

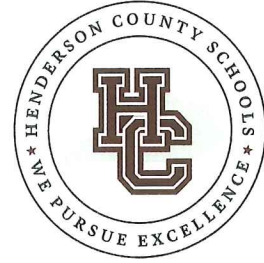
HENDERSON COUNTY SCHOOLS

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Dr. Bob Lawson, Superintendent



June 12, 2025

TO: Superintendent - Dr. Bob Lawson and Board Members - Thomas Alves, Joe McGarrh, Wesley Smith, Mike Waller, Tracey Williams

FROM: Director of Special Education - Kris Mayes

RE: Special Education District Procedures Amendments

Amendments were made to 707 KAR 1:002 with regards to definitions and eligibility criteria for Hearing Impairment and Visual impairment. It is now in effect.

As a result of these amendments, our district's current special education procedures will need to be amended to reflect these changes. Attached you will find the corresponding sections (HI - Pg 10-11, VI - Pg 19-20) for these amendments. I request the Board's approval to amend the Special Education Procedures.

emotional-behavioral disability.

- (25) **“Enforcement”** means KDE takes steps to ensure federal and state special education requirements are implemented.
- (26) **“Extended school year services”** means specially designed instruction and related services that are provided to a child with a disability beyond the normal school year in accordance with the child’s IEP at no cost to the parents.
- (27) **“Free appropriate public education (FAPE)”** means special education and related services that:
- (a) Are provided at public expense, under public supervision and direction, and without charge;
 - (b) Meet the standards of KDE included in 707 KAR Chapter 1 and the Program of Studies, 704 KAR 3:303, as appropriate;
 - (c) Include preschool, elementary school, or secondary school education in the state; and
 - (d) Are provided in conformity with an individual education program (IEP) that meets the requirements of 707 KAR 1:320.
- (28) **"Functional"** means activities and skills that are not considered academic or related to a child’s academic achievement as measured on statewide assessments pursuant to 703 KAR Chapter 5.
- (29) **"Hearing impairment"**, sometimes referred to as "deaf" or "hard of hearing", means a hearing loss that:
- (a) May be mild to profound, unilateral or bilateral, permanent or fluctuating ~~and is determined by:~~
 - ~~1. An average pure tone hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 25dB in the better ear;~~
 - ~~2. An average pure tone hearing loss in the high frequency range (2000Hz, 4000Hz, and 6000Hz) of at least 45dB in the better ear; or~~

~~3. An average pure tone unilateral hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 60dB in the impaired ear];~~

- (b) Results in difficulty identifying linguistic information through hearing; and
- (c) Has an adverse effect on the child's educational performance.

- (30) "**High school diploma**" means the student has completed the required course of study with the minimum number of credit hours as required by 704 KAR 3:305 and any applicable local district requirements. "High school diploma" does not mean a certificate of completion or a GED.
- (31) "**Homeless Children**" The term 'homeless children' has the meaning given the term homeless children and youths in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).
- (32) "**Home school**" means for purposes of 707 KAR Chapter 1, only, a private school primarily conducted in one's residence.
- (33) "**IDEA**" means the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 through 1450, as amended.
- (34) "**Independent education evaluation**" means an evaluation conducted by a qualified examiner who is not employed by the HCSD responsible for the education of the child in question.
- (35) "**Individual education program (IEP)**" means a written statement for a child with a disability that is developed, reviewed and revised in accordance with 707 KAR 1:320.
- (36) "**Interpreting services**" means, with respect to children who are deaf or hard of hearing, oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services such as communication

5. When appropriate, acquisition of daily living skills and functional vocational evaluation.

(64) “**Traumatic brain injury (TBI)**” means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury does not mean brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Traumatic brain injury means open or closed head injuries resulting in impairments in one (1) or more areas, including:

- (a) Cognition;
- (b) Language;
- (c) Memory;
- (d) Attention;
- (e) Reasoning;
- (f) Abstract thinking;
- (g) Judgment;
- (h) Problem-solving;
- (i) Sensory, perceptual, and motor abilities;
- (j) Psychosocial behavior;
- (k) Physical functions;
- (l) Information processing; and
- (m) Speech.

(65) “**Travel training**” means instruction to children with significant cognitive disabilities and any other children with disabilities, as appropriate, to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within that environment, such as school, home, work and community.

(66) “**Visual impairment (VI)**” means a vision loss, even with correction that ~~is~~

~~(a) Requires specialized materials, instruction in orientation and mobility, Braille, visual efficiency, or tactile exploration;~~

~~(b) has an adverse effect on the child's educational performance[; and~~

~~(c) Meets the following:~~

~~1. The child has visual acuity with prescribed lenses that is 20/70 or worse in the better eye; or~~

~~2. The child has visual acuity that is better than 20/70 and the child has one (1) of the following conditions:~~

~~a. A medically diagnosed progressive loss of vision;~~

~~b. A visual field of twenty (20) degrees or worse;~~

~~c. A medically diagnosed condition of cortical blindness; or~~

~~d. A functional vision loss].~~

(67) **“Ward of the state”** means a child who has been committed to the Cabinet for Families and Children or the Department of Juvenile Justice through a legal process, whether the commitment is voluntary or non-voluntary and the biological or adoptive parental rights have been terminated.

(68) **“Weapon”** means dangerous weapon as defined in 18 U.S.C. 930 (g) (2).

(69) **“Withholding”** means no further payment of specified funds are made to an approved recipient.