

SPECIAL EDUCATION (REGULATION)

Mental Retardation

1. "Mentally retarded" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance. (From *Federal Register*, Tuesday, August 23, 1977, Handicapped Children 121a.5.)
2. The Oklahoma State Department of Education, Special Education Section, divides the mentally retarded into two categories: Trainable Mentally Handicapped (30-50 IQ) and Educable Mentally Handicapped (50-70 IQ). Eligibility is determined by an **individual** psychological test for IQ, plus other tests for academic achievement and/or developmental level. The other Weschler tests (WPPSI, ages 4-6½; WISC, ages 5-15; or WAIS, age 16 and above), or Stanford Binet are most often given. For the severely retarded, such standardized tests may not be possible, so observations with developmental scales may determine mental age.

Trainable Mentally Handicapped are those children with IQ scores from 30 to 50. These children are generally considered for programs in which the curriculum is designed to help a child learn to better care for his or her personal needs at home and school (self-care); get along with others in the home, the school, and the neighborhood; respect property rights; in general, manage his or her own affairs in a social group and in a restricted environment (social adjustment); and to learn to do things, not only for himself or herself, but for others. The child may be able to do simple work under supervision in a sheltered environment. The activities of the curriculum should be selected and designed to furnish experiences that will help toward the realization of the objectives. The TMH program will have a maximum number of ten (10) students in a self-contained class. Services will be furnished by the Perry Public Schools from birth. Most TMH students will have a full school day. However, the Individualized Education Program team may determine that the very young and/or the very severe will function best in a shortened school day or home-based program.

Educable Mentally Handicapped are those children with IQ scores from 50 to 75. These are children who can be taught some academic work but who are mentally retarded to the extent that their development is hindered in a regular classroom. The curriculum for EMH children should provide realistic educational experiences at each child's level. Special attention should be given to the use of concrete situations in attaining the basic purposes of the education of all American children, namely, self-realization, human relationships, civic responsibility and economic efficiency. It should be understood these children can learn although at a different rate and not as much in depth as the average student. The EMH student should participate in all of the activities of the school, separating them only where it is necessary (such as for basic skills: reading, math, etc.). The EMH student can often take active part in subjects not academic in nature -- physical education (even competitive sports), arts, music and others. EMH students can be served in a self-contained class with a maximum number of students per teacher of fifteen (15), or in a lab program with a maximum total of twenty-five (25) students with no more than ten (10) students per hour/period.

The ability of the majority of the students should determine which type of program is appropriate. On the secondary level, a lab program could assure the students of a least restrictive environment with mainstreaming into regular classes. It must be noted that EMH students must not be scheduled into regular classes that the EMH student is not mentally equipped to handle. Some regular classes may be suitable for EMH students with an adjusted curriculum.

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As in all handicapped categories, the eligibility for the category is determined by a team (consisting of the administrator or designee, parent, regular teacher and special teacher). Placement will be decided by the same team that writes the Individualized Education Program (IEP). The student whose IQ falls in the 45-55 range may be categorized as TMH or EMH. This determination is made by the team based on the student's ability and how the student functions in the academic setting.

Learning Disability

According to the Policies and Procedures Manual for Special Education in Oklahoma (1986), the State Department of Education has defined categories of handicapping conditions on pages 7-9. The "Specific Learning Disability" section reads as follows:

"Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, or mental retardation, emotional disturbance, or of environmental, cultural, or economic disadvantage.

Additional Team Members

In evaluating the child suspected of having a specific learning disability, each public agency shall include in the multidisciplinary evaluation team:

1. The child's regular teacher; or
2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
3. For a child of less than school age, an individual qualified by the State Educational Agency to teach a child of his or her age; and
4. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Criteria for Determining Existence of a Specific Learning Disability

1. A team may determine that a child has a specific learning disability if:
 - A. The child does not achieve commensurate with the child's age and ability levels in one or more of the areas listed below in this section when provided with learning experiences appropriate for the child's age and ability levels; and

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- B. The team finds that a child has a severe discrepancy between achievement and intellectual ability in two or more of the following areas:
1. Oral expressions;
 2. Listening comprehension;
 3. Written expression;
 4. Basic reading skills;
 5. Reading comprehension;
 6. Mathematics calculations;
 7. Mathematics reasoning.
2. The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:
- A. A visual, hearing, or motor handicap;
 - B. Mental retardation;
 - C. Emotional disturbance; or
 - D. Environmental, cultural, or economic disadvantage.
3. Observation
- A. At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
 - B. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
4. Written Report
- A. The team shall prepare a written report of the results of the evaluation.
 - B. The report must include a statement of:
 1. Whether the child has a specific learning disability;

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- 2. The basis for making the determination;
- 3. The relevant behavior noted during the observation of the child;
- 4. The relationship of that behavior to the child's academic functioning;
- 5. The educationally relevant medical findings, if any;
- 6. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
- 7. The determination of the team concerning the effect of environmental, cultural, or economic disadvantage.

C. Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion.

- 5. For the purpose of offering the most appropriate placement of a student with a specific learning disability, the Perry Public Schools system shall define a learning disability as a severe discrepancy between a student's expected level of performance and actual level of performance in two areas and, in addition, teachers' referrals, parent-teacher conferences, and the student's academic performance in the regular classroom will be considered. A severe discrepancy will manifest itself, defined by the RESC, as a 7 estimated percentile rank when comparing actual and predicted achievement levels. This will be considered significant for consideration of LD placement in Perry Public Schools.

Diplomas

- 1. It is recommended that **diplomas** issued to handicapped students be the same as those to nonhandicapped students. To do otherwise may leave the local school district open for a discrimination complaint.
- 2. This recommendation is based on the nondiscrimination clause in Section 504 of the 1973 Vocational-Rehabilitation Act and Oklahoma Regulations. The intent is that handicapped students are entitled to receive the same considerations as nonhandicapped students. Therefore, they should not be excluded on the basis of their handicap, from receiving any benefit for which they are otherwise qualified.
- 3. As long as handicapped students have successfully completed all requirements for graduation as outlined by their IEP teams or regular classes (following the Oklahoma State Board of Education guidelines for high school graduation), they cannot be denied graduation or given inferior diplomas.

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A student's transcript must not contain any information that is considered to be confidential. This would include reference to special education placement or categories, special services, test information or reference to handicapping conditions.

Discipline

When considering disciplinary measures for special education students, the following should be considered:

Counseling
"Time-out" area
Restriction from participation in school activities
Staying after school or class
In-school suspension

1. When suspension of less than ten (10) days from school is necessary for the special education student, the following guidelines will be followed:

A. Conference held with student to:

1. Provide opportunity for student to defend actions,
2. Explain disciplinary measures to student;

B. Notify parent by telephone and confirm conversation by mail.

2. For suspension of over ten (10) days for the special education student, additional procedures should be followed:

Schedule an IEP meeting to determine if the student's behavior is the result of the handicapping condition. When the behavior is related to the handicapping condition, and a change in program or removal from the current program is recommended, the IEP **must** be revised to reflect change in placement. The school **must** provide an alternative program (i.e., IEP revision, home-based, etc.). When behavior is not related to the handicapping condition, the procedures established for regular students should be followed. However, any long-term change in the student's current school program should be recorded in the IEP.

3. In an **emergency** situation where the student is endangering himself/herself or others, the school has the authority to remove the child from school immediately. However, the IEP/placement team must convene as soon as possible after an emergency removal to determine further appropriate action. In any event, the school district's disciplinary due process procedures must be followed.

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4. Discipline problems that an IEP team is able to anticipate may be addressed on an individual basis in the child's IEP.

** The Policies and Procedures Manual for Special Education for the State of Oklahoma issued by the State Department shall serve as the standing policy in all other matters concerning procedures for serving special education students.

Grading

1. There is one definite rule for grading students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record (such as a transcript), there must not be any reference to the student's placement in special education.
2. P.L. 94-142 is based on an "appropriate education." If this mandate is followed, fair grading should be no problem. Some suggestions:
 - A. Grades should never be given as motivation (A's) or punishment (F's).
 - B. A student should **earn** the grade. Too easy a program would result in too many A's and too difficult, D's or F's. A program should be planned on the level where the child is functioning but the teacher should always be alert to expand this level upward.
 - C. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.
3. Parents must understand grading in special classes. The grade earned may not be comparable to grades earned in regular classes. Parents need to be told where the student is functioning and what is being learned, rather than relying on the report card "grades" to understand progress.
4. The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.
5. A student in special education can get a failing grade. The student cannot fail because the academic level is too high (that is, not an appropriate program) but failing grades may be given because of refusal to do work within capability and for poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the IEP with the idea of alleviating it.

Example: An LD or EMH student who is working below grade level could receive this grade in reading: B¹--or if arithmetic or math is no problem, a grade of B². At the end of the scale, a gifted student might receive a C in his or her class.

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It should be noted that this school system has the option of placing a student in a special class, without parental or guardian consent, if a student exhibits a deficit less than 11 percentile in two or more areas, considering teacher referral and student academic performances in the regular classroom.

Perry Public Schools shall comply with State Department, Special Education Policies and Procedures for due process procedures against parents.

**CROSS-REFERENCE: Policy EHBCB, Educational Records, Special Education
Policy EIA, Promotion and Grading
Policy FO, Student Discipline**