

Document Status: Draft Update

INSTRUCTION

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 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. Children with disabilities who turn 22 years old during the school year are eligible for such services through the end of the school year. [PRESSPlus1](#)

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 eligible 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, 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.

Additional material concerning titles below is available on the District website -

- [Free and Appropriate Public Education](#)
- [Child Find](#)
- [Evaluation](#)
- [Placement](#)
- [Educational Services](#)
- [Section 504 of the Rehabilitation Act of 1973](#)

LEGAL REF.:

[20 U.S.C. §1400et seq.](#), Individuals With Disabilities Education Improvement Act of 2004, ~~[20 U.S.C. §1400et seq.](#)~~

[29 U.S.C. §794.](#), Rehabilitation Act of 1973, Section 504, ~~[29 U.S.C. §794.](#)~~

[42 U.S.C. §12101et seq.](#), Americans With Disabilities Act, ~~[42 U.S.C. §12101et seq.](#)~~

~~Individuals With Disabilities Education Improvement Act of 2004, [20 U.S.C. §1400et seq.](#)~~

~~Rehabilitation Act of 1973, Section 504, [29 U.S.C. §794.](#)~~

~~[105 ILCS 5/14-1.01et seq., 5/14-7.02, and 5/14-7.02b.](#)~~

~~[23 Ill.Admin.Code Part 226.](#)~~

[34 C.F.R. Part 106.](#)

34 C.F.R. ~~§~~[Part 300.105 ILCS 5/14-1.01et 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.](#) Updated in response to 105 ILCS 5/14-1.02, amended by P.A. 102-172. IDEA funds cannot be used to provide services for students beyond the age of 21. See ISBE's *Frequently Asked Questions: Public Act 102-0172 and Public Act 102-0173* (July 2021), at www.isbe.net/Documents/FAQ-HB-40-HB-2748.pdf. Consult the board attorney for further guidance. **Issue 108, November 2021**