

CHAPTER 342. [Reserved]**Source**

The provisions of this Chapter 342 adopted June 15, 1990, effective July 1, 1990, 20 Pa.B. 3357, unless otherwise noted.

§ 342.1. [Reserved].**Source**

The provisions of this § 342.1 adopted June 15, 1990, effective July 1, 1990, 20 Pa.B. 3357; amended September 20, 1991, effective September 21, 1991, 21 Pa.B. 4281; amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; amended January 7, 1994, effective January 8, 1994, 24 Pa.B. 146; amended December 8, 2000, effective December 9, 2000, 30 Pa.B. 6330; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271509) to (271513).

Notes of Decisions

Student was entitled to special education as an exceptional student with a specific learning disability even though student was classified as mentally gifted in regular education. *Conrad Weiser Area School District v. Department of Education*, 603 A.2d 701, 705 (Pa. Cmwlth. 1992).

§§ 342.2—342.8. [Reserved].**Source**

The provisions of these §§ 342.2—342.8 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271513) to (271514) and (229139) to (229142).

§ 342.21. [Reserved].**Source**

The provisions of this § 342.21 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (229142).

§ 342.22. [Reserved].**Source**

The provisions of this § 342.22 amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229143) to (229144).

§§ 342.23 and 342.24. [Reserved].**Source**

The provisions of these §§ 342.23 and 342.24 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229144) to (229146) and (271515).

§ 342.25. [Reserved].**Source**

The provisions of this § 342.25 amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; amended December 8, 2000, effective December 9, 2000, 30 Pa.B. 6330; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271515) to (271520) and (256449).

Notes of Decisions*Certified School Psychologist*

The school district failed to provide an exceptional student with a free appropriate public education (FAPE), where its individualized education program (IEP) was procedurally deficient because a certified school psychologist was not part of the Multiple Disciplinary Team, the required cover pages of the IEP which detail the type of program being offered, the related services, the duration of the IEP, various services that needed to be considered and reviewed and the like were noticeably absent, no Notice of Recommended Assignment was ever proffered by the district to the family, and there is no evidence in the record that the district ever attempted to go to the student's school in order to develop further the Comprehensive Evaluation Report (CER) through the use of its own psychologist and other staff, and where the CER and the IEP devised by the district also failed to meet substantive requirements because the degree of need in the CER were sketchy and thin, the IEP was vague, failed to address a means of handling the student's emotional and behavioral disorders and contained immeasurable standards. *Cumberland Valley School District v. Lynn T.*, 725 A.2d 215 (Pa. Cmwlth. 1999).

§ 342.31. [Reserved].**Source**

The provisions of this § 342.31 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (256449).

§ 342.32. [Reserved].**Source**

The provisions of this § 342.32 amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; amended January 7, 1994, effective January 8, 1994, 24 Pa.B. 146; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (256449) to (256451).

Notes of Decisions*Cover Pages*

The school district failed to provide an exceptional student with a free appropriate public education (FAPE), where its individualized education program (IEP) was procedurally deficient because a certified school psychologist was not part of the Multiple Disciplinary Team, the required cover pages of the IEP which detail the type of program being offered, the related services, the duration of the IEP, various services that needed to be considered and reviewed and the like were noticeably absent, no Notice of Recommended Assignment was ever proffered by the district to the family, and there is no evidence in the record that the district ever attempted to go to the student's school in order to develop further the Comprehensive Evaluation Report (CER) through the use of its own psychologist and

other staff, and where the CER and the IEP devised by the district also failed to meet substantive requirements because the degree of need in the CER were sketchy and thin, the IEP was vague, failed to address a means of handling the student's emotional and behavioral disorders and contained immeasurable standards. *Cumberland Valley School District v. Lynn T.*, 725 A.2d 215 (Pa. Cmwlth. 1999); aff'd sub nom. in re Residence Hearing, 744 A.2d 1272 (Pa. 2000).

Overpayments

As the approved private school failed to establish a basis for an allocation of allowable costs alternative to the equivalent full-time student reimbursement entitlement formula which the auditor applied in concluding that the Department of Education has overpaid the school, the Court properly determined that the school must reimburse the Department for overpayments which the school received for tuition and maintenance of approved special education pupils enrolled at the school. *Community Country Day School v. Department of Education*, 641 A.2d 1282 (Pa. Cmwlth. 1994).

