of the school form The Kentucky Institute for the Education of Deaf Mutes to The Kentucky School for the Deaf, the following language was included:

> ...said school for the deaf shall be regarded, classed, and conducted wholly as an educational institution of the State; and its classification, conduct, and management shall be wholly separate and distinct from that of benevolent, charitable, custodial, and correctional institutions of the Commonwealth.

In 1918, six years after a compulsory school attendance bill was passed in Kentucky for children ages seven to twelve, the General Assembly passed a compulsory attendance law for deaf children ages seven to sixteen years of age. The statute required attendance for a full nine years at a public, private, or parochial school "wherein deaf children are taught."

The early statutes relating to KSD included "all" deaf children, but with compulsory attendance laws came exclusionary statutes which exempted certain children form the public schools and KSD. The general compulsory attendance law excused children who the county superintendent of schools agreed were not in proper physical or mental condition to attend school. The compulsory attendance law for the deaf was more specific and allowed the following exlusions:

1. the child is being taught in his home by an instructor who is competent and qualified to give instruction to the deaf;

2. the child is not in proper mental or physical condition to be sent to any school;

3. the child is successfully pursuing the course of study in some reputable public or private school for the hearing; or

4. the child is regularly enrolled as a pupil in a reputable school for the deaf or the hearing outside the Commonwealth of Kentucky.

During the same year, legislation was passed that required that any deaf child be accepted by any public institution which accepted deaf children for instruction and education unless it could be shown that:

(a) such institution is taxed to its capacity, and there is no room for

or means of taking care of such child; or

(b) that the physical condition of the child is such as to prevent study or to constitute a menace to the health of the other pupils of the institution; or

(c) that the child is mentally deficient and incapable of successfully pursuing the prescribed course of study of such institution; or

(d) that the habits and practices of the child are such as to constitute a detriment to the welfare of the other pupils of the institution.

1982-83 School Year. During the 1982-83 school year KSD had a top enrollment of 409 pupils in grades one through twelve, from 120 school districts. The school, with a fully certified instructional staff, offers a comprehensive academic and vocational program, including the basic and elective courses required for graduation in all of Kentucky's high schools. In addition, KSD, as a member of the Kentucky Athletic Association, offers a competitive athletic program, as well as many recreational and extra-curricular activities.

There were six preschool satellite programs, serving approximately forty-six hearing impaired children in Pikeville, Hazard, Erlanger, Bowling Green, Paducah and Danville. Since the preschool program started in 1977, about half of the participants have attended the public schools after completing the preschool program.

The school has a special resource department which provides a basic educational/vocational self-help program for students with additional learning disabilities. The program had about fifteen pupils during the 1982-83 school year.

A wide range of support services is provided by the school, such as health, dental, audiological, counseling and social services. Diagnostic services, consultation, staff in-service, media and materials are available to local school districts. KSD works with several colleges and universities to assist in the professional training of students.

Though the school regularly receives audit visits from state personnel, the school's instructional programs have not been evaluated for several years. The school's personnel are presently going through the self-study portion of a joint accreditation effort to be conducted in April 1984 by the Southern Association of Colleges and Secondary Schools and the Conference of Educational Administrators Serving the Deaf. In the future, information will be submitted to the two organizations on an annual basis, a mini-review will be conducted in five years, and KSD will receive a complete review in ten years.

KSD does not participate in Kentucky's Educational Improvement Act but does administer the Stanford Achievement Test which has been normed on the hearing impaired. Though the scores are not presently released to the press, nor is there developed an educational improvement plan using the results, as required by the Educational Improvement Act, the scores are released to Gallaudet College, to be used in a national analysis of test scores from schools for the deaf.

KSD students are provided transportation by their local school districts to go home once a month for a long weekend. All pupils are encouraged to go

more often if the parents can make the necessary arrangements. Personnel at KSD believe that there would be many benefits if pupils could go home every weekend. They are concerned that the pupils lose touch with the family and community and believe that the academic and social activities would improve if the pupils were not removed from the families for such long periods.

Kentucky School for the Blind

On February 5, 1842, the General Assembly established the Kentucky Institute for the Blind, the sixth institution of its kind in the United States. The legislation appropriated $10,000 but stipulated that the institution had to be in operation before funds could be drawn from the School Fund.

The statute required the institution be established in Louisville, under the supervision of seven visitors to be appointed annually by the State Board of Education. There was also to be a committee of twelve ladies selected by the Board of Visitors to aid in the management of the institution. The school was to accept applicants from all counties on an equal basis.

The citizens of Louisville donated funds in response to demonstrations by pupils from the Massachusetts and Ohio schools for the blind who appeared before the legislature in Frankfort and then visited in Louisville for a short time to share their skills and attainments. A committee of twenty-one men was also appointed to solicit funds to assist in the operation of the school. The school opened in a rented house on May 9, 1842, with five pupils.

The first superintendent was Bryce M. Patten, who held the position until 1871. His brother, Otis Patten, blind since infancy and a graduate of the Massachusetts School for the Blind, was his assistant. Joseph B. Smith, another graduate of the Massachusetts School for the Blind, and a graduate of Harvard College, had charge of the music department. A review of the history of KSB reveals that music has always had an important place in the education of blind pupils, because it is an area where the blind can achieve success and compete on equal terms with sighted people.

The statutes did not define the curriculum for the school for the blind. However, a newspaper account of the time gives us some idea of the direction it was to take. The February 5, 1842, issue of the Louisville Journal reported that Dr. Samuel G. Howe, superintendent of the Massachusetts School for the Blind, appeared before the General Assembly with some of his students to testify on behalf of the legislation. After the bill passed he visited in Louisville and made the following remarks:

> Let me state the nature of the proposed establishment. It is not to be an asylum, a place of refuge and support for the blind. It is to be strictly a school for the young blind: a school for developing their intellects; for storing their minds with knowledge; for teaching them to become organists, pianists, or teachers of vocal music; for instructing them in trades and handicraft work, by which they can earn their own livelihood after they leave the school, and thus be rescued from the crushing weight of dependence which has ever been the lot of the blind man...But modern science, guiding aright the hand of charity, has shown that the blind man needs no longer pass his youth in dependence upon his friends, his manhood by the wayside, and his age in alms-houses; for he may be

made to share in the common blessings of education. His mind can become enlightened; he can become an industrious and useful member of society; and, relieved from the galling sense of dependence, he becomes a happy man.

In order fully to understand the condition and wants of the blind, you must consider that they have the same natures, the same innate powers that you have. They yearn for action, for the development and employment of their mental and physical powers; and they are unhappy because these yearnings cannot be gratified, and not because they cannot see the light of the sun.[3]

In addition to these remarks he told the story of a young girl in his school who, since birth, had been blind and deaf and without a sense of smell, but who was learning. He used her story to say that if a child so severely handicapped could achieve, then those with only one handicap should certainly receive instruction.

1982-83 School Year. The KSB had a stop enrollment of 125 pupils, representing 55 counties, during the 1982-83 school year. Approximately one-third of the students are day students, most of those from Jefferson County. It also has a comprehensive academic and vocational program, as well as an athletic, recreational and extra-curricular program.

KSB, like KSD, provides many services to local school districts, colleges, universities and families of sensory impaired children. The staff includes a social worker, who works with parents of preschool children to give them support and direction in securing the best services for their children. She also edits a publication for parents which includes many educational ideas and suggestions to help them work with their children.

Staff of the Department of Education completed a review of the school in October 1980 at the request of the Superintendent of Public Instruction. However, KSB does not presently participate in any type of national or regional accreditation process, though staff members have discussed the possibility of seeking accreditation by the Southern Association of Colleges and Secondary Schools.

KSB administered the Comprehensive Test of Basic Skills to the majority of their students during the 1982-83 school year. At the present time the scores are used for curriculum planning for individual pupils and the school, and are not used for any comparative purposes with other groups of students.

KSB students, like KSD students, are provided the once-a-month home visitation program. The KSB staff believes, as does the KSD staff, that there needs to be more interaction between the pupils, their families, and their communities. They would like funds, however, to help the families visit KSB more often, so that the families will have a better understanding of their children's educational program at KSB.

Local Public Schools

Although Kentucky was a pioneer in establishing residential educational programs for the sensory impaired, programs in local public schools have been late to develop, compared with special education programs for children with

other handicapping conditions. Prior to the Consent Agreement in 1974, the provision of special education programs in local school districts was permissive. At that time, during the 1973-74 school year, there were six Foundation Program classroom units for the visually impaired and twenty and one-half units for the hearing impaired in local school districts. During the 1982-83 school year, even with the mandate that the local school district provide an education for each of its pupils, there were only twenty-eight visually impaired units, in eight school districts (Figure 1), enrolling approximately 200 pupils, and seventy-one and nine-tenths hearing impaired units, in twenty-six districts (Figure 2), enrolling approximately 405 pupils. The slow growth and the continued lack of services in the majority of school districts can be attributed to several factors.

Incidence of Handicapping Condition

The U.S. Office of Education has established incidence rates of handicapping condition for each exceptionality defined in the federal legislation. The hearing impaired category, including children who are deaf/blind, is assumed to have an incidence of fifty-eight hundredths of one percent and the visually impaired a rate of ten hundredths of one percent. Incidence rates have been based on a nationwide population and do not account for state and local differences. They are used for projection purposes, to assist with gross methods of program planning, and are not accurate enough to be used for accountability purposes. With that in mind, one would expect that an average Kentucky school district with 2,000 pupils would have twelve hearing impaired pupils and two visually impaired pupils. Within this group of fourteen there could be as many as fourteen different ages and the severity of the handicap could range from very mild to very severe.

Because of the low incidence and the possibilities of age and handicap differences, it may be difficult for an individual school district to establish an educational program which will provide the special and technical skills the sensory impaired need, as well as an opportunity for the many other social and emotional interactions which are a vital part of a total education.

Geography

Kentucky's counties, the governmental base for two-thirds of the local school districts, are in many cases sparsely populated and transporting children to and from schools is therefore costly. In addition, many of the counties are mountainous, have narrow and curvy roads, and have very isolated sections, all of which add to the transportation problems. It is therefore quite possible that the children in the previous example of a local school district could very well have to be transported from the outer limits of the county, over less than perfect roads, for as many as twenty-five to forty miles one way, to reach a centralized program.

Personnel

Corresponding to the relatively low incidence of sensory impaired pupils in the population is the low incidence of professional personnel trained to

FIGURE 1
CLASSROOM UNITS FOR TEACHERS
OF THE VISUALLY IMPAIRED
1982-83

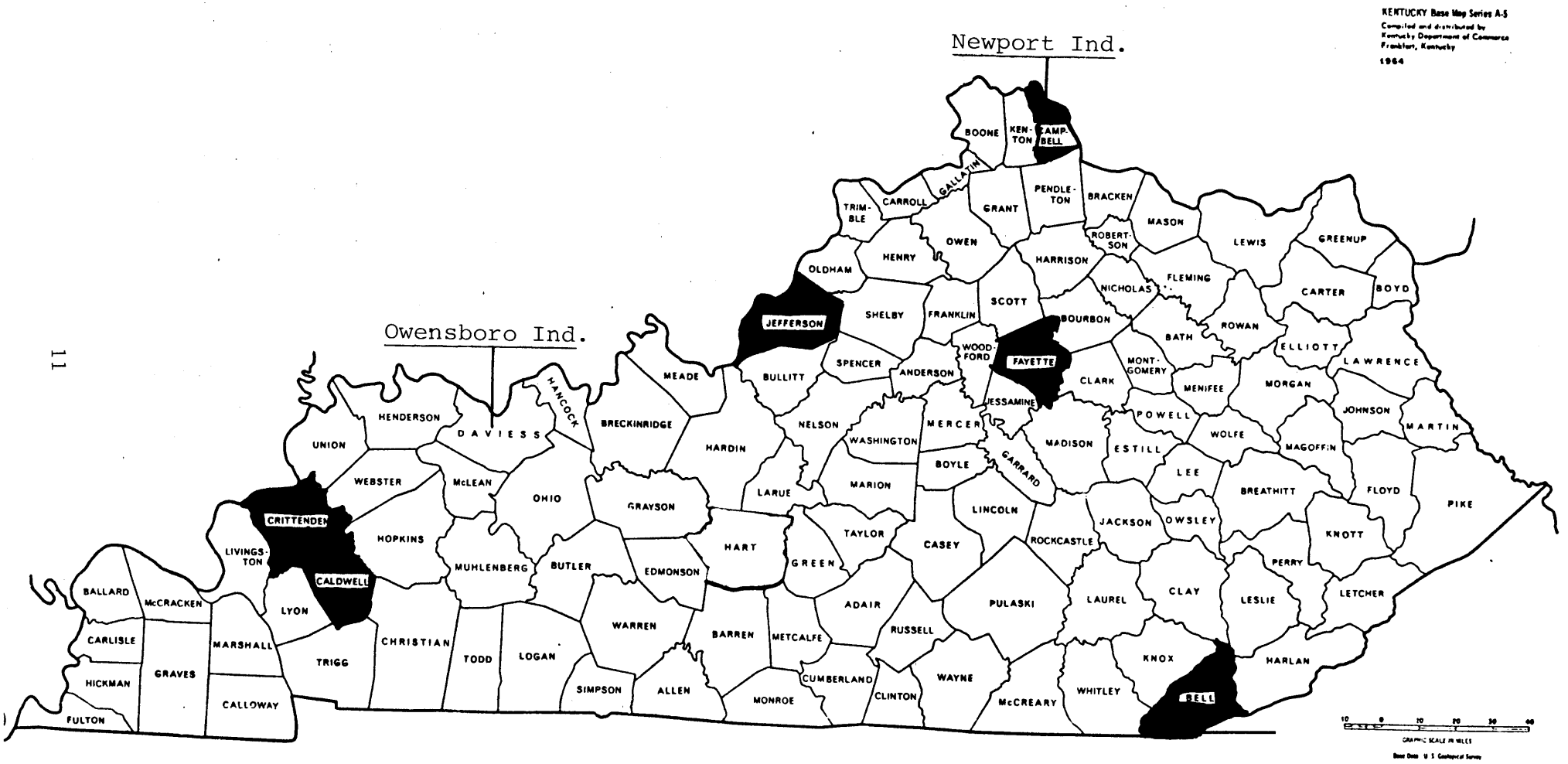
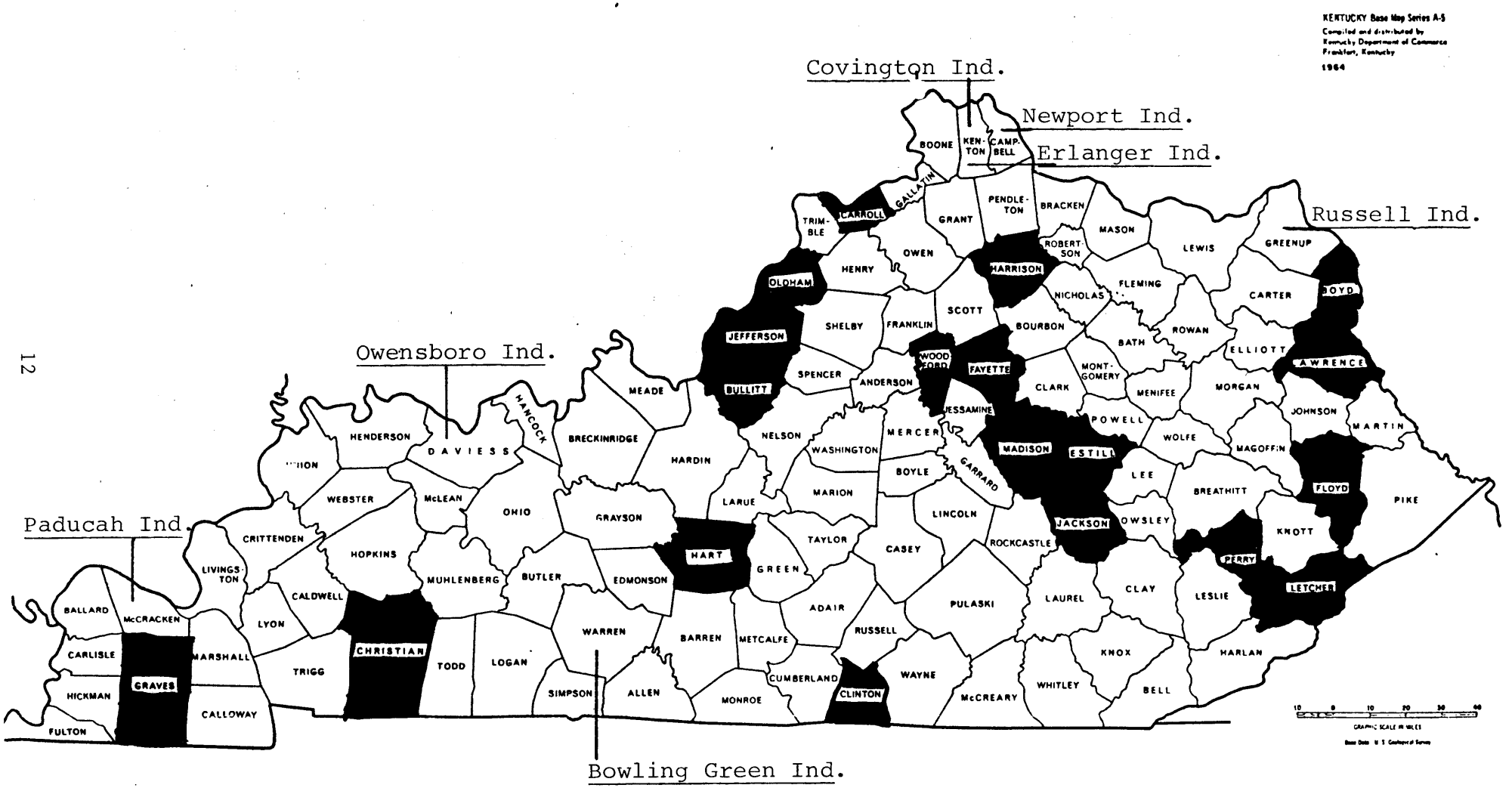


