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# IV. General Policy, Practices, and Procedural Requirements**ALL CHILDREN, REGARDLESS OF THEIR HANDICAPPING CONDITION, ARE ENTITLED TO A FREE APPROPRIATE PUBLIC EDUCATION AND AN EQUAL OPPORTUNITY FOR EDUCATION ACCORDING TO THEIR NEEDS. THE DISTRICT WILL FOLLOW THE RULES AND PROTOCOLS CREATED BY THE NEBRASKA DEPARTMENT OF EDUCATION AND THE UNITED STATES DEPARTMENT OF EDUCATION IN IDENTIFYING, EVALUATING, VERIFYING AND SERVING STUDENTS WHO MAY BE ENTITLED TO REHABILITATION OR SPECIAL EDUCATION SERVICES. THESE POLICIES ARE INCLUDED IN THIS POLICY.**

**THE DISTRICT HAS A GOAL OF PROVIDING A FULL EDUCATIONAL OPPORTUNITY TO ALL CHILDREN WITH DISABILITIES AND A DETAILED TIMETABLE FOR ACCOMPLISHING THAT GOAL.**

BOARD POLICY 612.02

Special education and student support staff will complete ongoing professional development for the position they hold involving the child find, evaluation, and eligibility determination of students with disabilities.

# V. Child Find

# **ALL CHILDREN WITH DISABILITIES RESIDING IN THE DISTRICT, INCLUDING CHILDREN WITH DISABILITIES WHO ARE HOMELESS CHILDREN OR WARS OF THE STATE AND CHILDREN WITH DISABILITIES ATTENDING NON-PUBLIC SCHOOLS, REGARDLESS OF THE SEVERITY OF THEIR DISABILITIES, AND WHO ARE IN NEED OF SPECIAL EDUCATION AND RELATED SERVICES, ARE IDENTIFIED, LOCATED, AND EVALUATED AND A PRACTICAL METHOD IS DEVELOPED AND IMPLEMENTED TO DETERMINE WHICH CHILDREN WITH DISABILITIES ARE CURRENTLY RECEIVING NEEDED SPECIAL EDUCATION AND RELATED SERVICES.**

# BOARD POLICY: 612.03

# VI. Transition from Part C to Part B

**THE DISTRICT ENSURES THAT CHILDREN PARTICIPATING IN EARLY INTERVENTION PROGRAMS UNDER PART C OF IDEA AND WHO WILL PARTICIPATE IN PRESCHOOL PROGRAMS ASSISTED UNDER PART B EXPERIENCE A SMOOTH AND EFFECTIVE TRANSITION TO THOSE PRESCHOOL PROGRAMS IN A MANNER CONSISTENT WITH 92 NAC 51-007.16. BY THE THIRD BIRTHDAY OF SUCH A CHILD, AN INDIVIDUALIZED EDUCATION PROGRAM OR AN INDIVIDUALIZED FAMILY SERVICE PLAN HAS BEEN DEVELOPED AND IS BEING IMPLEMENTED FOR THE CHILD. THE LOCAL EDUCATIONAL AGENCY WILL PARTICIPATE IN TRANSITION PLANNING CONFERENCES ARRAGED BY THE DESIGNATED LEAD AGENCY.**

BOARD POLICY: 612.06

# VII. Evaluation (Initial)

**THE DISTRICT ENSURES THAT CHILDREN WITH DISABILITIES ARE EVALUATED IN ACCORDANCE WITH 92 NAC 51-006.**

**PROCEDURES TO ENSURE THAT TESTING AND EVALUATION MATERIALS AND PROCEDURES UTILIZED FOR THE PURPOSES OF EVALUATION AND PLACEMENT OF CHILDREN WITH DISABILITIES WILL BE SELECTED AND ADMINISTERED SO AS NOT TO BE RACIALLY OR CULTURALLY DISCRIMINATORY. SUCH MATERIALS OR PROCEDURES SHALL BE PROVIDED AND ADMINISTERED IN THE CHILD’S NATIVE LANGUAGE OR MODE OF COMMUNICATION, UNLESS IT IS CLEARLY NOT FEASIBLE TO DO SO, AND NO SINGLE PROCEDURE SHALL BE THE SOLE CRITERION FOR DETERMINING AN APPROPRIATE EDUCATIONAL PROGRAM FOR A CHILD.**

