

EDUCATION OF STUDENTS WITH DISABILITIES

NOTE: Special education programs and services are subject to extensive federal and state statutory regulations. As revisions to state and federal administrative code are enacted, policy and procedure revisions will be implemented to ensure full compliance with current regulatory standards.

The Bainbridge Island School District recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction can improve their educational performance when they receive special education and related services tailored to fit their needs. The district adopts the state's full educational opportunity goal to provide students in need of special education services with a free appropriate public education.

Special education programs for students eligible for special education services shall be an integral part of the general educational programs of this district, and shall be operated in compliance with federal and state requirements governing special education. The district will provide a continuum of placement options which may include services within and outside the district depending on the student's needs.

This full educational opportunity 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 through the policies that address:

- 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 district superintendent shall develop specific procedures, consistent with state and federal regulations (34 CFR 300.220), for implementing this policy and the intent of the following policy statements.

Not all students with disabilities are eligible for special education services. The needs of each student will be addressed individually and, if appropriate, the student will be provided accommodations or modifications required under Section 504 of the Rehabilitation Act in accordance with district policy and procedures.

Mediation or Resolution Agreements

The board authorizes the superintendent or a designee to bind the district to a mediation or resolution agreement.

Certificate of Attendance

In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. Each student's IEP team will determine the student's graduation plan, including graduation date. IEP students who have attended four years of high school and need additional time to complete IEP goals and/or credits may request participation in commencement exercises. IEP students will receive a certificate of attendance until they complete their credits for graduation.

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 and regulations.

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

The confidentiality of student records will be maintained throughout the period of time such records are collected, stored, or disclosed, until destroyed by the district.

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 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, including students in all public and private agencies and institutions within the jurisdiction of the district.

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 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, non-academic 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.

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 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, excess cost and non-supplanting, comparable services, information reports and records, public participation, transportation, program coordination, construction and comparability of facilities, program length, health or safety, administration of medication, transition to preschool, aversive therapy, long-term suspension or expulsion, 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 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.

The district superintendent shall develop and maintain special education procedures necessary to implement this policy. This policy and the procedures shall be available to the public.

Cross References:	Board Policy	2162	Education of Students with Disabilities under Section 504
		3231	Student Records
		3241	Classroom Management, Corrective Actions and Sanctions
Legal References:	RCW 28A.605.020		Parents' Access to Classroom or School Sponsored Activities
	RCW 28A.155		Special Education

WAC 392-172A	Rules for the Provision of Special Education
20 USC 1400 et seq.	Individuals with Disabilities (Education Improvement Act of 2004)
42 USC 12131-12133	Americans with Disabilities Act of 1990
28 CFR Part 35	Nondiscrimination on the Basis of Disability In State and Local Government Services
34 CFR Part 99	Family Education Rights and Privacy Act (FERPA)
29 USC 794	Section 504 of the Rehabilitation Act of 1973, As amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 USC 794
34 CFR 104	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
34 CFR 300	Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities
34 CFR 303	Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources:

Policy News - December 1999	Rule Adoption Leads to Special Education Policy
Policy News - June 2007	Graduation Ceremonies for Special Education Students
Policy News - December 2007	Updated Special Education Policy and Procedure
Policy News - October 2009	Special Education Rules Revisions