FIGURE 2
CLASSROOM UNITS FOR TEACHERS
OF THE HEARING IMPAIRED
1982-83



work with the hearing and visually impaired. Kentucky has only two teacher preparation programs for the hearing impaired and one for the visually impaired. Over a period of five years there has been an average of 13.4 teachers of the hearing impaired and an average of 8.6 teachers of the visually impaired to become certified through these programs each year.[4]

In addition to the need for special teachers in the specific area of handicapping condition, most of the children need specialized types of evaluation and related services, such as speech therapy, psychological and vocational counseling, and, in the case of the blind, mobility and orientation training. Though 168 districts now have at least one speech therapist, specialists who can evalute the sensory impaired are scarce and there are only two people in the state certified to teach mobility and orientation skills to the visually impaired.

Determining Need for Additional Programs

As stated above, the application of incidence rates to the state's population will generate figures which can be used for gross methods of program planning. Applied against the 1980 census figure of 946,075 Kentucky children ages 5-19, the .58% incidence figure for the hearing impaired would predict 5487 hearing impaired children in the state. The .10% incidence figure for the visually impaired applied toward the same census figure would predict 946 visually impaired children.

P.L. 94-142 requires local school districts to report on December 1 of each year the number of children receiving special education and related services. Children included in the report must have an individual educational plan. Table 1 indicates the total number of sensory impaired children served in special programs during the 1982-83 school year.

TABLE 1

Sensory Impaired Children Served in Kentucky
1982-83 School Year

	Local District 1982-83 Child Count	% of State Total	Residential 1982-83 Enrollment	% of State Total	Total
Hearing Impaired	496	55%	409	45%	905
Visually Impaired	317	72%	125	28%	442
Deaf/Blind	15		*		15

*Included in enrollment of both schools.

The local school district coordinators indicated during the telephone interviews described in Chapter IV of this report that many visually impaired children are in regular classrooms and thus are not part of the child count report. Some may have access to large print textbooks or special equipment but are not receiving other special education services. It is also the belief

of the staff of KSB and others in the field of education for the visually impaired that there is a large "hidden" population of visually impaired pupils in regular classrooms who need special assistance but are not receiving it.

Based on incidence figures, it appears that Kentucky's public school system is serving less than fifty percent of the number of sensory impaired children estimated to need services. Table 2 depicts the estimated number of school age children unserved by state funded special education programs.

TABLE 2

Estimate of Unserved Sensory Impaired Children

	Estimated Children - Ages 5-19	Children Served 1982-83	Children Unserved
Hearing Impaired	5487	920 *	4567
Visually Impaired	946	442	504

*Includes 15 Deaf/Blind Children

Preschool Programs

At the present time Kentucky has very limited preschool services for the sensory impaired in the public school system. During the 1982-83 school year KSD served forty-six children in six satellite programs but knew of twenty-nine other children they did not have the resources to serve.

KSB serves preschool children and their families through the activities of a social worker. She had contact with 230 families during the 1982-83 school year.

There has not been a concerted state effort to locate young sensory impaired children, since there are presently so few educational programs available. The projection of need for preschool children could also be determined by applying the incidence rate to the 1980 census figure of 282,460 children 0-4 years of age. Such an application would predict that there are 1638 hearing impaired and 282 visually impaired preschool children in Kentucky.

The preschool programs provided at the local level by KSD and the KSB social worker have helped to locate children at an early age. The superintendent of KSD reports that approximately half of the children who have attended the KSD preschools are going into the local school district programs. He also reports that those with preschool experience who enroll at KSD begin at a higher functional level than children who enter without the KSD preschool experience.

> The hearing impaired child, by reason of his hearing loss, is divorced from society and his family and is deprived of the rich language experiences of early childhood. His hearing peers by the

> age of four years, have acquired 40% of the language skills that they will have by the time they are adults. By the time hearing children are six years of age, they will have mastered over 80% of the language skills they will eventually acquire in their lifetime. Yet, for the deaf child, these years of isolation and deprivation cause him to enter school at age six years with little or no command of the vital language skills exhibited by his hearing peers. It is therefore extremely important that hearing impaired children be identified as early as possible and that educational services be provided immediately to parents and children. It is imperative, therefore, that early identification of hearing impaired children be one of the constellation of educational and para-educational services to be provided to hearing impaired children, as part of the state plan.[5]

There were forty-six children enrolled in the KSD preschool program this year and referrals on twenty-nine other children KSD did not have the resources to serve.

There is a need to locate all sensory impaired children at an earlier age but it is critical for the hearing impaired.

> The ultimate language abilities of the hearing impaired are dependent on the age at which the hearing impairment is identified. The most critical period for language development is during the first two years of life. It had been erroneously assumed that language could be introduced to the hearing impaired child at the age of three or four with successful results. A language development program must begin in the first year of life. Therefore, early detection is of utmost importance.[6]

Several states have developed a registration process for identifying infants who have a high possibility of having a hearing impairment. After identification, service agencies can follow up with direction in securing audiological testing and education, if warranted.

Kentucky does not presently have a high-risk register of this type, though the birth certificate process could be used, with a few modifications. The present birth certificate requests most of the information which would be needed to determine that an infant is at risk of having a hearing impairment. The form does not request information on the family history of hearing impairments, however, which is a strong indicator of high-risk infants.

Other factors which occur frequently with hearing loss are:

1. rubella or virus during pregnancy
2. congenital ear, nose or throat anomalies
3. birthweight less than 1500 grams (3-1/2#)
4. hyperbilirubinemia (jaundice)
5. low APGAR scores
6. anoxia or apnea[7]

The presence of one or more of the above complications indicates that an infant is at risk for hearing loss and needs evaluation and close observation.

Evaluating Local School District Programs

Programs for exceptional children are supposed to be designed for each individual child. The possible types of program organizations in local school districts could be as numerous as the children. Many visually handicapped children are in regular classrooms with special assistance from adapted materials or resource personnel. Some hearing impaired children function well in regular programs but may have more trouble academically as instructional materials become more abstract. Others may be in a special class on a full-time basis.

Local school district programs are evaluated regularly to assure compliance with regulatory requirements. The evaluation of the instructional programs is part of each district's accreditation process. Ideally, the pupils' individual educational plans and the progress made in meeting the goals established in the plans would be reviewed as a major part of the accreditation of a special education program.

Private Schools

There have been limited private school programs specifically for the sensory impaired in Kentucky. At the present time there are two private schools for the hearing impaired whose pupils are primarily preschool age. Non-profit organizations, such as the Easter Seal Society and United Cerebral Palsy, have provided clinical and parental support services and a few instructional programs. The organizations have a history of working diligently as advocates and lobbyists to get better public services for all handicapped children.

Other private schools may have sensory impaired children enrolled but the data on them are not readily available.

CHAPTER III

NETWORK OF SERVICES

Kentucky's Responsibility

Kentucky has declared a commitment, through KRS 157.224, to provide a comprehensive educational program for its handicapped children and has done so through Foundation Program funding to local school districts and general fund dollars to KSB and KSD. The administrative function in fulfilling that commitment has been delegated through KRS 157.221, which requires the State Board of Education to create a Bureau of Education for Exceptional Children to supervise and direct a state program for exceptional children.

P.L. 94-142 requires that the state educational agency be responsible for each educational program for handicapped children in the state, including programs administered by other agencies. Assurances are set forth in the program plan that the Bureau of Education for Exceptional Children has accepted this responsibility and that it has administrative structures in place to insure a quality state-wide educational program which meets the requirements of P.L. 94-142, the 1974 Consent Agreement, and state statutes.

Least Restrictive Environment

Much has been written and many conferences have been held regarding the philosophy of educating children with handicapping conditions in the least restrictive environment, as required by P.L. 94-142 regulations. Prior to the federal law, the philosophy was referred to as "integration," "normalization" or "mainstreaming." The concept does not mean that all children can or should be educated in a "regular" classroom at all times, but simply that, based on each child's individual needs, he should receive his education in a setting which offers the least deviation from the program he would have if he were not handicapped (Appendix 1). In an attempt to clarify the concept of least restrictive environment, the California Commission on Special Education adopted a policy statement which sets forth the following rationale:

> The rationale underlying this principle is that children's similarities as human beings are more important than their differences, and if education is preparation for life, then normal and handicapped children are best prepared in environments in which there is maximum opportunity for interaction and peer modeling. Qualities of understanding, acceptance, cooperation, and respect cannot develop if children are consistently isolated from each other in their formative years. The future of general and special education will be interrelated with varied programs responding to the needs of all pupils' changing needs....[8]

Missions of the Residential Schools

The enabling legislation for KSD and KSB did not include a concise state-

ment describing the purpose and mission of the schools. However, by reviewing the statutes and the history of the schools, there several points which can be extracted to give some idea of the original intent of the two schools.

1. The schools were to be available to children from all parts of the state;

2. The schools were to be educational rather than custodial institutions;

3. The schools were to be available to multi-handicapped pupils for educational purposes; and

4. Both schools were to include a vocational component in the curriculum.

The present missions of the two schools, as stated in the regulations which include their admission policies, do include, to some degree, all four points.

Admission Policies

Residential schools were established to provide the same educational opportunities to the sensory impaired that were provided to non-handicapped children in local public schools. Historically, the schools have been selective and only admitted blind or deaf children with no other handicapping conditions. The implementation of P.L. 94-142 required states to coordinate their service delivery systems for handicapped children and to begin to look at the roles of the residential schools, since their enrollments were expected to decrease, as more children were to be served in the local school districts. At the same time, as states implemented active child-identification projects, more multi-handicapped children, who needed intense training through residential programs, were located.

Typically, the residential schools across the nation have not had formal admission policies, but with the referral of more severely handicapped children they believed it necessary to establish limitations.[9] KSD did not have written admission policies until the Fall of 1982, after its denial of admission to two children resulted in litigation in one case and a complaint to the Office of Civil Rights (OCR) in the other case. The admission policy (Appendix 2) was promulgated through the administrative regulation review process, which included two public hearings on KSD's policy. The dissenters, primarily special education personnel representing local school districts, were most concerned that KSD can refuse to take a child who does not achieve at the educable mentally handicapped level or above on a standardized intelligence test and who does not have the following prerequisites, even though the policy states that KSD has a developmental program:

1. Be schedule-trained in toileting;

2. Accept solid foods;

3. Be able to spoon feed and drink from a cup;

4. Need minimal assistance in bathing, dressing, and grooming;

5. Express his/her needs through natural gestures-signs-vocalizations;

6. Show a differential reaction to a familiar adult and accept stimulation;

7. Walk or move independently about the school in a wheel chair; and

8. Possess sufficient visual acuity to enable him/her to utilize visual stimuli found in classrooms for the deaf.

KSB had a written admissions policy as early as 1965, which established criteria in the areas of age, and visual, physical, mental and emotional conditions. The policy stated that "Individuals with an I.Q. less than 50, based on appropriate individual psychological examination, should not be admitted."

KSB, like KSD, promulgated a new policy in 1982, which includes a requirement that a child exhibit basic prerequisite skills, similar to those listed above for KSD, or demonstrate the ability to develop these skills. The present regulation requires that the child achieve at the trainable mentally handicapped level on a standardized instrument for the evaluation of intellectual functioning.

In response to the complaint, the OCR, in a letter of April 30, 1982 (Appendix 3), made the following findings:

> Kentucky School for the Deaf maintains admissions criteria which exclude students who lack self-help skills or exhibit maladaptive behavior. The maintenance of schools for the handicapped with select admissions criteria is not inconsistent with the general regulatory requirements of 34 C.F.R. 104 et seq., even though such criteria tend to exclude some of the handicapped student population. The state, acting through its legislative body, assumes the primary responsibility for enacting admissions criteria to special schools. So long as the state admissions criteria, even though restrictive as to admission of certain handicapped children, are administered in a non-discriminatory manner, such exclusions or limitations would not be a per se violation of Section 504. However, the state retains the continuing responsibility to assure that all qualified handicapped students receive a comparable education regardless of the severity or complexity of their disability.

