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EXPLANATION: SPECIAL EDUCATION

1) MSBA has revised and renamed this policy so that it only applies to the district's special education program. MSBA has moved language applicable to students with disabilities who do not qualify for special education services but who qualify for accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) to new policy IGB. The requirements of Section 504 and ADA, as well as the relevant regulations, are very different from those governing the Individuals with Disabilities Education Act. MSBA has made this change to avoid confusion.

2) MSBA has amended this policy for clarity and reorganized the sections.

3) MSBA has also removed some specific details in the policy that may cause confusion. For example, the previous policy states that "All complaints regarding discrimination will be resolved in accordance with policy AC." However, complaints about special education in particular are frequently resolved through a special education due process complaint as well, so this statement was removed. However, policy AC is still included in the cross references.

Likewise, MSBA has removed the statement that special education services cannot be provided without parental consent. While this is true most of the time, there are exceptions, such as situations where the student is in foster care or in circumstances where a district initiates a due process hearing. MSBA has removed that sentence as well.

4) MSBA has added a definition of "private school" to align the policy with the Missouri State Plan for Special Education.

5) MSBA has revised the "Extended School Year" section to incorporate recommendations from the Department of Elementary and Secondary Education (DESE) found at: <https://dese.mo.gov/special-education/compliance/extended-school-year-policies>.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services	X	Counselor	X	Special Education
	Transportation		Public Info/Communications		Technology

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PROGRAMS FOR STUDENTS WITH DISABILITIES **SPECIAL EDUCATION**

It is the policy of the Board of Education to provide a free and appropriate public education (FAPE) for students with disabilities, including those who are in need of special education and related services in accordance with the Individuals with Disabilities Education Act (IDEA), the Missouri State Plan for Special Education (State Plan), the district's local compliance plan, and applicable state and federal laws.

General Child Find

The district has an obligation to locate, identify and evaluate children in the district between the ages of 3 and 21 who may need special education and related services, including children who are wards of the state, are homeless or attend private schools located within the boundaries of the school district. Any individual who knows or believes that a student has a disability and is in need of accommodation or special education should contact the school's principal or the district's administration special education director immediately.

~~All complaints regarding discrimination will be resolved in accordance with policy AC. Anyone who has a complaint or suspects discrimination should contact the compliance officer identified in policy AC.~~

The district will notify all parents/guardians and students of its obligations under this policy and the law. The district will also utilize public media and other postings to notify the public of the district's legal obligations as required by law.

~~Unless the parents of the child have initially consented in writing to the district's offer to provide special education and related services, the district cannot, and will have no obligation to, provide special education services pursuant to the Individuals with Disabilities Education Act (IDEA), and the child will not receive the protections of the IDEA.~~

Evaluation and Identification

The special education director will arrange for district students and children who are not enrolled in the district but who may need special education services to be evaluated to determine their eligibility for special education services in accordance with the law and state and local plans.

Specific Learning Disabilities

The Board authorizes the special education director to use a discrepancy model, including the use of professional judgment or a response to intervention (RTI) model, for identifying students with specific learning disabilities (SLD).

Children Three to Five Years of Age

When identifying children three to five years of age who qualify for special education but are not yet eligible for kindergarten, the district will use any of the disability categories, including that of Young Child with a Developmental Delay (YCDD). When a child so identified reaches kindergarten age, his or her eligibility will continue to be determined using any of the disability categories, including that of YCDD. A child who is not identified as eligible for special education services prior to reaching kindergarten age will be identified using disability categories excluding that of YCDD.

Independent Evaluations

If a student is evaluated for special education services and the parents/guardians disagree with the evaluation, the parents/guardians may obtain an independent educational evaluation (IEE) at the district's expense, as allowed by the IDEA. Applicable procedures, evaluator criteria, and location and cost limitations governing the IEE process are available through the district's special education director. The Board delegates to the superintendent or designee the authority to make changes to these procedures, evaluator criteria and cost guidelines. These items will adhere to rules published in the Missouri State Plan and the local plan for compliance with the law.

~~Students Eligible for Special Education Services under the IDEA~~

~~The district's programs and services available to meet the needs of students with disabilities will be in accordance with applicable federal and state laws governing special education services, including the State and Local Plans for the implementation of Part B of the IDEA. However, if the State of Missouri does not receive or accept federal IDEA Part B funds, nothing in this policy shall be read to require anything, procedurally or substantively, that is not required by the governing law.~~

Students Placed in Private Schools by Their Parents/Guardians

For the purpose of this policy, a "private school" is defined to include home schools and religious/parochial schools.

In general, the Raytown C-2 School District has no obligation to provide a free, appropriate public education (FAPE) or special education and related services to any individual student enrolled in a

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private school by his or her parents/guardians. The district will expend a proportionate amount of its IDEA Part B funds on the group of privately placed students as a whole, as required by law.

The district will work with private schools located within its boundaries to identify and evaluate students attending the private schools who may be eligible for special education services. When a student is determined eligible, the district will offer to enroll the student and provide the student special education and related services in the district.

