

## 7.19 SPECIAL EDUCATION PROGRAM

The Board of Education, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

### **I. CHILD IDENTIFICATION**

It shall be the policy of this School District that ongoing efforts will be made to identify, locate, and evaluate children below 22 years of age, who reside within the District and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

### **II. PROCEDURAL SAFEGUARDS**

It shall be the policy of this local educational agency that the child with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

### **III. EVALUATION PROCEDURES**

It shall be the policy of this local educational agency to provide a multifaceted evaluation for children with disabilities by ensuring that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifaceted evaluation, shall be provided at no cost to the parent by a licensed physician designated by the superintendent or his/her designee, when other no-cost resources are not available.

### **IV. INDIVIDUALIZED EDUCATION PROGRAM**

It shall be the policy of this local educational agency that an individualized education program (IEP) will be developed for each child with a disability who needs special education. The IEP shall be designed to meet the unique educational needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually

### **V. LEAST RESTRICTIVE ENVIRONMENT**

It shall be the policy of this local educational agency that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in

public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Board that a free appropriate public education is available to any child with a disability who needs special education and related services even though the child is advancing from grade to grade.

#### **VI. CONFIDENTIALITY OF DATA**

It shall be the policy of this local educational agency that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this School District shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This local educational agency follows all federal regulations and state standards related to the confidentiality of data.

#### **VII. DUE PROCESS**

It shall be the policy of this local educational agency to utilize procedures that allow differences of opinion between parent(s) and this local educational agency or between agencies and this local educational agency, to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the District's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

#### **VIII. SURROGATE PARENT**

It shall be the policy of this local educational agency that whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state, the child's rights shall be protected through the assignment of an individual (who shall not be an employee of the state education agency, local education agency, or intermediate educational unit involved in the education of the child) who will serve as the child's surrogate parent.

#### **IX. TESTING PROGRAMS**

It shall be the policy of this local educational agency that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

**X. DISCIPLINE**

It shall be the policy of this local educational agency that a child with a disability shall be disciplined only in accordance with state and federal laws, rules, and regulations.

The Superintendent shall administer the local implementation of these state procedures in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein. Additionally, the Board directs the administration to comply with the model special education policies and procedures promulgated by the Ohio Department of Education, Office of Exceptional Children.