

District: Starkville Oktibbeha Consolidated School District
Section: I - Instructional Program
Policy Code: IDDFAA - District Assurance For Children With Disabilities

DISTRICT ASSURANCE FOR CHILDREN WITH DISABILITIES

The Starkville Oktibbeha Consolidated School District is committed to serving students with disabilities and hereby sets a goal of expanding and providing full educational opportunities for all students with disabilities, ages three (3) through twenty (20). The opportunities will be provided in accordance with applicable state statutes, federal laws and the Mississippi Department of Education's policies.

FREE APPROPRIATE PUBLIC EDUCATION

The district will provide a free appropriate public education to children ages three (3) through twenty (20), with a disability who need special education and, as appropriate, related services as defined under Part B of the Individuals with Disabilities Education Improvement Act of 2007 (IDEA), Mississippi statutes, and the Mississippi Department of Education policies. A free appropriate public education will be provided to students with disabilities who are enrolled in the district and who are residing within the jurisdiction of the district. These services will be provided at no cost to the parent, will meet the standards of the Mississippi State Board of Education, and will stand in conformity with a student's Individualized Education Program (IEP). The provision of a free appropriate public education will continue for a student with a disability through the school year in which a student reaches age twenty-one (21) if the student was enrolled in the district and was twenty (20) at the beginning of the school year.

Preschool students who have been determined to have a disability under IDEA, Part B, shall be provided a free appropriate public education in accordance with an Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) no later than their third (3) birthday.

Children participating in early-intervention programs under Part C of IDEA, and who are eligible and will participate in preschool programs under Part B of IDEA, will experience a smooth and effective transition to the district's preschool program. Appropriate district personnel will participate in transition planning conferences arranged by the Department of Health, the lead agency for Part C of IDEA.

In accordance with Part B of IDEA regulations, students with disabilities who have graduated from high school with a general education diploma are not entitled to a free appropriate public education by the district.

Procedures for the implementation of this policy by the district are those contained in the state regulations that are relevant to local school districts and issued by the Mississippi Department of Education.

CHILD FIND

The district will continue its efforts to search for underserved children, ages birth through twenty-one, who are in need of special education and related services as defined under IDEA, Part B. Children with disabilities, including children who are homeless children or are wards of the State, regardless of the severity of their disability are identified, located and evaluated for services. In accordance with IDEA, Part B, the district will conduct Child Find activities for children who reside in the district's jurisdiction and who are enrolled in the district.

Similar Child Find activities undertaken for the public school children enrolled in the district will be conducted with respect to the identification, location, and evaluation for those children with disabilities who are enrolled in private, including religious, elementary and secondary schools located within the boundaries of the district. The Child Find process will be completed in a time period comparable to that for other students enrolled and attending public schools within the district.

The district will adhere to the relevant policies and the procedures for implementation of the Child Find requirements for local school districts under IDEA, Part B, as issued by the Mississippi Department of Education.

EVALUATION AND DETERMINATION OF ELIGIBILITY – PROTECTION IN EVALUATION

All testing and evaluation materials and procedures used by district personnel for assessment and placement will be, to the maximum extent possible, selected and administered so as not to be racially or culturally discriminatory. The district will ensure that no child will be misclassified, misplaced, or unnecessarily identified as having a disability because of the inappropriate selection, administration or interpretation of materials or procedures. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

The district will conduct a full and individual initial evaluation in accordance with the policies and procedures of Mississippi Department of Education prior to the initial provision of special education and related services to a student with a disability. Following a referral for an initial evaluation, the district will ensure a Comprehensive Assessment is conducted. A reevaluation will be conducted of each student with a disability in accordance with the regulations of the Mississippi Department of Education.

All initial evaluations and reevaluations conducted by the district will be provided at no cost to the parent. The district's procedures for implementation of this policy are those contained in the state regulations issued by the Mississippi Department of Education.

