



## Critical Fact Sheet

*A Publication of the Office of Special Education and Early Learning*

### **Special Education – Policy Development and Key Laws**

#### **Overview/Background**

The Kentucky Department of Education's (KDE) Office of Special Education and Early Learning (OSEEL) is dedicated to improving educational outcomes for diverse students and early learners through effective support, technical assistance, training, coaching, and guidance. Understanding how policy is developed and the system of laws, regulations, and funding priorities related to students with disabilities is essential for school, districts, administrators, and teachers to provide educational opportunities for students with disabilities that adversely affect their education.

#### **Public Policy Making Process**

Policy development is a dynamic and constantly changing process. It involves five stages: agenda setting; policy formulation; policy adoption; policy implementation; and policy evaluation.

#### **Key Federal and State Laws for Special Education**

There are several key laws that govern how special education is delivered to students with disabilities.

##### ***Federal***

- [Every Student Succeeds Act \(ESSA\)](#) 2015
- [Individuals with Disabilities Education Act \(IDEA\)](#) 2004
- [Americans with Disabilities Act \(ADA\)](#) 1990
- [Family Educational Rights and Privacy Act \(FERPA\)](#) 1974
- [The Rehabilitation Act \(Rehab Act\) \(Section 504\)](#) 1973

##### ***State***

- Kentucky Education Reform Act (KERA) 1990

#### **Federal and State Laws and Regulations**

The federal and state laws and the accompanying federal and state regulations that are in place can be found at:



### United States Code (U.S.C.)

- The laws that are enacted by the Congress.
- Title 20 is Education.
- Title 20, Chapter 33 is IDEA.

### United States Code of Federal Regulations (CFR)

- The rules or directives that are promulgated by the authority or agency responsible for implementing and administering the law.
- Title 34 is Education.

### Kentucky Revised Statutes (KRS)

- The laws that are enacted by the General Assembly.

### Kentucky Administrative Regulations (KAR)

- The rules or directives that are promulgated by the authority or agency responsible for implementing and administering the law. For the Kentucky Department of Education, the promulgating authority for the agency is the Kentucky Board of Education (KBE).
- Title 707 contains regulations related to special education.
  - Chapter 1
    - [002 Definitions](#)
    - [270 Kentucky Special Education Mentor Program](#)
    - [290 Free appropriate public education](#)
    - [300 Child find, evaluation, and reevaluation](#)
    - [310 Determination of eligibility](#)
    - [320 Individual education program](#)
    - [340 Procedural safeguards and state complaint procedures](#)
    - [350 Placement decisions](#)
    - [360 Confidentiality of information](#)
    - [370 Children with disabilities enrolled in private schools](#)
    - [380 Monitoring and recovery of funds](#)

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