The question, then, is whether there are sensory impaired children who are not receiving services either in the local school districts or the two residential schools. It was not within the scope of this study to do a complete needs assessment. However, the local school district telephone interviews, described in Chapter IV, indicated that there were three children reported to need KSB's program and ten reported to need to attend KSD. Of those thirteen, two appeared to function at a level below that which would be accepted under the strict application of the present admission policies. (The referral process had not been completed at the time of the interview.) In both cases the local school district reported that they did not have personnel with the skills to teach the children. One child was receiving home instruction and the other was with a teacher's aide in the regular kindergarten program. The remaining eleven children have not gone to the residential schools because their parents did not want them to do so.

Assuming that the two severely handicapped children located through the telephone interviews, as described in Chapter IV, are a sample of the number who may be found in the other eighty percent of the districts, then there are at least ten sensory impaired children in local school districts who need a more specialized program.

Nationally, the residential schools for the sensory impaired have a history of operating autonomously and being selective regarding admissions.[10] During the civil rights for the handicapped era, they have had to make adjustments and often even defend their existence. In doing so, they have tried to avoid becoming residential, custodial centers for children with severe, profound handicaps. In explaining their position, personnel and alumni from the residential schools talk at length about their role as educational institutions.

The definition of education has been expanded to include more than the acquisition of academic skills. Educational systems at all levels provide a variety of services to accommodate individual needs, whether it be counseling services for the college student, breakfast and lunch programs for the elementary and secondary students, or vocational and technical programs for older students. Based on the testimony of expert witnesses from the fields of special education and psychology, the courts have agreed that the most severely handicapped child is capable of benefiting from a program of education and training, and if given proper training, at the earliest possible age, would less likely require custodial care as an adult.[11]

Many behavioral and developmental problems of young sensory impaired children are caused by their lack of sight or hearing and lack of early education. The ideal place to reduce inappropriate behavior is in a twenty-four-hour-a-day program with trained personnel. For example, Foxx and Azrin have developed a very successful toilet training program, but it is only successful with intense, constant supervision, which could be provided more easily in a controlled setting of a school with staff who understand behavior management than in the erratic environment of a local public school or a home.[12]

Inter-relationship Within A Network Of Services

Residential School Organization

Both KSD and KSB were originally organized under the direction of a citizens' board with full responsibility for the operation of the schools. Under the Re-organization Act of 1934, the boards of the schools were placed in the Department of Education as divisions in the Department's organizational structure, with the condition that the boards continue the management and control of the schools.

In 1960, the management and control of the schools were transferred to the State Board of Education and the boards were changed to advisory boards appointed by the Governor. The advisory boards were to advise the Board of Education and the superintendents of the two schools.

In 1980, the statutes were amended to make the appointment of an advisory board permissive, with the appointments to be made by the State Board of Education upon recommendation of the Superintendent of Public Instruction. The

boards' only remaining responsibility was to assist the residential school superintendents in conducting the activities of the schools.

Parents and other supporters of KSD were not pleased with the 1980 amendment and lobbied successfully to have the statute amended in 1982. The supporters of KSB did not see a need to have the statute relating to KSB's advisory board amended during the 1982 session of the General Assembly. Now, there must be a seven-member advisory board to advise the KSD's superintendent and make recommendations to the Superintendent of Public Instruction in all areas relating to the effective operation of the school. Those areas include goals and objectives, budget requests, student services, public relations, construction and maintenance, and program evaluation.

At the present time KSB and KSD both appear on the Department of Education's organizational chart as divisions in the Bureau of Education for Exceptional Children, and the two superintendents are shown as division directors. Operationally, the superintendents report to an executive assistant to the Superintendent of Public Instruction rather than the Bureau Head. The divisions in the Bureau of Education for Exceptional Children are not functional, as they are not staffed with Frankfort-based personnel. There are consultants for the hearing impaired and visually impaired in the Division of Categorical Programs in the Bureau of Education for Exceptional Children, but their major responsibilities are to the programs in the local school districts.

The survey of the states described in Chapter IV revealed that the residential schools in twenty-five of the thirty-seven states responding to the survey are also placed in the educational agency. As the functions of residential schools are unique, and so different from the functions of other sections in educational agencies, there is no clear-cut place for them in the agency structure. The administrators of the schools must have autonomy in making the daily decisions needed to keep a school and a residential program operating effectively; however, their mission is to educate handicapped children on a state-wide level in cooperation with local school districts. The schools, therefore, should be involved, for planning and curriculum purposes, with the special education unit within the agency.

Local School Districts

The pertinent Kentucky Administrative Regulations are designed to assure continued communication between local school districts and the two residential schools. The regulations (Appendix 4) require that the following steps for placement in the residential schools be taken by the local school district.

1. Administrative Admissions and Release Committee (AARC) must develop an Individual Educational Plan (IEP) to spefiy appropriate services;

2. Determine appropriate agency to provide services;

3. Contact agency (residential school in this case) and have representative of receiving agency participate in AARC meeting. Participation may be through meetings, written communications, and telephone calls.

4. In collaboration with representatives of the receiving agency, review and revise, where appropriate, the child's IEP.

5. In collaboration with representatives of the receiving agency, determine if such agency is the appropriate agency to provide the specific services.

Upon admission of the child to the agency's program:

1. The agency shall assume responsibility for providing special education and related services to the child as specified on the IEP.

2. An AARC of the receiving public agency shall:

   a. Conduct meetings for the purposes of reviewing and, where appropriate, revising the IEP;

   b. Assure that the IEP shall be reviewed on at least an annual basis and revised where appropriate;

   c. Insure that any review and revision of the IEP shall be done with the input and approval of the parents; and

   d. Insure that any review and revisions of the IEP shall include input and approval of the local school district.

3. Monitoring and evaluation of the IEP shall be done at intervals specified on the IEP. This shall serve to document progress and mastery of objectives specified in the IEP. Written results of such monitoring and evaluation shall be forwarded to the parents and the AARC of the local school district placing the child in the agency's program.

Responsibilities of the AARC of the local school district placing the child in another public agency shall be:

1. Participation in meetings called by the receiving agency for the purpose of review and revision of the IEP; and

2. Reviewing, at least annually, the exceptional child's IEP and reviewing the placement of each exceptional child receiving services outside the local school district in relation to his educational progress in that setting.

The responses of the local district special education coordinators interviewed, described in Chapter IV, indicated that the IEP development and review process is in place and that there is cooperation but little collaboration. In the majority of responses it was reported that a decision is made by the AARC that the child should attend KSB or KSD and the district arranges for the parents to take the child to the residential school for a visit and, usually, an evaluation. After that visit the residential school notifies the local district of acceptance or rejection, and the IEP is done at the residential school if the child is admitted. In only four districts did the coordinators report that the local district developed the IEP and that it was refined by KSB or KSD staff after acceptance of the child.

The residential schools conduct annual reviews of the IEP and in the majority of cases the coordinators are notified and invited to attend. Very often personnel from KSB or KSD go to the districts for the review meeting after scheduling with the parents is done by the coordinators.

Though local coordinators are notified of the review meetings, their involvement is perfunctory and they have relinquished their responsibility for the child's educational planning to KSB and KSD. The relinquishment of that responsibility by those interviewed comes partly from the fact that they regard the staff of KSB and KSD as the authorities in the education of children with vision and hearing impairments and they do not feel qualified to discuss the child's program.

CHAPTER IV

SUMMARY OF INFORMATION

Interviews With Special Education Coordinators

An outline (Appendix 5) was developed by staff for use during a telephone interview with coordinators of special education programs of twenty percent of the local school districts to determine the relationship between the local districts and the two residential schools. Specifically, the interview was designed to determine how the referral and admission process to the two residential schools functions, which types of children are referred, which types of children return to the district, and how the transportation program operates, and to gather ideas for improving educational programs for visually impaired and hearing impaired pupils. The sample of districts was drawn from each of the seventeen special education regions used by the Bureau of Education for Exceptional Children so that there would be geographic representation in the responses.

The thirty-six districts selected represented seventeen percent of the state's 1982-83 public school enrollment, twelve percent of KSB's enrollment, and nineteen percent of KSD's enrollment.

Admission and IEP Process

KSB. Of the thirty-six coordinators interviewed, ten had pupils at KSB during the 1982-83 school year but only seven coordinators had ever been involved with the referral process. Once a district's Administrative Admissions and Release Committee (AARC) decides that residential placement at KSB is desirable, the school district's staff coordinates arrangements between the parents and the KSB staff, which generally include a visit to the school, an evaluation of the child by KSB and the development of the Individual Educational Plan (IEP) by the KSB staff. Two districts reported that the AARC sets general goals and that KSB refines them; all others said that the IEP was done at KSB, though the district personnel are invited to attend. All ten districts reported that they are usually notified of the annual IEP review meeting.

KSD. Of the thirty-six coordinators interviewed, twenty-six had pupils at KSD during the 1982-83 school year and eighteen had been a part of the referral process. As with KSB, once it is decided by the local district Admissions and Release Committee or by the parents that a pupil could benefit from attending KSD, the district staff make arrangements between the parents and KSD for visits and child evaluations to be conducted.

In most cases respondents said that the IEP was done at the residential school, though two coordinators said that the district's Admissions and Release Committee set the general goals and KSD refined them. Nineteen coordinators reported that they are usually notified by the KSD staff of the IEP annual review meeting. Seven districts reported that they are not notified of the annual review meeting. Many coordinators reported that the KSD staff visit the district and meet with the parents and the coordinators to review

the IEP. Other coordinators said that most correspondence is done by mail. Some indicated they would like to have visits from the KSD staff.

Denial of Admission

KSB. The coordinators were asked if KSB had denied admission to pupils. There were no reports of original rejections, though one coordinator reported having a blind pupil who was 16 years of age, did not speak and was not toilet trained, who attended KSB for one year but was not accepted the next year. Another respondent reported a fourteen-year-old trainable mentally retarded and blind child who has been at KSB several years but is being returned to the district for the 1983-84 school year, upon the recommendation of KSB.

KSD. One coordinator reported that a pupil had been rejected by KSD because KSD did not have adequate staff. The pupil was accepted at a later time. One other coordinator is presently expecting a rejection of one child who is not toilet trained and does not eat solid foods. One other was rejected because KSD did not believe the hearing loss was severe enough to warrant residential placement.

Pupils Returning to the Local District

KSB. Coordinators of six districts reported that they had had pupils who had returned to their district within the last two years. One pupil returned for surgery, one pupil decided he wanted to return, two returned because of parents' decisions, one returned because KSB said they could not do any more for him, and one reported that the returning was a decision of the AARC.

When asked if there were pupils at KSB who they thought could be better served in the local district, only one responded in the affirmative. It was the respondent's belief that once the pupil accomplished the specific survival skills needed for coping with the visual impairment, he should return to the district. All others felt KSB could provide a more comprehensive program than the local district and that there were no reasons for the pupil to return to the district.

KSD. One coordinator reported that two pupils had returned to the district in the last two years, based on decisions by the AARC. One coordinator, when asked if any pupils had returned from KSD to the district in the last two years, said, "No, once they are there they like it real well." One girl returned to her district because she was pregnant; one was reported to have dropped out and was thought to have gone to a church school; and two others, who had been in trouble because of their behavior, had dropped out of KSD and were not attending the local school district.

To the question whether there were pupils at KSD who they thought could be better served in the local district, the response was the same as when the question was asked regarding KSB. With the exception of one coordinator, it was the unanimous belief that KSD could offer the most beneficial program.

Transportation Program

The once-a-month home visitation program is being operated in a variety of ways but was reported to be running smoothly with no severe problems. The consensus was that providing transportation more often than once a month should be determined on an individual basis, since some pupils, particularly older ones, are involved in school activities and some have home environments so unstable as to be harmful to them. It was also mentioned that there are benefits to having the parents visit the pupils on campus; some districts provide or reimburse for transportation for such visits. One district, which sends a bus for several pupils, will allow the parents to ride on the bus to the school to visit their child, if he is not coming home for the weekend.

Vision and Hearing Screening

When asked about the required vision and hearing screening programs in the district, all responded that they do have comprehensive screening programs. However, in most cases, the coordinators do not administer the screening programs and did not have data readily available on the number of children with vision and hearing problems who have been identified by the screening program.

Survey of the States

Committee staff wrote to the chief state school officer in each of the fifty states requesting information concerning the role of residential schools in providing services to handicapped children. Specifically requested were copies of the admission policies of the residential schools, the state level organizational and administrative structures of the schools, sections from the P.L. 94-142 Annual Program Plan which describe the function of the schools, and a description of how the local school districts and residential schools interface. Thirty-seven states responded to the request, for a return rate of 74 percent.

State Organizational Structures

Overwhelmingly, the majority of the states who responded to the survey place their residential schools under the jurisdiction of the state educational agency, although the placement within the structure of the educational agency varies among these twenty-five states. Ten states include residential schools under the chief state school officer or assistant, while seven states place the schools within the office responsible for special education services. One state includes the schools under the office for instructional services, another has the schools report to the Board of Regents. The remaining six states did not provide information beyond the fact that the schools were operated by the state educational agency.

Five states include the residential schools within state agencies other than education. These agencies were a department of rehabilitative services, a state board of health - division for the handicapped, a department of health

and welfare, a department of human resources, and a department of human services. The educational programs in the residential schools of these states are monitored by the state educational agency for compliance with P.L. 94-142 under a memorandum of agreement.

Two states contract with private schools to provide programs for their visual and hearing impaired students, while two other states have designated their residential schools a separate state agency, governed by a board.

Admission Policies

The most common factor found in admission policies can be categorized as "extent of impairment." In some states specific levels of hearing and visual losses are cited in the policy, while others use broad statements such as "sensory impairment is so defective as to prevent them attending the public schools." A review of the accompanying criteria would suggest that in some states this requirement is to guarantee that the degree of deafness or blindness warrants placement in a residential setting, while in other states these limits may be used to exclude the multi-handicapped.

Common policy is that "a student must be able to benefit from the educational program offered." Other criteria reflect the situation in the local districts, such as "no program to meet educational needs at the local level," "when required to meet education goals," and "any local referral." Two respondents specify that deafness or blindness must be the primary handicapping condition. Three states listed an IQ or test score. Other criteria mentioned are: can take care of physical needs; in good health; ambulatory or can use a wheelchair; no serious behaviorial or emotional problems. One state requires an evaluation period. Another state's policy is simply "any deaf, school-age resident."

States have a variety of ways of making the final decision on residential placement. The overwhelming majority rely upon some form of admissions committee recommendation. These committees are generally multidisciplinary and include residential school staff and local education agency representatives.

In some states the decision of the committee may be overruled by the residential school's top administrator, the state educational agency's special education director or the superintendent or commissioner of the department having jurisdiction over the school. Some states specify that the residential school administrator makes the final decision. One state specifies that the local educational agency superintendent makes the determination, another allows the parent to decide, and another relies upon the local IEP recommendation. A few states have established an appeals procedure for those disagreeing with the placement decision.

Interface With Local School Districts

Most states describe the relationship between the local district and the residential schools within the context of the IEP development and review process. The local district is usually cited as involved or participating in the process, but in at least one state the district is the responsible party for

IEP review and re-evaluation. One state requires that the residential school notify the local district affected upon receiving a referral or discharging a student. Similarly, another state requires the residential school to send the student's IEP to the local district when a student is to return.

