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Information in this power point is current as of March 19, 2019.
General Education Students

• Generally, placement of regular education students is an administrative decision.

• Board can decide what type of service is housed in each district facility. KRS 160.290

• SBDM councils decide a policy on how students are assigned to classes and programs within the school. KRS 160.345
Students Identified as Disabled

- Federal law mandates that placement of IDEA and Section 504 students be made by those respective teams.

- Placement decisions must be based on **individual needs of students** with disabilities
  - District cannot have a program that students with disabilities cannot access. Student must be otherwise qualified.
Placement in Alternative Schools

- 704 KAR 19.002

- Voluntary or involuntary;

- For **students with disabilities**, appropriate team decides if placement is appropriate in a non-voluntary placement.

- For voluntary placement, **ARC or 504** team decides whether it is appropriate for student to abide by all the alternative school rules, etc.
Shortened School Day

• KRS 158.060
  • School month & day – equivalent of 6 hours instructional day except for IDEA students

• 702 KAR 7:125
  • Local board may permit
  • KDE pupil attendance manual says medical statement from physician required
  • Must be in IEP or 504 Plan (also H/H comm involved)
    • Specify length of school day or week
  • KSBA Model Policies 09.122 and 09.1221
  • KSBA Model Procedure 09.1221 AP 21
  • For 504 student receive funding for only amount of time service

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Home Hospital Institution

- KRS 159.030
  - Exemptions from attendance

- 704 KAR 7:120
  - For general ed student, a health care professional enumerated in KRS 159.030 must recommend. Some districts require info from a physician.

- For IDEA student, IEP team determines
  - Requires medical or mental health evaluation info – some districts require info from a physician.

- Eligibility for H/H ceases if student:
  - Works; or
  - Participates in athletics

- OCR consistently has found that homebound students with disabilities have the right to participate in district-sponsored activities to the extent they are able to do so.
For students on extended placement, the use of Kentucky Virtual High School (KVHS) or other electronic instruction, as approved by the local board of education, may be considered as a mechanism to continue course credit.

The use of Kentucky Virtual High School (KVHS) or other electronic instruction, as approved by the local board of education, shall be in addition to the minimum of two (2) one (1) hour visits per week.

If child is exempted from school attendance more than six (6) months, board shall require new supportive evidence.

The exemption shall be reviewed annually with a plan and timeline developed for returning the child or youth to school or documentation maintained verifying why return is not feasible, in accordance with the requirements of KRS 159.030(2).

Intermittent H/H is allowed – must be reviewed every six (6) months.
Homebound Instruction per OCR

• **Huntsville (AL) City School District (OCR 2000)**

  • The district agreed to revise its policies on homebound instruction for students with disabilities in the wake of charges that it provided a student with an insufficient number of instructional hours.
  
  • District agreed it would not set a standard number of hours of instruction and would make a determination of the amount of services it would provide on a case-by-case basis based on the health of the student.
  
  • The district said it would review the IEPs of each student in the homebound program.
  
  • If a student had received fewer hours of instruction than needed, the district agreed to provide additional hours, along with compensatory services.
  
  • Applies to both IDEA and Section 504 students.
Children or youth with **communicable diseases** found eligible for home/hospital instruction may be served by alternative means such as correspondence, computer assisted instruction, or video during the period of contagion, if documentation from a health professional verifies the student's condition poses a serious health threat to a home/hospital teacher providing regular visitation.
Court Ordered Setting

- 702 KAR 7:125
  - Court orders services in setting other than a classroom.
  - ARC documents what court order prohibits/allows.
Other Placement Options

• Early transition
• Community based instrucion
Partial Home School

- Under dual enrollment provision of the regulation.
- Home schools are private schools in Kentucky.
- Can use only if your board policy provides for dual enrollment.
IAES Placement

- Used when parent disagrees with disciplinary change of placement and requests hearing.
  - Stay Put
  - If is a change of placement
    - IEP Team determines appropriate services.
  - District can proceed with IAES placement for up to 45 school days even if is manifestation of student’s disability.
  - Carries a weapon to or possesses a weapon.
  - Knowingly possesses or uses illegal drugs.
  - Inflicts serious bodily injury.
IAES Definitions

• Weapon
  • A weapon, device, instrument, material or substance, animate or inanimate
  • Used for, or readily capable of, causing death or serious bodily injury.
  • Does not include a pocket knife with a blade less than 2.5 inches in length.

• Serious bodily injury has caused:
  • Substantial risk of death
  • Extreme physical pain
  • Protracted & obvious disfigurement
  • Protracted loss or impairment of the function of a bodily member, organ or mental faculty.
IAES Definitions Continued

- Illegal Drug on Federal Controlled Substance List
  - Does not include alcohol.
Appeal of Discipline Decision

• Parent who disagrees

• LEA that believes maintaining the current placement of the child is *substantially likely to result in injury*...
  
  • May appeal the decision by requesting an expedited hearing or an injunction in state or Federal court.
Services During IAES/Expulsion

- LEA not required to provide all service minutes in the child's IEP, or every experience other children have in a class, when a child has been removed to an IAES.

- IEP Team makes individualized decision regarding the type and intensity of services.