CONFIDENTIALITY OF INFORMATION

The district will protect the confidentiality of any personally identifiable data, information, and records collected and maintained relative to students with disabilities as required under IDEA, Part B, and the Family Educational Rights and Privacy Act (FERPA). The procedures for implementation of this policy are those contained in the state regulations issued by the Mississippi Department of Education

INDIVIDUALIZED EDUCATION PROGRAM

In accordance with the Mississippi Department of Education, the district will ensure the development, implementation, review, maintenance, and revision of each student's IEP periodically, but not less than annually. Educational placement decisions will be determined by a student's IEP Committee, except when a school official has the authority under IDEA, Part B, to remove a student with a disability from the student's current placement due to a violation of school rules. The district will initiate and conduct IEP meetings to develop, review, and revise the IEP of a student residing within its jurisdiction who is provided special education and related services in accordance with the regulations issued by the Mississippi Department of Education. The district's procedures for implementation of this policy are those contained in the state regulations issued by the Mississippi Department of Education.

PROCEDURAL SAFEGUARDS

The district will ensure the provision of the rights and the procedures provided to parents and students with disabilities as required under IDEA, Part B, and the regulatory policies and procedures issued by the Mississippi Department of Education. The district will ensure that students with disabilities and their parents are guaranteed due process with respect to the provision of a free appropriate public education. The district's procedures for implementation of this policy are those contained in the state regulations issued by the Mississippi Department of Education.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

1. upon initial referral or parent request for evaluation;
2. upon a parent filing a request for due process complaint;
3. upon a disciplinary action constituting a change in placement; and/or
4. upon request by a parent.

The notice will fully explain the safeguards in the parents' native language unless it is clearly not feasible to do so.

LEAST RESTRICTIVE ENVIRONMENT

The district, to the maximum extent appropriate, educates students with disabilities with students having no disabilities in their age range. The removal of the students with disabilities from the regular educational environment will occur only when the nature or severity of the disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. A continuum of alternative placements based on individual students' IEPs will be provided to students with disabilities in the district. Placement of the students will be determined at least on an annual basis and will be as close to the student's home as possible. In selecting the least restrictive environment for each student, consideration is given to any potentially harmful effect on the student or the quality of services needed.

The district's procedures for implementation of this policy are those contained in the state regulations issued by the Mississippi Department of Education. The IEP Committee, when determining placement of each student with a disability, will utilize this policy and the designated procedures.

PLACEMENT IN PRIVATE SCHOOLS BY AGENCY

The district ensures each student with a disability under IDEA, part B, placed in or referred to a private school by the district will be provided special education and related services as stipulated by the IEP. The district will be responsible for the educational cost of such placement and will ensure that in the district's judgment an appropriate education is available. Students with disabilities placed in a private school or facility by the district will have all of the rights under IDEA of a student with a disability that is served within the district.

PLACEMENT IN PRIVATE SCHOOLS BY PARENT

In accordance with the Individuals with Disabilities Education Improvement Act of 2004, the district will not be required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility by their parents if the district made a free appropriate public education available to the student.

PLACEMENT IN PRIVATE SCHOOLS BY PARENT – PARTICIPATION PROVISION UNDER IDEA

To the extent consistent with the number and location of children with disabilities enrolled by their parents in private schools, including religious, elementary schools and secondary schools located within the jurisdiction of the district, provision will be made for their participation in activities assisted or carried out under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) by providing them an opportunity to receive special education and/or related services in accordance with the policies and procedures under IDEA, Part B, and those issued by the Mississippi Department of Education.

LEGAL REF: 20 U.S.C. §§ 1401; 1412; 1414; 1417; 1435; 1437; 1438

CROSS REF: IDDF - Special Education Programs

IDDH - Section 504 - Americans With Disabilities Act - Non Discrimination

IDDHB - Section 504 Procedures (Students)

IFB - Instructional Services

IHE - Promotion and Retention

JCA - Student Conduct

JCD - Alternative School Program