Several states require that residential students have access to the local district program where the residential school is geographically located. These requirements are discussed in conjunction with the goal of developing residential students' skills to the point of their being able to return to and benefit from local district programs. In some states the requirements appear to reflect an effort to provide a total delivery system of educational services. One state requires that whenever an out-of-district placement occurs the district must assess its own services. Another state requires the local educational agency to list the services it is unable to provide, visit the residential school to ascertain that it can and will provide the needed services, and establish criteria and a timeline for the return of the student to the local district.

Several states describe the interface between the residential schools and the local district in terms of technical assistance provided by the residential school staff. This assistance in one state simply consists of informing the local districts of available services and holding joint professional meetings. One state has a specialized consultant program funded with Public Law 89-313 funds, whereby the state school works with districts to smooth the transition for students returning to the local district. Another state has the residential schools operating a formalized diagnostic and prescriptive center for the local districts which also provides resource teacher services.

Description in Annual Program Plan

Most states responding to the survey did not provide this information. The states responding to this item describe residential schools as part of the continuum of services or a placement option.

Meetings at the Residential Schools

The Program Implementation Oversight Subcommittee held meetings at KSD March 15, 1983, and at KSB March 16, 1983, to tour the campuses and facilities and gather information for the study. At both schools, staff, advisory board members and other interested people were available to discuss the schools' missions, current programs and future needs. The future needs of the schools as presented to the subcommittee are listed below, with the superintendents' two highest priorities listed first and second.

KSD

1. Increase the transportation program from monthly to weekly.
2. Expand preschool services.
3. Hire curriculum specialists for language development.
4. Develop a year-round program to provide special programs for chil-

dren with specific needs.

5. Improve salaries and training for residential staff.

6. Add horticulture to the vocational program.

7. Acquire computer equipment.

8. Hire part-time occupational therapist, part-time physical therapist, and two aides for special areas.

9. Increase social work services.

10. Expand vocational and continuing education programs for hearing impaired adults.

11. Increase staff development.

12. Improve facilities with a new auditorium, a new running track, furnishings for dormitories, a new maintenance and warehouse building, landscaping, and additional preventive maintenance services.[13]

The superintendent stressed that his priorities were to improve programs first and facilities second.

KSB

1. Develop short courses for children with special needs.

2. Develop a materials and resource center to house and dispatch materials and technical assistance to all the state's visually impaired children.

3. Hire an additional math teacher, speech therapist, physical therapist, and residential supervisor.

4. Increase resources to provide more evaluations for local school districts.

5. Purchase a van with a lift for orthopedically handicapped pupils.

6. Increase technical and vocational aids.

7. Improve facilities with a new dorm for older boys and new maintenance and storage facilities.

8. Improve salaries.[14]

Admission Policies

At both schools subcommittee members asked the superintendents and others about their views on admission policies to KSD and KSB. The superintendents' responses have been taken from the tapes and are paraphrased below:

KSD: We did a count last year of the 400-plus students, and around

90 had additional handicapping conditions, ranging from learning disabilities to mental retardation, to other physical handicaps, such as vision problems. When we talk about education we are talking educational processes that are very important in teaching. That's where the misunderstanding or questions arise. Educating the deaf is a very specialized area of teaching. If it's deafness-related you teach one way; if it's another problem, there are other ways to teach. Our people right now are skilled in the way of working with deaf people. If the legislature determines the mission of the school should change, this school will comply, but we'll need some help. Deaf and hearing impaired who are mentally retarded are admitted if they are educable mentally handicapped (EMH) or above. We use information from various sources, such as previous hearing tests. We try to see the child here if we can and try to do as much diagnostic work with the child as possible. We then provide that information to the local district. They, following the rules, establish a placement committee meeting and they may invite us to participate and share results of the evaluation and recommendations. From that meeting a decision is made about placement. Following our criteria we evaluate children based on mental capacity, EMH or above, determine that there are no problems with orthopedics, and evaluate everything possible to see if the child can fit into the program, and whether the programs provided at KSD will be beneficial to the child. After a student is admitted to KSD it is the school's responsibility to make an annual placement review, with participation by local district personnel.[15]

KSB: We have our admissions criteria that try to define as objectively as we possibly can which multi-handicapped children are accepted. Without reading it specifically it would say that a student may come here if his intellectual ability is in the trainable mentally handicapped range. We have the opportunity if we're not sure whether the student falls within the trainable range to use an extended evaluation time or trial period, because what we're looking for is whether they are capable of learning skills we feel they need to learn....We do feel as long as blindness is significant in the child's educational process, then it is certainly a student we should take a good, hard look at....At some place blindness is no longer significant in the educational process. They are at a functioning level where developmentally delayed problems are such that training in that particular area is really more appropriate than addressing the blindness.[16]

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

House Resolution 90 directed the Interim Joint Committee on Education to study KSB and KSD to determine their role in the Commonwealth's responsibility to provide an appropriate education for all handicapped children. The study centered on three questions:

1. Are there appropriate educational programs available for all of the Commonwealth's sensory impaired children?

2. Should KSB and KSD continue to operate under selective admission policies?

3. Is the state providing adequate resources for the residential schools to carry out their missions?

Available Educational Programs

The requirements of P.L. 94-142, Section 504 of the Rehabilitation Act, the Consent Agreement, and Kentucky Administrative Regulations demand that a state have available a variety of program options and related services so that each handicapped child can receive an educational program matched to his individual needs. Each child's individual educational plan (IEP), developed by a multidisciplinary team and based on evaluation and diagnostic data, should determine the precise type of program he needs at a particular time in his educational career, reasonable and measurable timelines for meeting the goals, and the agency where he can receive the most assistance in achieving the goals. The program options should be as close to home, and as close to normal, as those he would receive if he did not have a handicapping condition.

During the 1982-83 school year, only twenty-five of the one-hundred eighty local school districts had Foundation Program classroom units for the visually impaired or hearing impaired. Only four districts had more than one unit in either or both of the handicapping areas, leading to the assumption that the other districts did not have enough sensory impaired children, or did not have the resources, to develop comprehensive programs.

Kentucky has not developed regional programs to join the services between the local districts and the residential schools primarily because of the lack of qualified personnel and the geographic limitations. Even regional instructional programs in Kentucky would probably have to be residential. In order to have enough children for comprehensive programs, the regions would have to be so large that daily transportation would not be feasible.

Most of the resources for Kentucky's educational program for the sensory impaired are centered at KSB and KSD, which enroll approximately forty percent of the sensory impaired children being served. Though this reality suggests the opposite of the philosophy of programming for handicapped children in the least restrictive environment, there are indications that the two schools have made efforts to respond to the changes in philosophy and would do more if programs were available in the local school district.

The telephone interviews revealed a pervasive attitude by local district coordinators that the residential schools offered a more complete program than the local districts and that once a child went to the residential school the local school district assumed little responsibility for his education. Though some coordinators had attended the IEP review meetings, they were not involved in the selection of objectives or monitoring the progress of the child.

There was strong indication that the districts looked to the residential schools as the authority in the fields of education for the hearing impaired and visually impaired. Coordinators were very complimentary of the assistance they received from the two schools.

There did not appear to be much movement of children from the residential schools back to the local school districts. The IEP's at KSB and KSD included only very general educational goals. The IEP's at KSD did not support the goals with diagnostic data, nor did they include timelines for completion of the goals, or a description of the special services being provided the pupil which were not available in the local district. The IEP's at KSB are more specific and did show evidence that alternative programs were considered. There were no timelines established by either school for a pupil's anticipated return to the district.

Information gathered from the interviews revealed only two children the coordinators thought needed to go to one of the residential schools for more intense training but who they believed would be denied admission under the present admission policies. Since Kentucky has yet to identify one-half the number of sensory impaired children estimated to be in the state, there could be several other children who are hearing impaired or visually impaired but not functioning at the level of intelligence presently required by the admission policies.

Kentucky does not presently have a network of services for the hearing impaired or visually impaired children of the state. The majority of the resources are centered at the residential schools, with only limited programs available at the local school district level. Though the number of local district programs has increased over the past few years, the increase has been slow. There has been little reason for the districts to implement their own programs for the sensory impaired when they can send the children to the residential schools.

It was not possible in this study to compare the differences in the types of children being served by the local districts and the residential schools to determine if the more severely handicapped were at the residential schools and the less severely handicapped in the local districts, as prescribed by the least restrictive environment philosophy. There were indications that there were no differences in the types of children but that the decision on placement depended primarily on the parents' point of view.

There was evidence from the interviews with the coordinators that low-functioning pupils and pupils with behavior problems were returned to the district more often than other pupils, though the district may not have had an appropriate program or support services for the pupil. On the other hand, the residential schools reported that they worked with the district in advance of returning a pupil so that the district could be prepared. If IEP's were developed and monitored as specifically as required by regulations both parties would know about the progress and the needs of the pupil.

KSB and KSD will continue to assume a very important role in the continuum of educational services for Kentucky's sensory impaired pupils. As long as programs are limited at the local level, they will continue their function as schools but will also continue to operate as resource centers to local school districts, parents, universities, and others needing consultation, direction, materials, instruction and leadership in the areas of education for the sensory impaired.

Recommendations

1. The Bureau of Education for Exceptional Children should require the local school districts to submit a detailed program proposal for serving every visually impaired and hearing impaired child in the least restrictive environment. The proposal should include a projection of the number of children needing services, the resources needed, and reasonable timelines for implementation. The Bureau should then revise the statewide plan required by KRS 157.224 to meet the needs of the state's sensory impaired.

2. The Bureau of Education for Exceptional Children should monitor the local school districts to assure that they follow the admissions and release process and the IEP development process for sensory impaired pupils, as established by regulation 707 KAR 1:051.

3. The Bureau of Education for Exceptional Children, through its monitoring responsibilities required by P. L. 94-142, should review the IEP's for all children at KSB and KSD to assure that each child is being served in the least restrictive environment, that the special services being provided by the school are delineated, and that reasonable timelines are established for the completion of the goals and the movement to a less restrictive environment.

4. The State Board of Education should request funding for adequate staff for the Bureau of Education for Exceptional Children to work with the local districts, KSB and KSD to locate all sensory impaired children who require special education and to monitor the pupils' programs to assure that they are being served in the least restrictive environment.

5. The Kentucky School for the Blind and the Kentucky School for the Deaf should seek accreditation through a national or regional accrediting agency and report the findings of such agency to the Legislative Research Commission.

6. The Kentucky School for the Blind and the Kentucky School for the Deaf should officially be designated as the state's primary resource centers for the education of the sensory impaired and should be allotted the necessary funding to improve their diagnostic, evaluative, consultative, and instructional services to local school districts, parents, higher education institutions, and sensory impaired adults.

7. The Kentucky school for the Blind and the Kentucky School for the Deaf should continue their current efforts to expand and improve the following programs:

   a. Preschool programs and family services at the local level;

   b. Integration of pupils into the adjacent local school districts' programs and other community activities;

   c. Vocational and rehabilitation programs, particularly for lower functioning pupils;

   d. Developmental programs for multi-handicapped sensory impaired pupils;

   e. Evening and weekend programs to develop independent living, job-seeking and social skills; and

   f. Summer programming for children with specific needs, particularly those who attend local school districts who need short courses in educational skills not available in the local district.

8. The General Assembly should amend KRS 167.035 and KRS 167.037 to require the advisory boards of the Kentucky School for the Blind and the Kentucky School for the Deaf to make annual written recommendations to the Superintendent of Public Instruction and the Legislative Research Commission concerning all areas relating to the effective operation of the school, including but not limited to:

   a. Goals and objectives,
   b. Budget requests,
   c. Student services,
   d. Public relations,
   e. Construction and maintenance, and
   f. Program evaluation.

Admission Policies and Procedures

Prior to the implementation of P. L. 94-142, other legislation and court decisions affecting the rights of the handicapped, many residential schools across the nation did not have formal admission policies. With the advent of the least restrictive environment philosophy, the schools found written admission policies necessary to clearly define the lowest functional level of children they would accept, therefore resisting the possibility of becoming residential, custodial facilities as their higher functioning pupils moved back to local school districts.

The admission policies for KSB and KSD include cut-off levels of functioning, as determined by intelligence tests, even though intelligence testing of sensory impaired children is difficult and its validity is questionable.

The policies also include prerequisites, such as toilet training, which children who are deaf or blind may not have been able to acquire if they have

not had special assistance.

With handicapped children there is not always a definitive line between what constitutes an education and what is classified as training. Based on the testimony of expert witnesses from the fields of special education and psychology, the courts have agreed that the most severely handicapped child is capable of benefiting from a program of education and training and if given proper training, at the earliest possible age, would less likely require custodial care as an adult.

Many behaviorial and developmental problems of young sensory impaired children are caused by their lack of sight or hearing and lack of early education. The ideal place to ameliorate such problems is in a twenty-four-hour-a-day program with trained personnel.

The Office of Civil Rights, in a letter of April 1982, months before KSD's admission policy was approved by the Legislative Research Commission, said that though the policy was selective it was administered fairly to the population it included. The letter pointed out that while residential schools may be selective, the state still has the "...responsibility to assure that all qualified handicapped students receive a comparable education regardless of the severity or complexity of their disability."

Kentucky's programs for all exceptional children have expanded over the last ten years, but there are still gaps in the programs and related services available to the sensory impaired. Kentucky's local school districts have not developed comprehensive programs, particularly for the most severely handicapped pupils, who need an array of services from a team of people who can provide a variety of specialized services.

The General Assembly must decide how to best provide educational programs for the few sensory impaired children in the state who may fall below the admission standards of KSB and KSD. The survey of the states, discussed in Chapter IV, revealed that other states, after reviewing the missions of their residential schools and studying the problem of educating the most severely handicapped children, have made provisions for the severely sensory impaired by adjusting resources to serve them in the existing residential schools or by opening new facilities.

The Subcommittee, in its October 6, 1983, discussion of the report and the staff recommendations, reached a consensus that the major responsibility of educating sensory impaired children belongs to the local school districts; therefore, the subcommittee did not recommend changes in the present admission policies of KSB and KSD. The following recommendations were adopted.

Recommendations

1. The General Assembly should enact legislation to specify the missions of the Kentucky School for the Blind and the Kentucky School for the Deaf.

2. The Kentucky School for the Blind, the Kentucky School for the Deaf and the local school districts should revise their IEP's to state the goals and objectives in measurable terms with established, reasonable timelines for completion.

Available Resources

In the last few years, KSB and KSD have been asked to continue their historical mission of providing a residential, educational program for the population of sensory impaired pupils they have always served, while at the same time including lower functioning pupils with concomitant handicaps, adding vocational and developmental programs, adding related services, and extending their services to local school districts and other agencies. They have done this while taking the same percentage of budget cuts that other state agencies took during the fiscal period of 1980 through 1983.

Both schools presented testimony to the Program Implementation Oversight Subcommittee on areas of need for their programs. Both superintendents indicated that their first priorities for new resources were in the areas which affected programs and staff. Information gathered on visits to the campuses and reviews of the schools' programs would support the superintendents' requests as reasonable and necessary if KSB and KSD are to implement the recommendations of this study and to continue to provide educational programs of the highest quality.

The populations at KSB and KSD have changed over the years, as have handicapped populations in all public schools. Children with multi-handicaps who used to be kept at home are now attending public education programs. These children need more individual assistance, more training from people with specialized skills (e.g., physical therapists, speech therapists, and psychologists), and more vocational training.