BOARD POLICY: 612.04

# VIII. Individualized Education Program and Family Services Plan

**THE DISTRICT ENSURES THAT AN INDIVIDUALIZED EDUCATION PROGRAM (IEP) OR AN INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) IS DEVELOPED, REVIEWED, AND REVISED FOR EACH CHILD WITH A DISABILITY IN ACCORDANCE WITH 92 NAC 51-007**

**EVERY REPORT OF ALLEGED VIOLATIONS OF THE DISTRICT’S SPECIAL EDUCATION POLICIES THAT CAN BE INTERPRETED AT THE OUTSET TO FALL WITHIN THE PROTECTIONS OF LAWS AGAINST DISCRIMINATION SHALL BE HANDLED AS A JOINT, CONCURRENT INVESTIGATION INTO ALL ALLEGATIONS AND COORDINATED WITH THE FULL PARTICIPATION OF THE COMPLIANCE OFFICERS AND TITLE IX COORDINATOR. IF, IN THE COURSE OF AN ONGOING INVESTIGATION OF THESE POLICIES, POTENTIAL ISSUES OF SEXUAL HARASSMENT OR DISCRIMINATION ARE IDENTIFIED, THE TITLE IX COORDINATOR SHALL BE PROMPTLY NOTIFIED, AND THE INVESTIGATION SHALL BE CONDUCTED JOINTLY AND CONCURRENTLY TO ADDRESS THE ISSUES OF ALLEGED SEXUAL HARASSMENT OR DISCRIMINATION AS WELL AS THE INCIDENTS OF ALLEGED VIOLATIONS OF SPECIAL EDUCATION POLICIES.**

BOARD POLICY 612.05

# IX. Reevaluation

**A SCHOOL DISTRICT OR APPROVED COOPERATIVE SHALL ENSURE THAT A REEVALUATION OF EACH CHILD WITH A DISABILITY IS CONDUCTED IN ACCORDANCE WITH THE VERIFICATION PROCEDURES IN SECTION 006 92 NAC 51- 006.05.**

**THE DISTRICT ENSURES THAT CHILDREN WITH DISABILITIES ARE EVALUATED IN ACCORDANCE WITH 92 NAC 51-006.**

**PROCEDURES TO ENSURE THAT TESTING AND EVALUATION MATERIALS AND PROCEDURES UTILIZED FOR THE PURPOSES OF EVALUATION AND PLACEMENT OF CHILDREN WITH DISABILITIES WILL BE SELECTED AND ADMINISTERED SO AS NOT TO BE RACIALLY OR CULTURALLY DISCRIMINATORY. SUCH MATERIALS OR PROCEDURES SHALL BE PROVIDED AND ADMINISTERED IN THE CHILD’S NATIVE LANGUAGE OR MODE OF COMMUNICATION, UNLESS IT IS CLEARLY NOT FEASIBLE TO DO SO, AND NO SINGLE PROCEDURE SHALL BE THE SOLE CRITERION FOR DETERMINING AN APPROPRIATE EDUCATIONAL PROGRAM FOR A CHILD.**

BOARD POLICY: 612.04

# X.Children in Nonpublic Schools

**TO THE EXTENT CONSISTENT WITH THE NUMBER AND LOCATION OF CHILDREN WITH DISABILITIES WHO ARE ENROLLED BY THEIR PARENTS IN NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, PROVISION IS MADE FOR THE PARTICIPATION OF THESE CHILDREN IN SPECIAL EDUCATION AND RELATED SERVICES IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED IN 92 NAC 51.**

BOARD POLICY: 612.09

# XI. Independent Education Evaluations

**A PARENT OF A CHILD WITH A DISABILITY HAS THE RIGHT TO OBTAIN AN INDEPENDENT EDUCATIONAL EVALUATION OF THE CHILD AT PUBLIC EXPENSE IF THE PARENT DISAGREES WITH THE EVALUATION OBTAINED BY THE SCHOOL DISTRICT OR APPROVED COOPERATIVE, SUBJECT TO THE PROVISIONS OF 92 NAC 51-006.07.**