Parents/Guardians of a student previously enrolled in the district who choose to unilaterally place the student in a private school without district consent due to a dispute regarding FAPE will not be reimbursed for tuition costs except as required by law.

Evaluation and Identification

~~The special education director will develop and implement procedures governing the evaluation of students to determine their eligibility for special education services in accordance with the law and state and local plans. Further, the Board authorizes the special education director to use a discrepancy model, including the use of professional judgment or a response to intervention (RTI) model, for identifying students with specific learning disabilities (SLD).~~

Independent Evaluations

~~An Independent Educational Evaluation (IEE) will be provided as required by the IDEA. Applicable procedures, evaluator criteria and cost guidelines governing the IEE process are available through the district's special services office. The Board delegates the authority to make changes to these procedures, evaluator criteria and cost guidelines to the superintendent or designee. These items will adhere to rules published in the State and Local Plans for Compliance with Part B of the IDEA.~~

Extended School Year

Extended school year (ESY) services may be necessary to provide a child with a disability a free and appropriate public education FAPE pursuant to law. The individualized education program (IEP) team will consider ESY services for all special education students eligible for services under the IDEA, but ESY services will only be provided if the student is found eligible in accordance with this policy.

A student will be eligible for ESY services if, based on the available data, the student needs services beyond the regular school day/or term to avoid regression that will interfere with the student's ability to continue to progress in the curriculum. This determination will be based on consideration of the following:

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1. The nature and severity of the student's disability.
2. The areas of learning crucial to the child's attainment of self-sufficiency and independence.
3. The student's progress.
4. The student's behavioral and physical needs.
5. Opportunities the student will have to practice skills outside of the formal classroom setting without ESY services.
6. Availability of alternative resources.
7. Areas of the student's curriculum that need continuous attention.
8. Ability of the student's parents/guardians to provide educational structure.
9. Particular curricular or vocational needs of the student.
10. Opportunity for the student to interact with nondisabled children.

The length, nature and type of ESY services will be determined by the IEP team and addressed in each student's IEP. If at the time the IEP is developed it is unreasonable to predict eligibility for ESY services, the IEP team will meet after sufficient time has passed for the team to make an informed decision about ESY services, but not later than six weeks prior to the end of the regular school term.

Mediation

The Board of Education authorizes the special education director to legally bind the school district to a mediation agreement developed in accordance with the IDEA and Missouri law and further authorizes the special education director to contact an attorney for legal advice prior to making any decisions. In the absence of the special education director, the associate superintendent is authorized to perform his or her duties under this section.

Resolution

The Board of Education designates the special education director to represent the school district in resolution meetings and gives the special education director decision-making authority on behalf of the district. The special education director has the authority to sign and legally bind the district to a settlement agreement reached at the resolution meeting. In the absence of the special education

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director, the associate superintendent is authorized to perform his or her duties under this section. All other settlement agreements must be approved by the Board.

~~Children Three to Five Years of Age~~

~~When identifying children three to five years of age who qualify for special education but are not yet eligible for kindergarten, the district will use any of the disability categories, including that of Young Child with a Developmental Delay (YCDD). When a child so identified reaches kindergarten age, his or her eligibility will continue to be determined using any of the disability categories, including that of YCDD. A child who is not identified as eligible for special education services prior to reaching kindergarten age will be identified using disability categories excluding that of YCDD.~~

~~Accommodation of Students with Disabilities Including Those Not Eligible for Special Education Services under the IDEA~~

~~The district seeks to identify, evaluate and provide free and appropriate educational services in the least restrictive environment to all qualified students with disabilities within the definitions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district program, including nonacademic services and extracurricular activities.~~

~~Students with disabilities may be eligible for accommodation under this policy even though they are not eligible for services pursuant to the IDEA. The district will initiate a referral if a student requiring accommodation is also believed to be a student with a disability under the IDEA. Implementation of an IEP in accordance with the IDEA satisfies the district's obligation to provide a free and appropriate education under Section 504.~~

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/13/2007

Revised: 10/11/2010; 04/18/2011;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
DGA, Authorized Signatures

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ECB **ECG**, Animals on District Property
EHBC, ~~Privacy Protection~~ **Data Governance and Security**
JCB, Intradistrict Transfers
JCC, Interdistrict Transfers
JECC, Assignment of Students to Grade Levels/Classes
JGE, Discipline of Students with Disabilities
JHCF, Student Allergy Prevention and Response
JHDA, Surveying, Analyzing or Evaluating Students
JO, Student Records
KKB, Audio and Visual Recording

MSIP Refs: — 7.1

Legal Refs: §§ 161.850, 162.670 - .999, RSMo.
Missouri State Plan for Special Education
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
34 C.F.R. Part 300
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. Part 104
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
————— *Yaris v. Special Sch. Dist.*, 728 F.2d 1055 (8th Cir. 1984)

Raytown C-2 School District, Raytown, Missouri