The residential schools should be ideal settings to gather teams of people and resources to provide the most thorough package of services. The following recommendations are made in view of some of the needs which became apparent during this study.

Recommendations

1. The General Assembly should enact legislation to implement a program to establish a high-risk register for children with potential hearing impairments, with follow-up services.

2. The General Assembly should appropriate funds for KSB and KSD to provide preschool education and services for the sensory impaired on a statewide basis, with the goal of assisting pupils to remain in their local school districts for their educational programs.

3. The General Assembly should amend KRS 157.280(3) to require local school districts to provide transportation to and from KSB and KSD more often than once each month and should increase funding to meet the needs of the program.

4. The General Assembly should appropriate the necessary funds to assure that KSB and KSD have the financial resources to accomplish their missions and that the Bureau of Education for Exceptional Children has the necessary manpower resources to work with KSB, KSD and the local school districts.

FOOTNOTES

1. James B. Beauchamp, History of the Kentucky School for the Deaf (Danville, Kentucky: Kentucky School for the Deaf Alumni Association, Inc., 1973), p. v.

2. Annual Report of the Kentucky Institution of the Tuition of the Deaf and Dumb, Journal of the Senate (Frankfort, Kentucky, 1823).

3. Stoddard Johnston, Editor, History of the Founding of the Kentucky School for the Blind, (Louisville, Kentucky: Kentucky School for the Blind, 1971), pp. 6-7.

4. Telephone conversations with Cecilia Arbuckle, Brescia College; John Roulette, Eastern Kentucky University; and Hilda Caton, University of Louisville, 1983.

5. Directions for the Future, Kentucky School for the Deaf Planning Charrette, (Frankfort, Kentucky: Department of Education, 1975), p. 7.

6. Thomas C. Clark and Susan Watkins, The SKI*HI Model: A Comprehensive Model for Identification, Language Facilitation, and Family Support for Hearing Handicapped Children Through Home Management, Ages Birth to Six, (U.S. Office of Education, 1978), p. 10.

7. High Risk Register and Follow Up Program, Speech and Hearing Service, (Knoxville, Tennessee: Department of Public Health, 1983).

8. California's State Schools for Handicapped Children, Phase 1, (Sacramento, California: California Department of Finance, 1979), pp. 6-7.

9. Peyton Williams, Jr., Admission Policies and Practices of State Operated Residential Schools for the Deaf, (Atlanta, Georgia: Georgia Department of Education, 1982).

10. Ibid.

11. Pennsylvania Association for Retarded Children v. Pennsylvania, 343 F Supp. 279 (E.D. Pa. 1972).

12. R. Foxx and N. Azrin, Toilet Training the Retarded (Champaign, Illinois: Research Press, 1975).

13. Tape of Program Implementation Oversight Subcommittee Meeting, March 15, 1983, Danville, Kentucky.

14. Tape of Program Implementation Oversight Subcommittee Meeting, March 16, 1983, Louisville, Kentucky.

15. Tape, March 15, 1983.

16. Tape, March 16, 1983.

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APPENDICES

skills are the factors which the test purports to measure);

(d) No single procedure is used as the sole criterion for determining an appropriate educational program for a child; and

(e) The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

(f) The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(20 U.S.C. 1412(5)(C).)

Comment. Children who have a speech impairment as their primary handicap may not need a complete battery of assessments (e.g., psychological, physical, or adaptive behavior). However, a qualified speech-language pathologist would (1) evaluate each speech impaired child using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders, and (2) where necessary, make referrals for additional assessments needed to make an appropriate placement decision.

§ 121a.533 Placement procedures.

(a) In interpreting evaluation data and in making placement decisions, each public agency shall:

(1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

(2) Insure that information obtained from all of these sources is documented and carefully considered;

(3) Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(4) Insure that the placement decision is made in conformity with the least restrictive environment rules in §§ 121a.550–121a.554.

(b) If a determination is made that a child is handicapped and needs special education and related services, an individualized education program must be developed for the child in accordance with §§ 121a.340–121a.349 of Subpart C.

(20 U.S.C. 1412(5)(C); 1414(a)(5).)

Comment. Paragraph (a)(1) includes a list of examples of sources that may be used by a public agency in making placement decisions. The agency would not have to use all the sources in every instance. The point of the requirement is to insure that more than one source is used in interpreting evaluation data and in making placement decisions. For example, while all of the named sources would have to be used for a child whose suspected disability is mental retardation, they would not be necessary for certain other handicapped children, such as a child who has a severe articulation disorder as his primary handicap. For such a child, the speech-language pathologist, in complying with the multisource requirement, might use (1) a standardized test of articulation, and (2) observation of the child's articulation behavior in conversational speech.

§ 121a.534 Reevaluation.

Each State and local educational agency shall insure:

(a) That each handicapped child's individualized education program is reviewed in accordance with §§ 121a.340–121a.349 of Subpart C, and

(b) That an evaluation of the child, based on procedures which meet the requirements under § 121a.532, is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

(20 U.S.C. 1412(5)(c).)

LEAST RESTRICTIVE ENVIRONMENT

§ 121a.550 General.

(a) Each State educational agency shall insure that each public agency establishes and implements procedures which meet the requirements of §§ 121a.550–121a.556.

(b) Each public agency shall insure:

(1) That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and

(2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(20 U.S.C. 1412(5)(B); 1414(a)(1)(C)(iv).)

§ 121a.551 Continuum of alternative placements.

(a) Each public agency shall insure that a continuum of alternative placements is available to meet the needs of handicapped children for special education and related services.

(b) The continuum required under paragraph (a) of this section must:

(1) Include the alternative placements listed in the definition of special education under § 121a.13 of Subpart A (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions), and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(20 U.S.C. 1412(5)(B).)

§ 121a.552 Placements.

Each public agency shall insure that:

(a) Each handicapped child's educational placement:

(1) Is determined at least annually,

(2) Is based on his or her individualized education program, and

(3) Is as close as possible to the child's home;

(b) The various alternative placements included under § 121a.551 are available to the extent necessary to implement the individualized education program for each handicapped child;

(c) Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped; and

(d) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs.

(20 U.S.C. 1412(5)(B).)

Comment. Section 121a.552 includes some of the main factors which must be considered in determining the extent to which a handicapped child can be educated with children who are not handicapped. The overriding rule in this section is that placement decisions must be made on an individual basis. The section also requires each agency to have various alternative placements available in order to insure that each handicapped child receives an education which is appropriate to his or her individual needs.

The analysis of the regulations for Section 504 of the Rehabilitation Act of 1973 (45 CFR Part 84—Appendix, Paragraph 24) includes several points regarding educational placements of handicapped children which are pertinent to this section:

1. With respect to determining proper placements, the analysis states: "* * * it should be stressed that, where a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore regular placement would not be appropriate to his or her needs * * *."

2. With respect to placing a handicapped child in an alternate setting, the analysis states that among the factors to be considered in placing a child is the need to place the child as close to home as possible. Recipients are required to take this factor into account in making placement decisions. The parent's right to challenge the placement of their child extends not only to placement in special classes or separate schools, but also to placement in a distant school, particularly in a residential program. An equally appropriate education program may exist closer to home; and this issue may be raised by the parent under the due process provisions of this subpart.

§ 121a.553 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 121a.306 of Subpart C, each public agency shall insure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

(20 U.S.C. 1412(5)(B).)

Comment. Section 121a.553 is taken from a new requirement in the final regulations for Section 504 of the Rehabilitation Act of 1973. With respect to this requirement, the analysis of the Section 504 Regulations includes the following statement: "[A new paragraph] specifies that handicapped children must also be provided nonacademic services in as integrated a setting as possible. This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. To the maximum extent appropriate, children in residential settings are also to be provided

but administered by another state in which the gasoline tank truck is based.] The provisions of 401 KAR 50:035 and 401 KAR 50:036 shall not apply to the owner or operator of a gasoline tank truck subject to this regulation. Sticker fees are not refundable if a sticker is denied or an application is withdrawn. Fees are payable at the time of application.

(3) Provisions of subsection (2) of this section shall not apply to publicly owned affected facilities.

JACKIE SWIGART, Secretary
ADOPTED: July 12, 1982
RECEIVED BY LRC: July 15, 1982 at 9 a.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:100. Kentucky School for the Deaf; admission policy.

RELATES TO: KRS 167.150
PURSUANT TO: KRS 13.082, 156.070, 167.150
NECESSITY AND FUNCTION: KRS 167.150 authorizes the State Board of Education, upon recommendation of the Superintendent of Public Instruction, to prescribe admission policies for pupils to attend the Kentucky School for the Deaf. This regulation implements that function.

Section 1. Statement of Purpose. The educational programs at the Kentucky School for the Deaf (KSD) are designed to provide a variety of educational placements for hearing impaired children. KSD's goal is to provide a comprehensive educational program that includes college preparatory courses and vocational instruction that meets the State Board of Education Program of Studies requirements. Additionally, a developmental program, educational program and a pre-vocational work experience program are available for lower functioning deaf students to prepare them for independent or semi-independent living and to qualify them for employment, vocational training or placement in a sheltered workshop.

Section 2. Referral Procedures. An application form for admission should be requested from KSD. Prospective students may be referred *for evaluation* [to the school] by parents or legal guardians or by local school districts or other agencies in cooperation with the student's parents. [Subsequent to the initial referral,] (Determinations regarding placement of the child shall be made in accordance with procedures outlined in 707 KAR 1:003 and 707 KAR 1:051.) Available written reports on prospective students are requested for review by KSD's Child Study Center prior to scheduling of the preadmission evaluation of the child. These reports may include, but are not limited to, the following areas and are a part of the Intake History:

(1) Educational history to include reports from programs attended previously.
(2) Detailed family history to include medical, developmental, social and behavioral history of the child.
(3) Audiological evaluation.
(4) Psychological evaluation.
(5) Communication evaluation to include formal and informal data relative to expressive and receptive language (gestures, sign language, reading, writing), speech evaluation and any other pertinent information relating to the child's communication functioning level.
(6) Complete physical examination to include:
(a) Physical development;
(b) Digestive and/or intestinal difficulties, as indicated;
(c) Neurological information;
(d) Seizure history and expectation;
(e) Medications;
(f) Bowel and bladder;
(g) Cardiac information and history;
(h) Hereditary problems;
(i) Visual screening; and
(j) Mobility.

Section 3. Initial Evaluation Procedures. (1) Upon receipt of the completed application form which includes parental permission to evaluate the child, KSD personnel will review the application form and existing information and begin scheduling for the necessary assessments. Each child who comes to KSD for evaluation must be accompanied by a parent or guardian or a social worker or local school district representative. Depending upon the extent of the available assessment information, the assessment period at the school may range from one (1) day to several weeks.

(2) The individual assessment, to include but not be limited to educational and psychological testing, will be administered in the child's native language or other nondiscriminatory mode.

(3) Informal and formal observation techniques will play a major role in the assessment procedure. The evaluation may include participation in leisure time activities, meals, and adaptation to a residence in the appropriate dormitory.

(4) At the conclusion of the evaluation period, [a KSD admissions meeting will be conducted by] a multidisciplinary *review of* [team and] all the assessment information will be *conducted by KSD to determine eligibility of the child according to Section 4.* [reviewed. A representative from the prospective student's local education agency may be invited to attend the admissions meeting.]

Section 4. Eligibility Criteria for Admissions. (1) The primary sensory handicap of the student must be deafness. Admission to KSD shall be provided tuition-free to Kentucky residents, and Kentucky residents shall be given first consideration for any available openings at the school. Out-of-state students shall be eligible for admission after qualified Kentucky residents are accepted, and tuition fees for those students shall be determined by the State Board of Education, pursuant to KRS 167.150.

(2) The student must fall in the age range between five (5) and twenty (20) years inclusive.

(3) The prospective student must possess a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, and which adversely affects educational performance. A concomitant handicapping condition will not exclude the individual; however, hearing impairment must be the primary handicapping condition.

(4) The prospective student must meet the following criteria as related to intellectual functioning and adaptive behavior:

(a) Be able to adjust socially and psychologically to the

school environment, presenting no deficits in adaptive behavior which would interfere with either the student's or other student's educational endeavors.

(b) On a standardized instrument for the evaluation of intellectual functioning, achieve at the educable mentally handicapped (as defined in 707 KAR 1:057) level or above. In the event it is not possible to determine a child's level of intellectual functioning and level of adaptive behavior due to his inability to carry out the tasks presented during psychological testing and educational evaluation, the student may be accepted *for* [on] a trial *placement* [evaluation upon the recommendation of the KSD Admissions Committee if he/she appears to be a potential candidate].

(c) Exhibit the following prerequisites: Be schedule-trained in toileting; accept solid foods; be able to spoon feed and drink from a cup; need minimal assistance in bathing, dressing, and grooming; express his/her needs through natural gestures/signs/vocalizations; show a differential reaction to a familiar adult and accept stimulation; and walk or move independently about the school in a wheelchair.

(d) Process sufficient visual acuity to enable him/her to utilize visual stimuli found in classrooms for the deaf.

(5) Children with significant medical problems cannot be considered for admission to the residential program. Significant health problems may include, but are not limited to, planned hospitalization for twenty (20) days or more during an academic year, chronic moderate to severe respiratory difficulties, semiconsciousness and/or the requirements of sustained medical support services beyond the capability of the school's infirmary. Prospective students, also, must not require skilled nursing care.

Section 5. Placement. If a student is determined eligible for admission to KSD, educational placement within the school will be determined by each child's Individualized Education Plan as developed by KSD, local school districts and the parents or guardians pursuant to 707 KAR 1:051.

Section 6. Change of Placement. A placement review may be initiated to determine if continued placement in KSD in appropriate. Review procedures shall be in accordance with the admission and release committee process as set forth in 707 KAR 1:051. Situations which lead to a review of placement may include, but *are* not [be] limited to, the following:

(1) A change of circumstances which makes local school district placement appropriate.

(2) [(1)] Destructive or physically aggressive or other unacceptable behavior that threatens the safety or well-being of the child or others and that cannot be brought under control through the use of behavior modification or medication.

(3) [(2)] Inability to respond to developmental training as prescribed by the child's Individualized Education Plan (self-care, including feeding, dressing, personal hygiene).

(4) [(3)] Failure after a reasonable period to make minimum progress toward behavioral or educational (i.e., self-help, language, gross and fine motor, cognitive, social/emotional) objectives that have been established for the child in his/her Individualized Education Plan.

(5) [(4)] Development of significant medical problems as described in Section 4(4) of this regulation.

(6) [(5)] Deviant sexual behavior that has an adverse influence on the sexual behavior of other children.

RAYMOND BARBER
Superintendent of Public Instruction
ADOPTED: June 22, 1982
RECEIVED BY LRC: July 7, 1982 at 3 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:110. Kentucky School for the Blind; admission policies.

RELATES TO: KRS 167.150
PURSUANT TO: KRS 13.082, 156.070, 167.150
NECESSITY AND FUNCTION: KRS 167.150 authorizes the State Board of Education, upon recommendation of the Superintendent of Public Instruction, to prescribe admission policies for pupils to attend the Kentucky School for the Blind. This regulation implements that function.

