

**CHAPTER 59. SPECIAL EDUCATION SCHOOLS**

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**Authority**

The provisions of this Chapter 59 issued under act of June 25, 1947 (P. L. 951, No. 401) (24 P. S. §§ 2731—2743), unless otherwise noted.

**GENERAL****§ 59.1. Student exceptionalities; programs.**

(a) Special education schools are schools which develop programs to serve children with the following diagnosed exceptionalities:

(1) *Brain-damaged*—as diagnosed by a neurologist.

(2) *Mentally retarded*—as diagnosed through IQ testing by a certified school psychologist. The classification of students shall be in accordance with the following degrees of retardation:

(i) *Educable mentally retarded*—IQ scores lower than 80.

(ii) *Trainable mentally retarded*—IQ scores lower than 55.

(iii) *Severely and profoundly retarded*—IQ scores lower than 35 and who are also evaluated by a physician.

(3) *Socially and emotionally disturbed*—as diagnosed by a psychiatrist.

(4) *Learning disabled*—as diagnosed through an educational and school psychological evaluation by a certified school psychologist.

(5) *Physically handicapped*—as diagnosed by a physician and school psychologist.

(6) *Speech and language impaired*—as diagnosed by a speech clinician and, if appropriate, a psychological evaluation by a school psychologist.

(7) *Visually impaired*—as diagnosed by an eye specialist and school psychologist.

(8) *Deaf and hearing impaired*—as diagnosed by an audiologist and otologist.

(b) A school shall identify its program according to the ages and grade levels as follows:

(1) *Preschool*—ages 3 through 5.

(2) *Elementary*—ages 6 through 14, grades 1 through 8.

(3) *Secondary*—ages 15 through 21, grades 9 through 12.

**Authority**

The provisions of this § 59.1 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.1 adopted June 11, 1968, effective June 26, 1969; amended August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691. Immediately preceding text appears at serial page (30570).

**§ 59.2. [Reserved].****Source**

The provisions of this § 59.2 adopted June 11, 1968, effective June 26, 1969; amended August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691. Immediately preceding text appears at serial page (30570).

**§ 59.3. Evaluations.**

No student may be admitted to a school regulated by this chapter until the student has been evaluated in accordance with § 59.1(a) (relating to student exceptionalities; programs). The following procedures apply to testing and evaluation:

- (1) Except for speech and hearing, an individual psychological examination shall be conducted by a certified school psychologist prior to enrollment.
- (2) Tests shall be administered in the language most common to the student.
- (3) Tests and evaluation materials shall be selected to accurately measure aptitude and achievement.
- (4) No one test may be used as a sole criterion for enrollment into the program.
- (5) Information from families, including physical condition, socio-cultural background and behavior in home and school, shall be given full consideration prior to enrollment.
- (6) Previous school records, pre-enrollment test scores, physician reports, if applicable, and family information shall be reviewed and interpreted by a school psychologist, the student's prospective teacher and director of the school prior to assignment.

**Authority**

The provisions of this § 59.3 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.3 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691.

**§ 59.4. Admissions.**

- (a) Criteria for admission into the school shall be clearly stated in writing and shall include:
  - (1) More than one appropriate standardized testing instrument.
  - (2) Psychological report by a certified school psychologist as required by § 59.1 (relating to student exceptionalities; programs).
  - (3) The diagnosis of a specific exceptionality as stated in § 59.1(a).
  - (4) Other information, such as family history, former school records, health assessment and other pertinent information as deemed necessary to evaluate the student for admission.

(b) Data collected prior to admission shall be reviewed by a certified school psychologist, director of the school and teacher in preparation for the written educational plan for each student.

(c) The school brochure shall include:

- (1) School philosophy.
- (2) Type of students served.
- (3) Age and grade levels of students served.
- (4) Services available for students.
- (5) Tuition and other charges to parents.
- (6) Fee retention/refund policy.
- (7) Nondiscrimination policy.
- (8) School program.

#### Authority

The provisions of this § 59.4 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

#### Source

The provisions of this § 59.4 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691.

### § 59.5. Individualized Education Program (IEP).

(a) A school shall develop an IEP appropriate for each student. The plan shall be formulated based on the data collected in § 59.4(a) (relating to admissions) and shall be written by those identified in § 59.4(b).

(b) The parent or guardian may be requested to participate in the development of the IEP.

(c) The IEP for each student shall include:

- (1) Statement of student's present level of educational performance.
- (2) Statement of annual goals for behaviors expected to be achieved.
- (3) Statement of short-term instructional objectives.
- (4) Statement of specific special educational services to be provided for the student.
- (5) Statement of related services to meet the student's needs.
- (6) Statement of specific instructional media and materials to be provided.
- (7) Type of physical education program for the student.
- (8) Statement of evaluations for achieving instructional objectives.
- (9) Projected date for initiation and anticipated duration of services of the IEP.

