

## **INSTRUCTION**

### **Education of Students with Disabilities According to the Individuals with Disabilities Education Act (IDEA) and WAC 392-172:**

#### **SPECIAL EDUCATION AND RELATED SERVICES FOR ELIGIBLE STUDENTS**

The district recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction have potential for improving educational performance when they receive special education and related services tailored to fit their needs.

Each eligible special education student in the district will be afforded a full education opportunity. This goal will be met consistent with the state's goals through ensuring the provision of a free appropriate public education, complying with state and local procedures, and improving performance goal indicators.

The district shall comply with state and federal requirements for special education. The superintendent shall develop procedures consistent with state and federal laws and rules to implement the following:

- free appropriate public education;
- confidentiality of personally identifiable information;
- identification, evaluation, eligibility and reevaluation;
- participation in assessments;
- development of individualized education program (IEP) and placement;
- participation in regular education, least restrictive environment (LRE);
- procedural safeguards;
- parent participation;
- transition from Part C to Part B services for preschool children;
- private school students unilaterally placed by parents;
- staff qualifications and personnel development; and
- program administration and evaluation.

The superintendent shall develop procedures to implement this policy, as directed by federal regulation ([34 CFR 300.220](#)). This policy and procedures shall be consistent with the state's special education regulations and filed with the Office of the Superintendent of Public Instruction.

Not all students with disabilities are eligible for special education services. The needs of each student will be addressed individually and provided appropriate accommodations or modifications required under § 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Washington laws against discrimination.

### Free Appropriate Public Education (FAPE)

The district shall provide all eligible students with disabilities ages three through twenty-one with a free appropriate public education which consists of special education, necessary related services, and supplemental aids and services, provided:

1. at public expense, under district supervision and direction;
2. in compliance with the standards of the state educational public agency;
3. to include preschool, elementary, and secondary educational opportunities; and
4. in conformity with an individualized education program (IEP) which meets the requirements of special education rules.

Such educational and support services may extend beyond the traditional 180-day school calendar year if necessary to provide an individual eligible student with a free appropriate public education.

### Confidentiality of Personally Identifiable Information

In addition to complying with the district's policies and state and federal law on the confidentiality of all student records, the superintendent is directed to develop procedures to implement confidentiality requirements that are consistent with state special education rules.

This includes informing parents of students or eligible students of their right to confidentiality, at least annually, through appropriate notice.

### Identification, Evaluation, Eligibility, and Reevaluation

#### Childfind.

The district shall develop and implement awareness and screening activities for the purpose of locating, identifying and evaluating all resident students enrolled in school or not who are suspected of having disabilities and are in need of receiving special education and related services. These procedures shall encompass students ages birth through twenty-one regardless of the severity of their disability who reside in the district, including those attending public and private agencies and institutions, and religious schools.

The district's procedures shall also include methods for conducting childfind activities including methods to determine which students are not currently receiving needed special education and related services. The procedures shall include methods to locate students who are highly mobile and students suspected of being a student with a disability and in need of services even though they are advancing from grade to grade. Childfind

procedures shall be developed in consultation with appropriate representatives of private school students.

Evaluation and Eligibility.

The district shall develop evaluation procedures that are consistent with state and federal requirements, including: referral, evaluation methods and timeline(s), areas of evaluation, periodic review, evaluation safeguards, reporting and documenting the determination of eligibility and independent educational evaluation.

The district recognizes the developmentally delayed category for eligible students ages three to nine. The superintendent shall develop procedures for implementation of this eligibility category.

Reevaluation.

The district shall develop reevaluation procedures that are consistent with state and federal requirements, including general requirements, purposes, notice of results, procedures for appropriate identification and classification, and procedures for determining continuing or additional needs for special education and related services.

Development of IEP and Placement

Development of IEP.

The district shall develop procedures for implementing the IEP requirements for each student that are consistent with state and federal regulations, including methods for updating each IEP at least annually and appropriate inclusion of eligible students in local and state assessment programs.