Section 1. Statement of Purpose. The educational programs at the Kentucky School for the Blind (KSB) are designed to meet the educational needs of severely visually handicapped and blind students. Special emphasis is placed on meeting the needs of students in relation to their visual impairments. Specialized materials, techniques, and aids are used to teach academic subjects, as well as courses needed for well-rounded development, including career-vocational education, music, physical education, orientation and mobility, and daily living and recreation and leisure skills. The over-all program is planned to develop each child's potential for living independently. (Counseling, off-campus programs, athletic programs, student organizations, etc., give experiences which help develop the confidence and skills needed to deal with a variety of social situations.)

Section 2. Referral Procedures. Inquiries concerning services of KSB for prospective students may come to the school from parents, legal guardians, agency personnel and other interested people; referrals are made through local school districts. Subsequent to the initial referral, determinations regarding placement of the child shall be made in accordance with procedures outlined in 707 KAR 1:003 and 707 KAR 1:051. Available written reports on prospective students are requested for review by KSB's Educational Evaluation Team prior to scheduling of the initial evaluation of the child. These reports are a part of the intake procedure and may include but are not limited to the following areas:

(1) Educational history to include reports from programs attended previously.
(2) Family history to include medical, developmental, social and behavioral history of the child.
(3) Ophthamological or optometric evaluation.
(4) Psychological evaluation.
(5) Audiological, speech, language evaluation.

(6) Complete physical examination to include:
(a) Physical development;
(b) Digestive and/or intestinal difficulties, as indicated;
(c) Neurological information;
(d) Seizure history and prognosis;
(e) Medications;
(f) Bowel and bladder difficulties;
(g) Cardiac history and prognosis;
(h) Hereditary problems; and
(i) Orthopedic evaluation as indicated.

Section 3. Initial Evaluation Procedures. The procedures are as follows:

(1) Upon receipt of the completed intake information which includes signed parental permission to evaluate the child and to release information to KSB, KSB personnel will review the existing information and begin scheduling for the necessary assessments. Each child who comes to KSB for evaluation must be accompanied by a parent or guardian or by a social worker or local school district representative. Depending upon the extent of the available assessment information, the initial assessment period at the school may range from one (1) to three (3) days.

(2) The initial evaluation may include but not be limited to the following assessments, all to be administered in the child's native language or other nondiscriminatory mode:
(a) Educational assessments which may include achievement tests, diagnostic tests, and developmental scales;
(b) Orientation and mobility skills;
(c) Speech, hearing and language development;
(d) Daily living skills;
(e) Visual functioning;
(f) Gross and fine motor skills;
(g) Psychological assessment; and
(h) Informal and formal observations in various areas, such as leisure time activities, meals, classroom activities, and dormitory activities.

(3) A summary conference will be held at the conclusion of the evaluation at which time the preliminary results will be explained to the appropriate individual who accompanies the child for evaluation. A written report will follow within fifteen (15) working days of the evaluation.

(4) Following the completion of a written report, a meeting of KSB's *Evaluation Team* [Admissions/Placement Committee] will be held *to review* [and all of] the assessment information [reviewed by it to determine the appropriateness of the child's placement at KSB. The parents and local school district will be informed in writing of the outcome of this meeting within thirty (30) days of the initial evaluation date].

(5) The findings of the Evaluation Team will be sent to the parent(s) and local school district for use in the admissions and release committee process.

Section 4. Eligibility and Criteria for Admission. Admission is determined by the following eligibility criteria:

(1) The primary handicap of the student will be visual impairment. Attendance at KSB is provided tuition-free to Kentucky residents, and Kentucky residents will be given first consideration for any available openings at the school. Out-of-state students shall be eligible for admission, and tuition fees for those students shall be determined by the State Board of Education, pursuant to KRS 167.150.

(2) The student must be between five (5) and twenty (20) years of age inclusive.

(3) A child's visual impairment after correction must be such that he or she needs specialized instructional materials, aids, and techniques which are offered by KSB in order to succeed in an educational program.

(4) The prospective student must meet the following criteria as related to intellectual functioning and adaptive behavior:

(a) Be able to adjust socially and psychologically to the school environment, presenting no deficits in adaptive behavior which would interfere with either the student's or other students' educational endeavors.

(b) On a standardized instrument for the evaluation of intellectual functioning, achieve at least at the trainable mentally handicapped level as defined in 707 KAR 1:057, and benefit from the educational offerings of this school. When it is not possible to determine a child's level of intellectual functioning and level of adaptive behavior during the initial evaluation, the student may be accepted for an extended evaluation time upon the recommendation of KSB *Evaluation Team* [Admissions/Placement Committee] if he or she appears to have the potential to function at an acceptable level or demonstrates the ability to develop basic skills.

(c) Exhibit the following basic prerequisite skills or demonstrate the ability to develop these skills: Be schedule trained in toileting, accept solid foods, be able to spoon feed and drink from a cup, need minimal assistance in bathing, dressing, and grooming, express his or her needs through speech or other vocalizations, natural gestures or signs.

(5) Children with significant medical problems which are beyond the capability of the school's health center cannot be considered for admission to the residential program. Prospective students also must not require skilled nursing care.

(6) Children with orthopedic involvement must require no more than minimum assistance in moving about using orthopedic aids, including wheelchairs and walkers. These children will be evaluated individually to determine their ability to function adequately within the residential program. A request for extended trial placement may be made if it is not possible to determine a child's ability to function based on existing information.

Section 5. Placement. If a student is determined eligible for admission to KSB, educational placement within the school will be determined by each child's Individualized Education Program as developed by KSB, local school districts, and parents or guardians pursuant to 707 KAR 1:051.

Section 6. Change of Placement. A placement review may be initiated at any time by KSB, local school districts, and parents or guardians to determine if continued placement at KSB is appropriate. Review procedures shall be in accordance with the admission and release committee process as set forth in 707 KAR 1:051. Situations which lead to a review of placement may include but are not limited to the following:

(1) A change of circumstances which makes local school district placement appropriate.

(2) Destructive, physically aggressive, sexually aggressive, or other unacceptable behavior that threatens the safety or well being of the child or others and that cannot be brought under control through the use of behavior modification, personal counseling, or medication.

(3) Failure after a reasonable period to make minimum progress towards behavioral or educational objectives (i.e., self-help, language, gross and fine motor, cognitive, social/emotional) that have been established for the child in his or her Individualized Education Program.

(4) Development of significant medical problems as described in Section 4.

RAYMOND BARBER
Superintendent of Public Instruction
ADOPTED: June 22, 1982
RECEIVED BY LRC: July 7, 1982 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission
Amended After Hearing

807 KAR 5:006. General rules.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, gas, water, sewage and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Public Service Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(4) or a combined energy-non-energy utility as provided in KRS 278.040(2).

(3) "Combined energy-non-energy utility" means a utility which is an energy utility that also renders service as a non-energy utility as provided in KRS 278.040(2).

(4) "Customer" means any person, firm, corporation or body politic supplied service by any electric, gas or combined energy-non-energy utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical

APPENDIX 3

UNITED STATES DEPARTMENT OF EDUCATION

REGION IV
101 MARIETTA TOWER
ATLANTA, GEORGIA 30323

OFFICE FOR CIVIL RIGHTS

April 30, 1982

RECEIVED

MAY 8 1982

KENTUCKY
SCHOOL FOR THE DEAF

Mr. William Hudson
Superintendent
Kentucky School for the Deaf
5 Second Street
Danville, Kentucky 40422

Dear Mr. Hudson:

Re: Complaint

The Office for Civil Rights has completed its investigation of the complaint filed against the Kentucky School for the Deaf (KSD) alleging that KSD has engaged in actions in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing Regulation. The complaint specifically alleged that KSD refused to admit a qualified handicapped student because he is multiply handicapped.

This complaint was investigated in conjunction with complaint number which was filed against the Kentucky Department of Education (KDE). Our office conducted an on-site review at KSD and the School District during the week of February 22, 1982. The Letter of Findings issued on complaint number is attached for your information.

The complaint filed against your school raised the following issues:

a. Whether the restrictive admissions policy of the Kentucky School for the Deaf violates 34 C.F.R. section 104.4 (a) of the Regulation implementing Section 504.

b. Whether the Kentucky School for the Deaf in applying its restrictive admissions policies, denying a child admission, violated 34 C.F.R. section 104.4 (b)(1)(i) of the Regulation implementing Section 504.

Our review revealed the following regarding each of these issues:

a. Kentucky School for the Deaf maintains admissions criteria which exclude students who lack self-help skills or exhibit maladaptive behavior. The maintenance of schools for the handicapped with select admissions criteria is not inconsistent with the general regulatory requirements of 34 C.F.R. 104 et seq., even though such criteria tend to exclude some of the handicapped student population. The state, acting through its

legislative body, assumes the primary responsibility for enacting admissions criteria to special schools. So long as the state admissions criteria, even though restrictive as to admission of certain handicapped children, are administered in a non-discriminatory manner, such exclusions or limitations would not be a per se violation of Section 504. However, the state retains the continuing responsibility to assure that all qualified handicapped students receive a comparable education regardless of the severity or complexity of their disability.

b. We also found that the child applied for and was denied admission to KSD. The reason for the denial was that, based on KSD's evaluation, s/he had a behavior disorder which was so severe that it would affect his ability to benefit from the educational program offered by KSD, and it was determined that KSD would not be an appropriate educational setting.

During their evaluation, KSD recorded that s/he exhibited running away behavior and a lack of self-help skills which would exclude his from admission under KSD's present criteria. We also found that the only other student denied admission to KSD in the last three years was denied for the same reason. Since we did not find any evidence that KSD is applying its admissions criteria in a discriminatory manner, we find that they have not violated 34 C.F.R. Section 104.4(b)(1)(i) of the Section 504 Regulation regarding this issue.

Since the time of the initial application, some of his/her behaviors have been modified to the point that he may now be able to benefit from the educational program offered by KSD. As a result of this improvement, KSD has agreed to reevaluate him for admission. Based on our finding with regard to the initial evaluation and KSD's assurance that they will reevaluate him during the Spring of 1982, we are closing this complaint.

This letter of findings is not intended nor should it be construed to cover any issues other than those discussed herein.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence in response to any inquiry. In the event we receive such a request, we will make every effort to protect information contained herein that identifies individuals or that, if released, would constitute an unwarranted invasion of privacy.

We appreciate your cooperation in this investigation. If you have any questions concerning this letter, please contact Mr. W. Lamar Clements, Director, Elementary and Secondary Education Division, at (404)221-5930.

Sincerely yours,

William H. Thomas, Director

cc:
Chief State School Officer

special equipment, provided to a student through the federal allotment are the property of the Department of Education.

(2) Educational aids and special equipment will be maintained by the school and inventoried at the close of the school term by the local authorized agent. When a school no longer has any legally blind student(s) registered, such educational aids and/or special equipment must be returned to the State Department of Education.

(3) The Department of Education shall maintain a central depository center to receive, inventory, and disburse requested books, aids, materials and equipment which have been returned.

(4) All textbooks, recordings, educational aids and special equipment returned to the Department of Education must be stamped "Property of the Kentucky State Department of Education."

Section 9. Destruction of Data. (1) All personally identifiable data must be destroyed within a period of five (5) years following the end of services for that student.

(2) Parents shall be provided with notification sixty (60) days prior to the destruction of this information and will be afforded the opportunity of receiving a copy of any data which have been obtained or used related to their child. Notification to parents shall be made by "letter."

(3) Data shall be destroyed by burning.

(4) A permanent record card consisting of a student's name, school address, last grade level and visualacuity may be maintained without time limitation. (3 Ky.R. 728; eff. 6-1-77.)

707 KAR 1:050. Programs for exceptional children. [Repealed]

(1 Ky.R. 1055 in Title 704; Am. 2 Ky.R. 259 in Title 707; eff. 11-12-75; 2 Ky.R. 557; 3 Ky.R. 295; eff. 8-4-76; 3 Ky.R. 452; eff. 1-5-77; repealed by 707 KAR 1:051, 5 Ky.R. 81; eff. 12-6-78.)

707 KAR 1:051. Exceptional children's programs.

RELATES TO: KRS 157.200 to 157.285
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for exceptional children. This regulation is necessary to assure uniformity in providing special education and related services to exceptional children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for exceptional children of school attendance age pursuant to KRS 157.200 to 157.285 inclusive, and the criteria listed in this chapter.

(1) Classroom units. Local school districts shall request classroom units for the education of exceptional children from the State Department of Education by filling out the appropriate application(s) as provided by the Bureau of Education for Exceptional Children, and in accordance with KRS 157.360(6). Application(s) shall be made pursuant to schedules established by the Bureau of Education for Exceptional Children.

(a) In order to receive tentative allotment of minimum foundation classroom units local school districts shall assure that the following criteria are met:

1. Approved teacher;
2. Approved housing;
3. Approved program plan; and
4. Minimum number of children for type of unit requested.

(b) Local school districts shall receive final allotment of minimum foundation classroom units provided the above criteria are met and the local school district validates to the State Department of Education that said unit(s) is operating pursuant to criteria listed in this chapter. Validation shall be made by filling out appropriate record(s) as provided by the Bureau of Education for Exceptional Children and shall be made pursuant to established schedules.

(2) Fractional classroom unit. A fractional classroom unit is a unit having fewer pupils than the prescribed pupil-teacher ratio as indicated in regulations pertaining to the specific categorical program or if the program is in operation for less than a full day or full school year. Such units shall be allotted and certified on a basis proportionate to the pupil-teacher ratio and/or the proportionate length of the school day or the school year.

(3) Approved teacher, personnel. Appropriate state certification shall be as required and provided in Title 704, KAR Chapter 20.

(4) Program plan. The appropriate program plan for exceptional pupils in the local school district shall be determined by the needs of the pupils. Consideration shall be given to the least restrictive environment concept in the placement of pupils. Programs shall be organized and operated under one or more, or a combination of the following:

(a) Classroom units plans:

1. A resource plan shall be a program which serves exceptional pupils who shall be entered on the class roll of a regular class teacher and shall do part of their classwork in the regular class. The pupils shall receive special instruction from the resource teacher as specified on their individual education programs. The number of pupils served by the resource teacher and the number of pupils in the resource room for instructional purposes at any one (1) time shall be determined by the appropriate categorical regulations. The resource plan shall utilize a classroom-based teacher or an itinerant teacher.

2. A special class plan shall be a classroom-based program which serves exceptional pupils who shall be entered on the class roll of the special class teacher. The pupils shall participate in the regular class program to the maximum extent appropriate as specified on the pupils' individual education programs. The number of pupils and the chronological age range for pupils enrolled in the special class shall be determined by the appropriate categorical regulations. A classroom-based teacher shall be utilized for this plan.

3. A hospital based plan shall be a program which provides educational services on a regularly scheduled basis to pupils in a hospital setting. The itinerant teacher providing educational services in the hospital shall keep a regular

Kentucky attendance register. A pupil receiving services in a hospital setting shall have a minimum of two (2) one (1) hour visits per week in order to be counted as being in attendance five (5) days. Special education and related services for the identified exceptional pupil in a hospital setting shall be provided as specified on the pupil's individual education program (IEP). The hospital based plan shall utilize a classroom-based teacher or an itinerant teacher.

