

Instruction

Education of Children with Disabilities ¹

The School District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.² The term *children with disabilities*, as used in this policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in the Ill. State Board of Education (ISBE) *Special Education* rules, that special education services are needed.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the ISBE *Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure.³

The District may maintain membership in one or more cooperative associations of school districts that shall assist the District in fulfilling its obligations to the District's disabled students.

If necessary, students may also be placed in nonpublic special education programs or education facilities.⁴

¹ Opinions vary regarding the extent of a district's responsibility for providing FAPE to dually enrolled students, i.e., whether the responsibility is limited to the extent necessary to access the public portion of their education. Contact the board attorney for advice.

² Districts must use ISBE's procedural safeguards for students who qualify for services under IDEA. For students who qualify for services exclusively under Section 504, the district must establish a system of procedural safeguards or use the ones provided by ISBE *Special Education* rules. 23 Ill.Admin.Code §§226.500-570. ISBE rules are more extensive than is required by Section 504 and districts may, as the policy provides, develop their own procedures. See 6:120-E, *Notice to Parents/Guardians Regarding Section 504*.

³ The district may be eligible to receive reimbursement from the State for the student's expenses. 105 ILCS 5/147.02.

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LEGAL REF.: 20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.
29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.
42 U.S.C. §12101 et seq., Americans With Disabilities Act.
34 C.F.R. §300.
105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.
23 Ill.Admin.Code Part 226.

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)