(d) The IEP shall be reviewed annually for revisions and the review shall be shared with parents. If the IEP is revised, the parent or guardian may be requested to participate in the revision of the plan.

**Authority**

The provisions of this § 59.5 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.5 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691.

**PROFESSIONAL STAFF****§ 59.11. Teachers.**

(a) In addition to the general requirements of §§ 51.31 and 51.34 (relating to general requirements; and certification for teachers), special education teachers shall meet one of the following requirements:

(1) Be a graduate of an approved 4-year college or university with a Pennsylvania teaching certificate in the exceptionalities in which the instruction is or will be rendered.

(2) Be a graduate of an approved 4-year college or university and submit documentary evidence of successful completion of 24 semester hours in the theory of special education. Theory courses shall be selected from those listed in the certification requirements for special education teachers with the following distribution:

(i) Six semester hours of basic courses.

(ii) Six semester hours of courses directly applicable to the exceptionality in which the instruction is or will be rendered.

(iii) Twelve semester hours of elective courses.

(b) Special education certificates will be issued in the following exceptionalities:

(1) Mentally Retarded.

(2) Physically Handicapped.

(3) Socially and Emotionally Disturbed.

(4) Speech Correction.

(5) Visually Impaired.

(6) Hearing Impaired.

(7) Learning Disabled.

(c) Teachers holding the Pennsylvania professional comprehensive mentally or physically handicapped certificate, or both, may teach classes for the mentally retarded, socially and emotionally disturbed, physically handicapped, learning disabled and brain damaged.

(d) When instruction provided at the secondary level in the specific subjects of English, mathematics, science and social studies is departmentalized, the teacher may hold valid certification in the subject area taught.

(e) Special education self-contained classes at the preschool, elementary and secondary level shall be taught by certified special education teachers in the exceptionality.

**Authority**

The provisions of this § 59.11 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.11 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665; amended August 19, 1988, effective August 20, 1988, 18 Pa.B. 3691. Immediately preceding text appears at serial page (30571).

**Cross References**

This section cited in 22 Pa. Code § 59.12 (relating to directors); and 22 Pa. Code § 61.21 (relating to teachers).

**§ 59.12. Directors.**

Directors shall be qualified in accordance with §§ 51.34, 59.11 and 51.36 (relating to certification for teachers; teachers; and director).

**Authority**

The provisions of this § 59.12 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.12 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665. Immediately preceding text appears at serial page (30572).

**§ 59.13. Teaching load.**

(a) The maximum number of students under the direction of one teacher in a full-time special education class shall be as follows:

<i>Pupil-Teacher Ratio</i>	<i>Program Exceptionality</i>
12-1	Socially and emotionally disturbed-preschool, elementary and secondary.
15-1	Educable mentally retarded-preschool, elementary and secondary.
12-1	Trainable mentally retarded-preschool and elementary.
15-1	Trainable mentally retarded-secondary.
8-1	Severely and profoundly retarded-preschool, elementary and secondary.

*Pupil-Teacher**Ratio**Program Exceptionality*

12-1	Brain injured and learning disabled-preschool, elementary and secondary.
8-1	Hearing impaired-preschool, elementary and secondary.
8-1	Speech and language impaired-preschool, elementary and secondary.
12-1	Visually impaired-preschool, elementary and secondary.
12-1	Physically handicapped-preschool, elementary and secondary.

(b) In addition to the pupil-teacher ratio listed in subsection (a), preschool programs shall have an aide in each class.

**Authority**

The provisions of this § 59.13 amended under the Private Academic Schools Act (24 P.S. §§ 6701—6721).

**Source**

The provisions of this § 59.13 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665. Immediately preceding text appears at serial page (30572).

**PROGRAM OF INSTRUCTION****§ 59.21. Program of instruction.**

(a) The special education program shall be designed to meet the needs of the exceptionality and shall be adapted, if possible, from regular curricula. See §§ 53.33, 55.31 or 57.31 (relating to program of instruction; curriculum; and graduation requirements).

(b) The special education program shall be designed to stress general life skills for the exceptional students who differ to such an extent that their needs and Individualized Education Program (IEP) dictate curricular offerings different from those in a regular program.

(c) The special education program shall specify the acquisition of student competencies in the areas of cognitive, affective, language, social, perceptual motor, physical, self-help and vocational development.

(d) Secondary special education schools which grant diplomas shall meet the unit requirements for graduation as specified in § 57.31.

(e) Schools shall comply with § 51.72 (relating to student) and shall, in addition, contain the diagnostic evaluations and the individual education programs for each student enrolled.