# XII. Disability Verification

# **THE MULTIDISCIPLINARY EVALUATION TEAM (INCLUDING THE CHILD'S PARENTS) SHALL BE RESPONSIBLE FOR THE ANALYSIS, ASSESSMENT, AND DOCUMENTATION OF EDUCATIONAL AND DEVELOPMENTAL ABILITIES AND NEEDS OF EACH CHILD REFERRED FOR THE PURPOSE OF INDIVIDUAL EVALUATION. USING THE DOCUMENTATION COLLECTED AND THE VERIFICATION CRITERIA FOUND IN SECTION 006 OF THIS CHAPTER AND THE DEFINITIONS FOUND IN 92 NAC 51-006.04, THE MDT SHALL MAKE ALL VERIFICATION DECISIONS. DOCUMENTED INFORMATION SHALL BE COLLECTED TO FACILITATE THE DEVELOPMENT OF A STATEMENT OF PRESENT LEVEL OF DEVELOPMENT AND EDUCATIONAL PERFORMANCE ON THE IEP. 92 NAC 51-006.03A**

# XIII. Eligibility

**SCHOOL DISTRICTS OR APPROVED COOPERATIVES SHALL PROVIDE SPECIAL EDUCATION SERVICES ONLY TO CHILDREN WITH VERIFIED DISABILITIES 92 NAC 51-006.04A**

# XIV. Consent (Evaluation and Placement)

**THE SCHOOL DISTRICT OR APPROVED COOPERATIVE MUST PROMPTLY REQUEST PARENTAL CONSENT TO EVALUATE THE CHILD TO DETERMINE IF THE CHILD NEEDS SPECIAL EDUCATION AND RELATED SERVICES AND MUST ADHERE TO THE TIMEFRAMES DESCRIBED IN 92 NAC 51-009.04A1, UNLESS EXTENDED BY MUTUAL WRITTEN AGREEMENT OF THE CHILD’S PARENTS AND A TEAM OF QUALIFIED PROFESSIONALS, AS DESCRIBED IN 92 NAC 51-006.04K2.**

# XV. Free Appropriate Public Education (FAPE)

# **SHICKLEY PUBLIC SCHOOLS ENSURES THAT A FREE APPROPRIATE PUBLIC EDUCATION IS AVAILABLE TO ALL CHILDREN WITH DISABILITIES FROM BIRTH THROUGH THE SCHOOL YEAR IN WHICH THE STUDENT REACHES 21 YEARS OF AGE, INCLUDING CHILDREN WHO HAVE BEEN SUSPENDED OR EXPELLED FROM SCHOOL.**

BOARD POLICY: 612.01

# XVI. Placement and LRE

# **TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH DISABILITIES, INCLUDING CHILDREN IN PUBLIC AND NONPUBLIC INSTITUTIONS OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO ARE NOT DISABLED, AND SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL OF CHILDREN WITH DISABILITIES FROM THE REGULAR EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY OF A CHILD IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY.**

#  **IF PLACEMENT IN A PUBLIC OR NON-PUBLIC RESIDENTIAL PROGRAM IS NECESSARY TO PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO A CHILD WITH A DISABILITY, THE PROGRAM INCLUDING NON-MEDICAL CARE AND ROOM AND BOARD, MUST BE AT NO COST TO THE PARENTS OF THE CHILD.**

# **SHICKLEY PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES HAVE AVAILABLE TO THEM THE VARIETY OF EDUCATIONAL PROGRAMS AND SERVICES AVAILABLE TO NON-DISABLED CHILDREN, INCLUDING ART, MUSIC, INDUSTRIAL ARTS, CONSUMER AND HOMEMAKING EDUCATION AND VOCATIONAL EDUCATION.**

BOARD POLICY: 612.08

# XVII. Procedural Safeguards

# **SHICKLEY PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES AND THEIR PARENTS/Guardians ARE AFFORDED THE PROCEDURAL SAFEGUARDS REQUIRED IN 92 NAC 51-009.**

# BOARD POLICY: 612.10

# XVIII. Surrogate Parents

**THE DUTY OF THE SCHOOL DISTRICT OR APPROVED COOPERATIVE UNDER 92 NAC 51-009.10A INCLUDES THE ASSIGNMENT OF AN INDIVIDUAL TO ACT AS A SURROGATE FOR THE PARENTS. 92 NAC 51-009.10B**

