

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-4. FAPE for exceptional children housed and maintained in certain state institutions.

(a) Subject to K.S.A. 72-1046 and amendments thereto, each state agency shall provide FAPE to exceptional children housed and maintained at any facility operated by the agency. All educational programs shall comply with the requirements of state special education laws and regulations.

(b) State schools.

(1) The procedures for placing Kansas residents into the Kansas state school for the blind and the Kansas state school for the deaf shall meet the following requirements:

(A) Admission procedures shall be initiated by the child's home school district and by the child's parent or parents.

(B) Placement of any child in a state school shall be made only after the local school district and the child's parent or parents have considered less restrictive placement options.

(C) Placement shall be based on a child's IEP, which shall indicate a need for educational services provided at the state school.

(D) Any agency may refer a child to a state school for a portion or all of the child's evaluation. In such a case, a representative or representatives from the agency shall be included in any meeting at which the child's eligibility for services or placement is determined.

(E) If the initial evaluation and staffing are conducted by any local school district and if one of the state schools is proposed as a placement for the child, a representative or representatives from the state school shall be included in the meeting at which placement for the child is determined.

(2) Personnel from the child's home school district, as well as personnel from the state school and the child's parent or parents, shall be afforded an opportunity to

participate in any IEP meeting for the child. Placement of the child in the home school district shall be considered at each annual IEP meeting.

(3) Each state school shall attempt to make arrangements so that each child enrolled in the state school has access to the educational programs in the local school districts near the location of the school, on either a part-time or full-time basis.

(4) If a state school determines that its program is not appropriate for a student and it can no longer maintain the student in its program, the state school shall give the district of residence of the student at least 15-day notice of this determination.

(c) Unless otherwise expressly authorized by state law, when a student transfers from a state school to a school district or from one school district to another, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded immediately to the receiving school district.

(d) SRS institutions and facilities.

(1) In accordance with K.S.A. 72-8223 and amendments thereto, and subject to the provisions of K.S.A. 72-970 and 72-1046 and amendments thereto, provision for FAPE shall be made by the secretary of social and rehabilitation services for each exceptional child housed and maintained at any institution or facility under the jurisdiction of the secretary.

(2) The requirements in this article concerning placement and LRE may be modified in accordance with the child's need for maintenance at the state institution or facility.

(Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-966 and 72-970; effective May 19, 2000.)

***** Authenticated Kansas Administrative Regulation *****