

Document Status: Draft Update

6:120 Education of Children with Disabilities

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. The term "children with disabilities," as used in this policy, means children between ages 3 and 15 (inclusive) [PRESSPlus1](#) 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.

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 [with disabilities](#).

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

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. Part 106](#).

34 C.F.R. [§Part 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)

PRESSPlus Comments

PRESSPlus 1. 105 ILCS 5/14-6.01 states that high school districts are financially responsible for the education of children with disabilities who reside in their districts when such children reach age 15, but they may admit children with disabilities into special education facilities without regard to graduation from the eighth grade after they reach age 14 ½. When a child with a disability turns 14 ½ years old, it is the elementary school district's responsibility to notify the high school district of the child's current eligibility, program, and evaluation data upon which the current program is based. **Issue 108, November 2021**