# XIX. Disciplinary Actions and Removals (Suspensions and Expulsion Rates)

**THE DISTRICT EXAMINES DATA, INCLUDING DATA DISAGGREGATED BY RACE AND ETHNICITY, TO DETERMINE IF SIGNIFICANT DISCREPANCIES ARE OCCURING IN THE RATE OF LONG-TERM SUSPENSIONS AND EXPULSIONS OF CHILDREN WITH DISABILITIES.**

BOARD POLICY: 612.14

# XX. Comprehensive System of Personnel Development

# **SHICKLEY PUBLIC SCHOOLS ENSURES THAT ALL PERSONNEL ARE APPROPRIATELY AND ADEQUATELY PREPARED SUBJECT TO IDEA REQUIREMENTS AND WILL TAKE MEASURABLE STEPS TO RECRUIT, HIRE, TRAIN AND RETAIN PERSONNEL MEETING THE REQUIREMENTS OF IDEA TO PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO CHILDREN WITH DISABILITIES.**

BOARD POLICY: 406.01, 406.02

# XXI. Transportation

**TRANSPORTATION OF STUDENTS WHO REQUIRE SPECIAL EDUCATION SERVICES SHALL GENERALLY BE PROVIDED AS FOR OTHER STUDENTS, WHEN APPROPRIATE. SPECIALIZED TRANSPORTATION OF A STUDENT TO AND FROM A SPECIAL EDUCATION INSTRUCTIONAL SERVICE IS A FUNCTION OF THAT SERVICE AND, THEREFORE, AN APPROPRIATE EXPENDITURE OF SPECIAL EDUCATION INSTRUCTIONAL FUNDS GENERATED THROUGH THE WEIGHTING PLAN.**

**THE DISTRICT WILL PROVIDE FOR THE TRANSPORTATION EXPENSES OF CHILDREN WITH DISABILITIES WHO ARE RESIDENTS OF THE SCHOOL DISTRICT**

BOARD POLICY 612.11

**TRANSPORTATION OF SPECIAL EDUCATION STUDENTS SHALL BE SPECIFIED IN THE INDIVIDUAL EDUCATION PROGRAM. WHEN THE IEP TEAM DETERMINES THAT UNIQUE TRANSPORTATION ARRANGEMENTS ARE REQUIRED AND THE ARRANGES ARE SPECIFIED IN THE IEP, THE SCHOOL DISTRICT WILL PROVIDE ONE OR MORE OF THE FOLLOWING TRANSPORTATION ARRANGEMENTS FOR INSTRUCTIONAL SERVICES OR SUPPORT SERVICES:**

**TRANSPORTATION FROM THE STUDENT’S RESIDENCE TO THE LOCATION OF THE SPECIAL EDUCATION OR CARE SERVICES AND BACK TO THE STUDENT’S RESIDENCE.**

**SPECIAL ASSISTANCE OR ADAPTATIONS IN GETTING THE STUDENT TO AND FROM AND ON AND OFF THE VEHICLE, EN ROUTE TO AND FROM THE SPECIAL EDUCATION.**

**REIMBURSEMENT OF THE ACTUAL COSTS OF TRANSPORTATION WHEN BY MUTUAL AGREEMENT THE PARENTS PROVIDE TRANSPORTATION FOR THE STUDENTS TO AND FROM THE SPECIAL EDUCATION.**

BOARD POLICY: 801.02

# XXII. Assessment Participation and Reporting

# **SHICKLEY PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES ARE INCLUDED IN DISTRICT-WIDE ASSESSMENT PROGRAMS, WITH APPROPRIATE ACCOMMODATIONS, WHERE NECESSARY. AS APPROPRIATE, THE SCHOOL DISTRICT DEVELOPS GUIDELINES FOR THE PARTICIPATION OF CHILDREN WITH DISABILITIES IN ALTERNATE ASSESSMENTS FOR THOSE CHILDREN WHO CANNOT PARTICIPATE IN DISTRICT-WIDE ASSESSMENTS AND DEVELOPS AND CONDUCTS THOSE ALTERNATE ASSESSMENTS.**