4. A home instruction plan shall be a program which provides educational services to pupils at the home on a regularly scheduled basis. The teacher providing educational services at the home shall keep a regular Kentucky attendance register. A pupil receiving educational services under this plan shall have a minimum of two (2) one (1) hour visits per week in order to be counted in attendance five (5) days. Special education and related services for the identified exceptional pupil served under this plan shall be provided as specified on the pupil's individual education program (IEP). The home instruction plan shall utilize an itinerant teacher.

(b) Teacher and housing. Each classroom unit plan shall be housed as specified and shall operate utilizing one (1) of the following types of teachers:

1. A classroom-based teacher shall be an approved teacher who shall provide educational services to exceptional students in a classroom provided for such services. The classroom-based teacher providing services through the resource plan or special class plan shall be housed in an elementary or secondary school dependent upon the age range of the pupils or in an approved special school or facility. Classroom location shall be made consistent with the least restrictive environment concept. Classrooms shall meet the standards for regular classrooms pursuant to 702 KAR 4:060. The classroom-based teacher providing services in a hospital setting shall be housed in facilities and/or rooms appropriate and adequate for instructing pupils in small groups or individually.

2. An itinerant teacher shall be an approved teacher who travels to exceptional pupils' school(s), class(es), homes, or hospital setting(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Those pupils being served in a school facility shall be entered on the class roll of a regular class teacher and shall receive the majority of their instruction through the regular program. The itinerant teacher shall work with the pupils in an area in the regular classroom or in a room provided for such services. Housing for the itinerant teacher providing services in a school shall be in facilities and/or rooms appropriate for instructing pupils in small groups or individually and shall be housed in an elementary or secondary school dependent upon the age range of the pupils or in an approved special school or facility. The itinerant teacher shall be provided permanent work space. For the itinerant teacher who travels to the pupils' school(s), class(es), homes, or hospital setting(s) the board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program pursuant to 702 KAR 3:120.

(c) A variation plan shall be an alternative to the above plans. The local school district shall submit a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of a variation plan. Written requests for such plan shall be made pursuant to provisions established by the Bureau of Education for Exceptional Children. In granting approval the Bureau of Education for Exceptional Children shall assure that approved requests for such plan shall contain but not be limited to the following components:

1. Rationale for need of the variation plan;
2. Detailed description of the plan;
3. Verification of teacher's certification in the categorical area of the majority of the students to be served; and
4. Method of evaluation to be used to determine effectiveness of the plan.

(5) Length of school day. The length of school day shall be the same as for non-handicapped children except as specified in KRS 157.270 and 158.060. Requests for and approval of changes in length of school day shall be made in writing pursuant to provisions established by the Bureau of Education for Exceptional Children.

(6) Instructional materials and equipment. Instructional materials and equipment appropriate to the educational needs of the identified exceptional child shall be provided as required under 704 KAR 2:020.

Section 2. Identification of Exceptional Children. Each local school district shall have in operation policies and procedures to insure that all exceptional children are identified, located and evaluated. As used here, this requirement refers to all exceptional children who are in need of special education and related services and are residing within the jurisdiction of the local school district, including those exceptional children who are out of school; in local school district programs; and, being served by other public and private agencies and institutions within the local school district's jurisdiction. Local school district policies and procedures shall include the development, implementation, monitoring and evaluation of a practical method of determining:

(1) Which children are currently receiving needed special education and related services; and

(2) Which children need special education and related services but are not currently receiving these services.

Section 3. Admissions and Release Committees. Local school district personnel shall establish one (1) district-wide administrative admissions and release committee and a school-based admissions and release committee in each school with appropriate membership and functions as listed below. In addition, for those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees may be established pursuant to approval by the Bureau of Education for Exceptional Children.

(1) Administrative admissions and release committee. The membership of the Administrative Admissions and Release Committee (AARC) shall consist of:

(a) Director, local school district's program for exceptional children or person having such responsibility, chairperson (permanent member);

(b) Local school district superintendent or designee (permanent member);

(c) Referred pupil's principal and teacher (if the child is enrolled in public or private school);

(d) Involved instructional supervisor depending on the age and level of the child;

(e) The parent(s) of the referred child;

(f) The referred child, where appropriate;

(g) Personnel responsible for providing evaluation information, where appropriate; and

(h) Other persons as requested by any member of the AARC.

(2) The functions of the AARC shall include the following:

(a) Receive referrals of the following nature:

1. Written information on identified children not currently enrolled in the local school district, including those children enrolled in non-public schools, who are thought to need special education and related services.

2. Cases where the school-based admissions and release committee is not able to determine an appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.

3. Cases from school-based admissions and release committee where appropriate services are not available within the school.

(b) Follow due process procedures to insure that exceptional children and their parent(s) are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Review written results of the formal and informal evaluation to determine if the referred child meets eligibility criteria for a category of exceptionality.

(e) Determine if the identified child needs special education and related services.

(f) Develop an individual education program (IEP) for the identified child needing special education and related services to make recommendations as to appropriate services and/or programs for the identified child. The AARC shall determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district. For those pupils who shall receive services within the local school district, the appropriate school-based admissions and release committee shall assume responsibility for the implementation, monitoring, evaluation and annual review of the IEP as well as annual review of placement. In those cases where the local school district has determined that appropriate special education and related services cannot be provided through existing programs in the local school district, services shall be provided to the identified child pursuant to the following:

1. Local school district referral of an exceptional child to a public or private agency. The Administrative Admissions and Release Committee shall:

a. Contact a public agency or approved private agency/organization, as provided in 707 KAR 1:070, which provides the type of services specified on the child's IEP regarding the possible referral of the child to the agency.

b. Insure that a representative(s) of the receiving agency shall participate in a meeting(s) with the AARC regarding the possible referral. Participation may be provided through attendance at meetings, written communications, and/or individual or conference calls. Receiving agency means an approved agency/organization which has indicated a willingness to provide the services requested by the local school district.

c. In collaboration with representative(s) of the receiving agency, review and revise, where appropriate, the child's IEP.

d. In collaboration with representative(s) of the receiving agency, determine if such agency is the appropriate agency to provide the specified services. If the agency is an appropriate one, such agency assumes responsibility for implementing the provisions of the special education and related services specified on the IEP.

e. The local school district shall be responsible for providing continued educational services to the child until such time as the child enters the programs provided by the receiving agency.

2. Placement of an exceptional child in a public or private agency:

a. Public agency (another local school district, Kentucky School for the Blind, Kentucky School for the Deaf). Upon admission of the referred child to the agency's program, the agency shall: Assume responsibility for providing special education and related services to the exceptional child as specified on the IEP; and, insure that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060.

b. An admissions and release committee of the receiving public agency shall: Conduct meetings for the purposes of reviewing and where appropriate revising the IEP, assure that the IEP shall be reviewed on at least an annual basis and revised where appropriate; insure that any review (including annual review) and revision of the IEP shall be done with the input and approval of the parent(s); and, insure that any review and revisions of the IEP shall include input and approval of the local school district placing the child in the program. The participation of the parent(s) and the local school district placing the child may take place through attendance at meetings, written communications and/or individual or conference calls.

c. Monitoring and evaluation of the IEP shall be done by specific members of the receiving public agency's admissions and release committee at intervals specified on the IEP. This shall be done to document progress and mastery of objectives specified in the IEP. Written results of such monitoring and evaluation shall be forwarded to the parent(s) and the Administrative Admissions and Release Committee of the local school district placing the child in the agency's program.

d. Responsibilities of the Administrative Admissions and Release Committee of the local school district placing the child in another public agency shall be: participation in meetings called by the receiving agency for the purpose of review and revision of the IEP; and, at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to his educational progress in that setting.

e. Private agency/organization (as defined in 707 KAR 1:070) the private agency shall provide those special education and related services specified on the child's IEP. At the discretion of the local school district, the private agency may initiate and conduct meetings for the purposes of reviewing and revising the child's IEP. When circumstances warrant, the private agency shall be responsible for notifying the local school district of the need to initiate and conduct a meeting for such purposes. The local school district shall insure that the parent(s) and a local school district representative(s) are involved in any decision regarding review and revisions of the child's IEP; and, agree to any placement changes before such changes are implemented.

f. Responsibilities for the Administrative Admissions and Release Committee of the local school district placing the child in a private agency shall be: participation in meetings called by the receiving agency regarding review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to the educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in Sections 9 and 10 of this regulation and 707 KAR 1:060.

(g) For those referred pupils who are determined by the AARC not to need special education and related services, the AARC shall provide the referring person and the parents with written explanation of why the child is not to receive special education and related services, shall provide in writing recommended remedial action, and shall provide written notice pursuant to 707 KAR 1:060.

(3) School-based admissions and release committee (SBARC): The membership of the school-based admissions and release committee shall consist of:

(a) Chairperson, building principal or designee. The designee shall be recommended by the building principal and approved by the local school superintendent. This person shall not be a regular or special education teacher, (permanent member).

(b) Referring person(s) or the referred child's regular teacher(s);

(c) Teacher(s) of exceptional children;

(d) Parent(s) of the referred pupil;

(e) The referred child, where appropriate;

(f) Other persons providing input into the referred pupil's educational program as requested by any member of the SBARC; and

(g) Personnel responsible for providing evaluation information, as appropriate. For a child who has been evaluated for the first time, the chairperson shall assure that a member of the evaluation team participates in the meeting; or that a representative of the school district is present who is knowledgeable about the evaluation procedures used with the child and is familiar with the results.

(4) The functions of the SBARC shall include the following:

(a) Receive written referrals on pupils currently enrolled in the school and thought to need special education and related services.

(b) Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement.

(c) Assure that appropriate evaluations on referred children are obtained or conducted.

(d) Review written results of the formal and informal evaluations to determine if the referred child meets eligibility criteria for a category of exceptionality.

(e) Determine if the identified child needs special education and related services.

(f) Develop an individual education program (IEP) for the identified child needing special education and related services to make recommendations as to appropriate services and/or programs for the identified child.

(g) At least annually, review the pupil's IEP and review the placement of each exceptional child in the school in relation to his or her educational progress in that setting to determine;

1. Continuation of current educational placement;
2. Change in educational placement; or
3. That special education and related services are no longer needed.

(h) For those referred pupils who are determined by the SBARC not to need special education and related services the SBARC shall provide the referring person and the parents with written explanation why the child is not to receive special education and related services, shall provide in writing recommended remedial actions, and shall provide written notice pursuant to 707 KAR 1:060.

(i) Refer cases where appropriate services are not available within the school to the AARC.

(5) If at any time during the school year, the child's IEP or educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s) or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060. When a review is requested for the purpose of securing a more restrictive or less restrictive environment, the appropriate admissions and release committee shall determine that the child's needs can appropriately be met in the proposed setting and the child's placement and educational program shall be changed and support services provided as necessary.

(6) At any time, during the three (3) years following an individual evaluation utilized for initial placement purposes, or for re-evaluation purposes, the parent(s), principal, teacher(s), or specialist(s) providing services to the child may request a re-evaluation. The appropriate admissions and release committee shall be responsible for assuring that such evaluation(s) are obtained or conducted, and shall follow the procedures outlined in Section 3(2) and (4), functions of the AARC and SBARC.

(7) Sub-district admissions and release committees: For those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees (ARCs) may be established within the local school district to facilitate school to school placements. The sub-district ARCs shall not supplant administrative and school-based admissions and release committees and their respective functions. Sub-district ARCs shall be established to conform with district-specified school groupings. Those local school districts wishing to establish sub-district ARCs shall submit a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan and pursuant to provisions specified by the Bureau of Education for Exceptional Children. The membership and functions of sub-district committees shall be similar to the membership and the functions of the administrative admissions and release committee.

Section 4. Child Evaluation. Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, aptitude and achievement tests, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records. The appropriate admissions and release committee shall be responsible for assuring that

child evaluation information is obtained from all available sources, documented and carefully considered in making placement decisions pursuant to the following:

(1) All due process procedures related to evaluation as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(2) Appropriate evaluations shall be conducted by a multidisciplinary team. Evaluation personnel shall be determined by the appropriate admissions and release committee and shall include at least one (1) teacher or other specialist with knowledge in the suspected area of exceptionality.

(3) Areas for evaluation shall be determined by the appropriate admissions and release committee and as specified by regulations related to the suspected area of exceptionality, including where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(4) Evaluation procedures: To the maximum extent possible, child evaluation procedures, shall be non-discriminatory in that:

(a) Techniques and/or materials used are non-biased relative to race, culture, socio-economic status or impaired sensory, manual, or speaking skills, in order to insure that tests results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure.

(b) Qualified personnel provide the evaluation services. Qualified personnel refers to those certified special education personnel and others who have met, approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area of child evaluation. Such personnel shall be trained in specific areas of child evaluation and shall assure that they:

1. Have the expertise to conduct the evaluation;
2. Understand the use of the different evaluation procedures; and
3. Properly administer and interpret the evaluation results.
4. Such personnel may include but are not limited to: educational diagnosticians, assessment specialists, classroom teachers, speech and language therapists, psychologists, psychometrists, counselors.

(c) Tests and materials are provided and administered in the child's native language or primary mode of communication, unless it is clearly not feasible to do so.

(d) Tests and materials have been validated for the specific purpose for which they are used.

(e) Tests and materials are administered by trained personnel in conformance with the instructions provided by the producer.

(f) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(5) No single evaluation procedure shall be used to determine an appropriate program for a child.

(6) Each child placed in a program for exceptional children shall be re-evaluated every three years or more frequently as warranted.

(7) Any evaluation conducted within one year prior to the current referral may be accepted by the appropriate admissions and release committee as a legitimate substitute for another evaluation of the same type provided the information obtained meets the criteria specified above in subsection (1) to (5).

Section 5. Individual Education Programs (IEP). The appropriate admissions and release committee shall be responsible for the development, implementation, and monitoring/evaluation of each exceptional child's individual education program.

(1) Development. The individual education program shall include but not be limited to the following components:

(a) Present level of educational/behavioral performance including a written summary of strengths and weaknesses.

(b) Annual goals based on child's current level of functioning.

(c) Short term instructional objectives for each of the annual goals. Short term instructional objectives refer to measureable intermediate steps between the present level of educational/behavioral performance and the specified annual goals. These objectives are identified for the purpose of periodically reviewing and evaluating pupil progress toward meeting the annual goal(s) specified on the IEP.

(d) Specific special education and related services needed to meet the specified goals and objectives.

(e) Extent to which the child will participate in the regular education program.

(f) Projected dates for initiation of specified educational and related services.

(g) Anticipated duration of the specified special education and related services.

(h) Appropriate objective criteria and evaluation procedures; and

(i) Schedule for determining, at least on an annual basis, whether the goals and objectives are being achieved.

(2) Implementation and evaluation. The appropriate admissions and release committee shall be responsible for assuring that strategies and activities designed to meet short-term objectives are implemented, and that the child's progress toward and mastery of the short-term objectives is evaluated at least annually.

(a) For each short-term objective specified on the IEP the appropriate admissions and release committee shall assign a specific person(s) who shall be responsible for determining and implementing appropriate strategies and activities that will assist the child in achieving the specified objectives and goals.

(b) The implementer(s) shall maintain records of student progress in achieving short term objectives.

