

OK

DRAFT UPDATE

Mid-Valley Special Education Cooperative

6:120

Instruction

Education of Children with Disabilities

The Cooperative shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the Cooperative, 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. 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 Illinois State Board of Education's *Special Education* rules, that special education services are needed.

It is the intent of the Cooperative 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 Cooperative shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the Illinois State Board of Education's *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 Cooperative 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. When a student who is eligible for special education under Article 14 of the School Code reaches the majority age of 18 years, all rights accorded to the students' parents under that Article transfer to the student, except as provided in 105 ILCS 5/14-6.10.

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

DRAFT UPDATE

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

Comment [AKL1]: Legal references are edited.
Issue 82, July 2013

CROSS REF.: 2:150 (Committees), 6:120-AP1 (Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities), 6:120-AP1,E1 (Notice to Parents/Guardians Regarding Section 504 Rights), 6:120-AP1,E2 (Special Education Required Notice and Consent Forms), 6:120-AP2 (Access to Classrooms and Personnel), 6:120-AP2,E1 (Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes, 6:120-AP3 (Service Animal Access Requests), 6:120-AP3,E1 (Request for a Service Animal to Accompany a Student in School Facilities), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: District has no current adoption date for this policy.