Placement.

The district shall develop procedures for implementing state and federal requirements regarding the delivery of special education services including: least restrictive environment, nonacademic and extracurricular services, alternative service delivery options placement considerations and annual review, initial placement, evaluation of IEP, preschool services, district initiated placements, transition of preschool students from Part C to Part B services, and placements paid for at public expense.

The district shall also develop procedures to determine the services provided to students unilaterally placed in private schools by their parents. The procedures shall include consultation with appropriate representatives of private school students to determine the number of unilaterally placed students, the needs of students and their location, so that it

can be decided which students will receive services, what services will be provided, how and where services will be provided and how services will be evaluated.

#### Certificate of Attendance (COA)

The district shall permit any student who is receiving special education or related services and who will continue to receive services between the ages of 18 and 21 to participate in the district graduation ceremony after four years (9th, 10th, 11th, 12th grades) of high school attendance.

In lieu of a diploma, the district shall provide the student with a certificate of attendance. Receiving the certificate of attendance does not preclude a student from continuing to receive special education and related services according to the individualized education program and completing courses in pursuit of a diploma or the certificate of individual achievement.

Receipt of a certificate of attendance is not equivalent to receipt of the high school diploma or a certificate of individual achievement.

The superintendent shall establish procedures for development and distribution of the certificate of attendance.

#### Procedural Safeguards

The district shall develop procedures for implementing procedural safeguards for parents and students consistent with state and federal requirements that include notice relating to: informed parental consent, assessment (protection in evaluation procedures), confidentiality, opportunity to examine records, prior notice, independent educational evaluation, impartial due process hearing, surrogate parents, discipline, attorney's fees, mediation and citizen complaints.

#### Personnel Development

The district recognizes the importance of a qualified staff in delivering appropriate educational services to special education students. The superintendent shall develop procedures for the implementation of a district plan for hiring and staff development for administrators, teachers and support personnel. Such a plan shall be complementary to the statewide plan for Comprehensive System of Personnel Development, which includes:

1. The in-service training of general and special educational administrative, instructional and support personnel to insure that they are appropriately and adequately prepared and trained;
2. Effective procedures for acquiring and disseminating to teachers and administrators of programs for special education students significant information derived from educational research, demonstration, and similar projects; and

3. Procedures for adopting promising practices.

Program Administration and Evaluation

Program Administration.

The district shall develop procedures for implementing the administrative requirements contained in state and federal regulations including: full educational opportunity, public control, use of funds including excess cost, nonsupplanting and maintenance of effort, comparable services, information reports and records, public participation, transportation, program coordination, construction and comparability of facilities, program length, health or safety, transition to preschool, aversive interventions, disciplinary exclusions, and citizen's complaint process.

Evaluation.

The district shall develop procedures for updating, at least annually, the effectiveness of individualized education programs in meeting the educational needs of special education students, including parent/family involvement in the evaluation process. Students eligible for special education and related services shall be re-evaluated every three years in accordance with state and federal requirements.

Cross References:

Board Policy 2162 Education of Students with Disabilities under Section 504

- 3300 Corrective Actions or Punishment
- 3323 Long-term Suspensions
- 3600 Student Records

Legal References:

- [RCW 28A.155](#) Special Education
- [WAC 392-172](#) Special Education Programs
- [20 USC 1400 - 1491o IDEA](#) (1997 Individuals with Disabilities Education Act)
- [34 CFR 99.1 - 99.67](#) Family Education Rights and Privacy
- [34 CFR 104.1 - 104.61](#) Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
- [34 CFR 300.1 - 300.754](#) Assistance to Education of Children with Disabilities Program, Part B
- [34 CFR 303.1 - 303.67](#) Early intervention for infants and toddlers with disabilities, Part C

Adopted: April 28, 1993

Policy No. 2151  
Education of Students with Disabilities – continued

Revised: September 12, 2007