**Authority**

The provisions of this § 59.21 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.21 adopted June 11, 1968, effective June 26, 1969; amended October 22, 1976, effective October 23, 1976, 6 Pa.B. 2665. Immediately preceding text appears at serial page (30572).

**§ 59.22. Instructional equipment and materials.**

(a) There shall be instructional materials, indoor and outdoor equipment and supplies consistent with the education program with modifications that may be necessary to meet the individual needs of the exceptional student, to accommodate the number of children enrolled in the school.

(b) A classroom shall have a sufficient number of desks or tables and chairs for the students which shall be suited to the age, physical status and individual needs of the students.

(c) A school shall provide and maintain chalkboards, or their equivalents, placed at heights appropriate for the ages and grade level of the students.

**Authority**

The provisions of this § 59.22 amended under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.22 adopted June 11, 1968, effective June 26, 1969; amended August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690. Immediately preceding text appears at serial page (30573).

**§ 59.23. Library/media services.**

(a) A school shall maintain a library/media collection which includes a variety of print and nonprint materials and related equipment of sufficient quality and quantity to support and supplement the instructional program.

(b) A certified school librarian shall provide leadership in the development and implementation of a school library/media program.

(c) A minimum quantity of print and nonprint materials and equipment shall be 1,000 items per grade for preschool and elementary and 1,500 items per grade for secondary. Items are defined as books, films, filmstrips, tapes, records, globes, computer terminals, slide sets, periodicals, newspapers, audio-visual equipment, maps and other items which supplement the school's program. Books classified as textbooks may not be included as an item count except when used in limited numbers as reference books.



**Authority**

The provisions of this § 59.23 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.23 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690.

**SCHOOL PLANT****§ 59.31. [Reserved].****Source**

The provisions of this § 59.31 adopted June 11, 1968, effective June 26, 1969; reserved August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690. Immediately preceding text appears at serial page (30573).

**§ 59.32. [Reserved].****Source**

The provisions of this § 59.32 adopted June 11, 1968, effective June 26, 1969; reserved August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690. Immediately preceding text appears at serial page (30573).

**§ 59.33. Indoor/outdoor space.**

(a) *Indoor classroom space*—the minimum square feet of space per child shall be as follows:

(1) *Preschool*—35 square feet of space per student in classrooms with a minimum height of 8-foot ceilings.

(2) *Elementary*—30 square feet of space per student in classrooms with a minimum height of 8-foot ceilings.

(3) *Secondary*—25 square feet of space per student in classrooms with a minimum height of 8-foot ceilings.

(b) *Outdoor space*—there shall be accessible outdoor space with a minimum square feet of space per student as follows:

(1) *Preschool*—60 square feet of accessible space per child, free of hazards.

(2) *Elementary*—100 square feet of accessible space per child, free of hazards.

(3) *Secondary*—there shall be sufficient outdoor space to provide for the school's planned physical education program and other specific requirements in accordance with the student's Individualized Education Program (IEP).

**Authority**

The provisions of this § 59.33 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.33 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690.

**§ 59.34. Restrooms.**

(a) *Separate rooms.* There shall be separate restrooms for boys and girls which shall be accessible and accommodating for all students.

(b) *Preschool.* There shall be one flush toilet and one washbowl for every 15 students. If the toilet and washbowl facilities are not child size, platforms or steps of proper size shall be provided.

(c) *Elementary.* There shall be one flush toilet and one washbowl for every 15 students in grades 1 through 3 and for every 20 students in grades 4 through 8.

(d) *Secondary.* There shall be a minimum of one flush toilet for every 20 girls and one washbowl for every 40 girls. There shall be a minimum of one flush toilet, two urinals and one washbowl for every 40 boys.

**Authority**

The provisions of this § 59.34 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.34 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690.

**§ 59.35. Facility safety.**

The safety of a facility shall be based on the needs and limitations of the type of handicapped students enrolled in the program and shall include, but not be limited to:

- (1) Accessibility for entering and exiting the building.
- (2) Ramps.
- (3) Handrails.
- (4) Fences.

**Authority**

The provisions of this § 59.35 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.35 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690.

**TRANSPORTATION****§ 59.41. School buses/vehicles.**

Special education schools using school buses for transporting exceptional children shall, in addition to complying with §§ 51.91—51.93 (relating to transpor-

tation), comply with 67 Pa. Code Chapter 171 Subchapter D (relating to additional standards for specially equipped school buses and school vehicles).

**Authority**

The provisions of this § 59.41 issued under the Private Academic Schools Act (24 P. S. §§ 6701—6721).

**Source**

The provisions of this § 59.41 adopted August 19, 1988, effective August 20, 1988, 18 Pa.B. 3690.

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