Parent Participation

A meeting at the parent's initiative with the district's coordinator of education and a later meeting with a teacher and vice principal did not satisfy the requirement that an Individualized Education Program (IEP) "team" met to determine educational placement. The parent was denied input into the IEP since the plan was presented as a finished product. *Big Beaver Falls Area School District v. Jackson*, 615 A.2d 910 (Pa. Cmwlth. 1992); 624 A.2d 806 (Pa. Cmwlth. 1993); appeal denied 636 A.2d 635 (Pa. 1993).

§ 342.33. [Reserved].

Source

The provisions of this § 342.33 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (256451).

§ 342.34. [Reserved].

Source

The provisions of this § 342.34 amended February 20, 1998, effective February 21, 1998, 28 Pa.B. 1004; corrected February 27, 1998, 28 Pa.B. 1135; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (256451) to (256453).

§ 342.35. [Reserved].

Source

The provisions of this § 342.35 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (256453).

§ 342.36. [Reserved].

Source

The provisions of this § 342.36 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (256453) to (256454).

§ 342.37. [Reserved].**Source**

The provisions of this § 342.37 amended January 7, 1994, effective January 8, 1994, 24 Pa.B. 146; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (256454) and (271521).

§ 342.38. [Reserved].**Source**

The provisions of this § 342.38 amended December 8, 2000, effective December 9, 2000, 30 Pa.B. 6330; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271521) to (271522).

§ 342.39. [Reserved].**Source**

The provisions of this § 342.39 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (271522).

§ 342.41. [Reserved].**Source**

The provisions of this § 342.41 adopted June 15, 1990, effective July 1, 1990, 20 Pa.B. 3357; amended September 20, 1991, effective September 21, 1991, 21 Pa.B. 4281; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271522) to (271523).

§ 342.42. [Reserved].**Source**

The provisions of this § 342.42 adopted June 15, 1990, effective July 1, 1990, 20 Pa.B. 3357; amended September 20, 1991, effective September 21, 1991, 21 Pa.B. 4281; amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; amended December 8, 2000, effective December 9, 2000, 30 Pa.B. 6330; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271523) to (271528).

Notes of Decisions*Notice of Recommended Assignment*

The school district failed to provide an exceptional student with a free appropriate public education (FAPE), where its individualized education program (IEP) was procedurally deficient because a certified school psychologist was not part of the Multiple Disciplinary Team, the required cover pages of the IEP which detail the type of program being offered, the related services, the duration of the IEP, various services that needed to be considered and reviewed and the like were noticeably absent, no Notice of Recommended Assignment was ever proffered by the district to the family, and there is no evidence in the record that the district ever attempted to go to the student's school in order to develop further the Comprehensive Evaluation Report (CER) through the use of its own psychologist and other staff, and where the CER and the IEP devised by the district also failed to meet substantive

requirements because the degree of need in the CER were sketchy and thin, the IEP was vague, failed to address a means of handling the student's emotional and behavioral disorders and contained immeasurable standards. *Cumberland Valley School District v. Lynn T.*, 725 A.2d 215 (Pa. Cmwlth. 1999).

"Resource" versus "Part-Time"

Because § 342.42 only describes general differences between resource and part-time classrooms, and because the record indicates genuine issues of material facts, it was an abuse of discretion to grant summary judgment to a school district which alleged that a teacher returned to the same position following a sabbatical when the teacher alleged she returned to a different type of classroom. *Bellefonte Area School District v. Deak*, 779 A.2d 1240 (Pa. Cmwlth. 2001).

§ 342.43. [Reserved].

Source

The provisions of this § 342.43 amended January 7, 1994, effective January 8, 1994, 24 Pa.B. 146; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial page (271528).

§§ 342.44—342.46. [Reserved].

Source

The provisions of these §§ 342.44—342.46 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (271528), (256457) and (229165).

§§ 342.51—342.56. [Reserved].

Source

The provisions of these §§ 342.51—342.56 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229165) to (229173).

§§ 342.61—342.67. [Reserved].

Source

The provisions of these §§ 342.61—342.67 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229173) to (229175).

§ 342.68. [Reserved].

Source

The provisions of this § 342.68 amended May 28, 1993, effective May 29, 1993, 23 Pa.B. 2561; reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229175) to (229182).

§§ 342.71—342.74. [Reserved].

Source

The provisions of these §§ 342.71—342.74 reserved June 8, 2001, effective June 9, 2001, 31 Pa.B. 3021. Immediately preceding text appears at serial pages (229182) and (238135).

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