

SPECIAL EDUCATION

It is the policy of the Board of Education to provide a free and appropriate public education (FAPE) for students with disabilities 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.

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 special education director immediately.

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.

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

FILE: IGBA
Critical

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 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 Miami R-I Elem. School District has no obligation to provide FAPE or special education and related services to any individual student enrolled in a 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.

Extended School Year

Extended school year (ESY) services may be necessary to provide a child with a disability 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:

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

FILE: IGBA
Critical

* * * * *

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: August 19, 2019

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
DGA, Authorized Signatures
ECG, Animals on District Property
EHBC, 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

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

Miami R-I Elem. School District, Miami, Missouri