BOARD POLICY: 612.07

# XXIII. Confidentiality

# **SHICKLEY PUBLIC SCHOOLS COMPLIES WITH THE REQUIREMENTS CONTAINED IN 92 NAC 5-003.16, 00.20 and 009.03 RELATING TO THE CONFIDENTIALITY OF STUDENT RECORDS AND INFORMATION.**

BOARD POLICY: 612.13

# XXIV. Over-Identification and Disproportionality

**THE DISTRICT HAS A GOAL OF PREVENTING THE INAPPROPRIATE OVER IDENTIFICATION OR DISPROPORTIONATE REPRESENTATION BY RACE AND ETHNICITY OF CHILDREN AS CHILDREN WITH DISABILITIES, INCLUDING CHILDREN WITH DISABILITIES WITH A PARTICULAR IMPAIRMENT AS DESCRIBED IN 92 NAC 51-003.10.**

**“CHILD WITH A DISABILITY’ MEANS A CHILD WHO HAD BEEN VERIFIED AS PER 92 NAC 51-006 AS A CHILD WITH AUTISM, A BEHAVIOR DISORDER, DEAF-BLINDNESS, A DEVELOPMENTAL DELAY, A HEARING IMPAIRMENT INCLUDING DEAFNESS, A MENTAL HANDICAP, MULTIPLE IMPAIRMENT, AN ORTHOPEDIC IMPAIRMENT, A TRAUMATIC BRAIN INJURY, OR A VISUAL IMPAIRMENT INCLUDING BLINDNESS, WHO BECAUSE OF THIS IMPAIRMENT NEEDS SPECIAL EDUCATION AND RELATED SERVICES. IF, UNDER 92 NAC 51-003.63, IT IS DETERMINED, THROUGH AN APPROPRIATE EVALUATION UNDER 92 NAC 51-006, THAT A CHILD HAS ONE OF THE DISABILITIES IDENTIFIED ABOVE, BUT ONLY NEEDS RELATED SERVICE AND NOT SPECIAL EDUCATION, THE CHILD IS NOT A CHILD WITH A DISABILITY UNDER THIS CHAPTER. IF THE RELATED SERVICE REQUIRED BY THE CHILD IS CONSIDERED SPECIAL EDUCATION RATHER THAN RELATED SERVICE, THE CHILD WOULD BE DETERMINED TO BE A CHILD WITH DISABILITY.**

BOARD POLICY 612.16

# XXV. Prohibition on Mandatory Medication

**THE SCHOOL DISTRICTS, APPROVED COOPERATIVES AND SPECIAL EDUCATION AND RELATED SERVICES PROVIDERS ARE PROHIBITED FROM REQUIRING PARENTS TO OBTAIN A PRESCRIPTION FOR SUBSTANCES IDENTIFIED UNDER SCHEDULES I, II,III,IV, OR V IN SECTION 202(C) OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 812(C)) FOR THE CHILD AS A CONDITION OF ATTENDING SCHOOL RECEIVING AN EVALUATION UNDRE 92 NAC 51-006, OR RECEIVING SERVICES UNDER CHAPTER 51.**

**NOTHING IN THIS POLICY SHALL BE CONSTRUED TO CREATE A PROHIBITION AGAINST TEACHERS AND OTHER SCHOOL PERSONNEL CONSULTING OR SHARING CLASSROOM-BASED OBSERVATIONS WITH PARENTS OR GUARDIANS REGARDING A STUDENT’S ACADEMIC AND FUNCTIONAL PERFORMANCE, OR BEHAVIOR IN THE CLASSROOM OR SCHOOL, OR REGARDING THE NEED FOR EVALUATION FOR SPECIAL EDUCATION OR RELATED SERVICES.**

BOARD POLICY 612.17

# XXVI. Access to Instructional Materials

# XXVII. Personnel Qualifications

**THE DISTRICT ENSURES THAT PERSONNEL NECESSARY TO CARRY OUT IDEA REQUIREMENTS ARE APPROPRIATELY AND ADEQUATELY PREPARED AND TRAINED, INCLUDING THAT THOSE PERSONNEL HAVE THE CONTENT KNOWLEDGE AND SKILLS TO SERVE CHILDREN WITH DISABILITIES**

BOARD POLICY 612.12