(c) The above records shall be utilized by the implementer and the appropriate admissions and release committee for on-going evaluation of the IEP to determine the effectiveness and appropriateness of the IEP and to document implementation of the IEP.

Section 6. Placement. Placement shall mean the special education and related services provided an exceptional child and shall not refer solely to enrollment in a minimum foundation program classroom unit for exceptional children.

(1) All exceptional children as defined in KRS 157.200 are eligible for placement. The appropriate admissions and release committee shall identify the specific handicapping condition of the child. The specific area of exceptionality (handicapping condition) of the child shall be that category for which the child meets eligibility criteria following

evaluation procedures as specified in the appropriate categorical regulations.

(2) All due process procedures related to placement as required and provided in Section 9 of this regulation and 707 KAR 1:060 shall be followed.

(3) For each identified exceptional child needing special education and related services, the appropriate admissions and release committee shall:

(a) Determine placement;

(b) Base placement on the child's IEP;

(c) Determine placement at least annually; and

(d) Make placement consistent with the least restrictive environment concept as required in Section 7.

(4) Temporary placement. Temporary placement may occur for thirty (30) school days, upon written request from the parent(s), for those exceptional pupils who are new enrollees to the local school district and who have been provided special education and related services by another local school or agency in the school days preceeding the request. Documentation shall be on record that special education and related services were provided to the pupil by the other school district or agency. The pupil shall be placed in the same type program as previously provided and in accordance with the IEP. Within the thirty (30) school days the admissions and release committee shall convene to carry out its functions as specified in Section 3(4).

(5) Trial placement. Trial placement shall be a temporary placement for students not new to the school or school system and may be considered pursuant to the following conditions:

(a) The placement shall be for no longer than four (4) school months and shall not be continued beyond this time as a trial placement.

(b) Written rationale justifying the trial placement shall be provided by the admissions and release committee recommending such placement and shall be maintained with the IEP.

(c) The pupil shall have an IEP specifying trial placement and the starting and ending dates of such placement.

(d) A trial placement shall not serve as a substitution for a more appropriate placement.

(e) The appropriate admissions and release committee shall review the trial placement no later than four (4) school months after initiation of services to determine the effectiveness of such services, and to make recommendations for continuation in that program or a change in program.

(f) All due process procedures as required and provided in Sections 9 and 10 of this regulation and 707 KAR 1:060 shall be afforded the parent, child, and school, including written parental permission for trial placement.

(6) Change in placement. Change in placement refers to those actions that cause a significant alteration in programming for a child who is currently receiving special education and related services.

(a) Change in placement shall mean, but not be limited to, a change from:

1. Special education and related services to regular education, including regular education with support services;

2. One (1) categorical program to another (e.g., TMH to EMH);

3. Or to a more or less restrictive environment (e.g., special class to resource room).

(b) Any change in placement shall follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identifiction, evaluation, and placement, including the written prior notice requirements as specified in 707 KAR 1:060.

(c) Any change in placement shall be subject to established admissions and release committee procedures and consideration of the least restrictive environment concept.

Section 7. Least Restrictive Environment. Least restrictive environment refers to that educational setting or program in which he identified child can function most effectively based upon his/her unique needs and capabilities.

(1) To the maximum extent appropriate exceptional children as defined in KRS 157.200 including those children in public or private institutions or other care facilities shall be educated with children who are not identified as exceptional.

(2) Self-contained classes, separate schooling or other removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Unless an exceptional child's individual education program requires some other arrangement, the child shall be educated in the school in which he or she would attend if not identified as exceptional.

(4) Each agency providing educational services shall insure that a continuum of placement alternatives is available to meet the needs of exceptional children for special education and related services. The alternatives shall include but not be limited to instruction in the regular classroom, special classes, special schools and home and hospital instruction. The alternatives shall also make provision for supplemental services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

(5) The identified child shall be returned to the most normal setting possible when specified goals and objectives have been achieved, consistent with the child's capabilities and educational needs and as determined by the appropriate admissions and release committee.

Section 8. Program Completion. An exceptional pupil shall be granted a high school diploma pursuant to meeting criteria and standards as provided in the "Program of Studies for Kentucky Schools." These pupils should be considered a part of the graduating class and no distinction shall be made in the ceremonies.

Section 9. Procedural Safeguards. (1) Each local school district shall establish and implement reasonable timelines in order for the identification, evaluation, and placement of referred pupils to occur without delay and pursuant to the specifications of this section and 707 KAR 1:060.

(2) Each child and his or her parent(s) and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation and educational placement of the child in programs for exceptional children as provided in 707 KAR 1:060, the "Due Process Policy and Procedure Manual." These safeguards shall include the following:

(a) The child shall be represented by his or her parent(s) at all decision making points in the identification, evaluation and placement process. "Parent" refers to a natural mother or father, adoptive mother or father, a legally appointed guardian, a person acting as a parent of a child, (grandparent, stepparent, etc.) or a surrogate parent appointed to act in this capacity.

(b) The parent(s) shall receive written notification from the local school district that their child has been referred as a possible candidate for programs for exceptional children and that the child has the right to receive a free, appropriate public education.

(c) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation and placement procedures.

(d) The local school district shall obtain written parental permision prior to initial individual evaluation and initial placement in a program for exceptional children.

(e) The local school district shall provide the parent(s) with written notification of continuation of placement.

(f) The parent(s) shall have the right to obtain an independent educational evaluation conducted by a qualified examiner. The results of this evaluation must be considered in decisions regarding the provision of a free appropriate public education to the child.

(g) In accordance with procedures outlined in 707 KAR 1:060, the "Due Process Policy and Procedure Manual," either the parent(s) or the local school district may request an impartial due process hearing to resolve disagreements regarding proposed or refused actions related to the identification, evaluation and educational placement of exceptional children. Appeals related to the due process hearing decision shall be conducted pursuant to 707 KAR 1:080.

(h) Where a child's parent(s) or guardian(s) are not known, are unavailable or the child is a ward of the State, such child shall be assigned a surrogate parent to represent him/her in all matters relating to the provision of a free, appropriate public education.

1. The State Department of Education and local school districts, in cooperation with other public and private agencies, shall recruit persons who can and will serve as surrogate parents. The State Department of Education, Bureau of Education for Exceptional Children, shall maintain a registry of such persons to act in this capacity. Persons selected as surrogate parents shall:

a. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

b. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

c. Be familiar with the educational system within the state; and

d. Be readily accessible to the children they represent.

2. Assignment of a surrogate to a particular child shall be made according to the following procedures:

a. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education, Bureau of Education for Exceptional Children.

b. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

c. If the local school district determines need for a surrogate as provided in subsection (2)(a) of this section, the State Department of Education, Bureau of Education for Exceptional Children, shall be notified in writing of such need. The Bureau of Education for Exceptional Children shall assign a surrogate within seven (7) calendar days of the notification.

d. The assigned surrogate shall represent the child in all matters relating to identification, evaluation and placement, and the provision of a free appropriate public education.

e. Surrogates shall not be assigned to children who have reached the age of majority.

f. An individual assigned as a surrogate shall not be an employee of a public agency involved in the education or care of the child.

(i) Testing and evaluation materials utilized for the purpose of evaluation and placement of exceptional children must be selected and administered so as not to be racially or culturally discriminatory.

(j) Decisions regarding the placement of exceptional children shall be made with regard to educating these pupils to the maximum extent appropriate with their non-handicapped peers in the least restrictive environment.

Section 10. Confidentiality of Personally Identifiable Information. The public agency shall develop and adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of PL 94-142 for all exceptional children. These shall include the following:

(1) Parent(s) shall be notified annually of all requirements concerning personally identifiable information.

(2) Educational records collected, maintained, and used by the agency are open for inspection and review by the child's parent(s) and a representative of the parent(s).

(3) The agency shall comply with a parental request to inspect and review records without unnecessary delay, before any meeting of the admissions and release committee, before an impartial due process hearing, and in no case more than forty-five (45) days after the request has been made.

(4) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(5) Copies of the records must be provided if failure to do so would prevent the parent(s) from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights. A fee may not be charged for record search or retrieval.

(6) An agency may presume that the parent(s) has the authority to inspect and review records relating to his/her child unless the agency has been advised that the parent(s) does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

(7) A record of access shall be maintained for those individuals obtaining access to such records, except the parent(s) and authorized parties of the agency, including the name of the party, the date of access, and the purpose for which the party was authorized to use the records.

(8) Information from records containing data on more than one (1) child shall be provided in such a way as to preserve the confidentiality of the other pupils.

(9) A list of the location and types of education records

collected, maintained and used by the agency shall be provided by the agency to parent(s) on request.

(10) The parent(s) have the right to request an amendment of information in the education records pursuant to the following:

(a) The agency shall decide whether to amend the information within a reasonable period of time of receipt of the request and shall notify the parent(s) of this effect.

(b) If the agency refuses to amend the records, it shall inform the parent(s) of their right to a record amendment hearing.

(c) If the result of the hearing does not require such amendment, the parent(s) has the right to place a statement outlining the points of dissent in the education records. This statement must accompany the information each time it is released.

(d) If the agency amends the records as a result of the hearing, it shall so inform the parent(s) in writing.

(11) Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies unless otherwise authorized to do so as delineated in the Family Educational Rights and Privacy Act and PL 94-142.

(12) Each agency shall protect the confidentiality of records at collection, storage, disclosure and destruction stages and shall insure that all persons collecting or using records receive training in confidentiality requirements.

(13) One (1) agency official shall assume responsibility for insuring the confidentiality of personally identifiable information.

(14) A current listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.

(15) Public agencies must inform the parent(s) when education records are no longer needed for educational services and destroy that information upon request of the parent(s). The agency must inform the parent(s) that such information could be needed later for social security benefits or other purposes. A permanent record of the pupil's name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. (5 Ky.R. 81; Am. 532; eff. 12-6-78; 7 Ky.R. 30; eff. 2-3-81.)

707 KAR 1:052. Programs for children with communication disorders.

RELATES TO: KRS 157.200 to 157.285
PURSUANT TO: KRS 13.082, 156.070, 156.160
NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for children with communication disorders. This regulation is necessary to assure uniformity in providing special education and related services to children with communication disorders and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for children of school attendance age with communication disorders pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2. Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child has a communication disorder provided there is evidence of a disorder in language and/or speech, (i.e., dysfluency, impaired articulation or a voice impairment) which adversely affects the child's educational performance.

(b) A child who meets the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of communication disordered children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4 and shall include procedures that are appropriate for the diagnosis of speech and language disorders. The assessment of the referred pupil for identification and placement purposes shall include, where appropriate:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in speech, language and/or hearing, when the child is referred by other than the speech/language pathologist;

(b) An evaluation of the receptive and expressive language skills;

(c) An appraisal of the structure and function of the speech mechanism;

(d) An evaluation of articulation proficiency;

(e) Written behavioral observations. The observations shall describe behaviors exhibited in familiar surroundings and shall be written for pupils with suspected disorders of fluency, voice, and/or language;

(f) An appraisal of voice quality and fluency; and

(g) An evaluation of auditory acuity and auditory processing.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for communication disorders shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom programs for communication disordered pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom programs for communication disorders shall be established under the resource plan. Requests for approval of a variation plan shall be made to the Bureau of Education for Exceptional Children. Approval shall be based on the following:

(a) Rationale for the proposed plan;

(b) A detailed description of the proposed plan; and

(c) The method of annual evaluation to be used to determine the effectiveness of the proposed plan.

(7) Membership. Membership in programs for communication disorders of speech and language shall be:

Minimum	Maximum
35	75 per week

APPENDIX 5

TELEPHONE INTERVIEW RESPONSE SHEET

KSB/KSD STUDY

DISTRICT _____

CONTACT'S NAME _____

LENGTH OF TIME IN POSITION _____

PHONE _____

DATE _____

SUMMER PHONE _____

Number of pupils at KSB: _____ - _____

Number of pupils at KSD: _____ - _____

Number of visually impaired units: _____ - _____

Pupils on Child Count: _____ - _____

Number of hearing impaired units: _____ - _____

Pupils on Child Count: _____ - _____

(QUESTIONS 1-6 FOR THOSE WHO PRESENTLY HAVE PUPILS AT KSB/KSD OR AT LEAST HAVE HAD, OR HAVE REFERRED PUPILS, IN THE PAST 5 YEARS (1978-79).)

1. What are the children like (severity of handicap, mental and physical abilities, socio-economic background, age, sex) whom your district's AARC refer to KSB? _____

_____

_____

_____

KSD? _____

_____

_____

_____

2. What is the referral process? _____

_____

What transpires during the original contact? _____

_____

Does the residential staff attend the AARC meeting? _____

_____

At which point is the evaluation at the residential school done? ____

_____

How is the IEP developed? _____

_____

Who is involved? _____

_____

What are the timelines from the original referral to the actual enrollment at the residential school? _____

_____

Any problems with the referral process? _____

_____

_____

Suggestions for improvement? _____

_____

_____

3. Do the residential schools notify you of IEP review meetings?

KSB (Yes _____ No _____); KSD (Yes _____ No _____). _____

_____

_____

_____

_____

4. Have you attended an Individual Education Program (IEP) review meeting at the residential school? KSB (Yes _____ No _____); KSD (Yes _____ No _____).

5. Have you ever been involved in a conference call to review an IEP for pupils at KSB (Yes _____ No _____) or KSD (Yes _____ No _____)?

6. Do you receive any type of progress report on your pupils at KSB (Yes _____ No _____) or KSD (Yes _____ No _____)? Please describe:

_____

_____

_____

_____

7. How many of your pupils have returned to your district from KSB _____ or KSD _____ in the last two years?

Describe how the decision was made to return the student(s): _____

_____

_____

_____

_____

8. Were personnel from your district included in the decision-making process? Yes _____ No _____

Did your district agree with the decision? Yes _____ No _____
If not, why? _____

_____

_____

_____

9. Are there pupils from your district at the residential schools whom you think would be better served in your district? KSB _____ KSD _____

_____

_____

_____

10. Has your district referred pupils who were not accepted at the residential schools? KSB (Yes _____ No _____); KSD (Yes _____ No _____)

Why were they not accepted? _____

_____

_____

Were they accepted at a later time? KSB (Yes _____ No _____); KSD (Yes _____ No _____) If so, what were the reasons for the change in the decision? _____

_____

_____

11. Does your district presently have pupils whom you think need to go to the residential schools? KSB (Yes _____ No _____); KSD (Yes _____ No _____)

If so, has the referral process begun? KSB (Yes _____ No _____); KSD (Yes _____ No _____) If not, why? _____

_____

_____

12. Have you ever toured KSB _____? KSD _____?

13. Do you have suggestions for change or improvement in the services for the:

Visually Impaired: _____

_____

_____

_____

_____

Hearing Impaired: _____

_____

_____

_____

_____

14. Please list areas where the residential schools could be of more assistance to your district.

KSB: _____

_____

_____

_____

KSD: _____

_____

_____

_____

15. How is the once-a-month transportation program working?

_____

_____

Any suggestions for improvements?

_____

_____

How do you feel about offering transportation more frequently?

_____

16. What grades do you conduct your vision and hearing screening programs?

_____

How many pupils were referred for follow-up examinations this year?

_____