

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

P6171.1

Instruction

Special Education

Inclusion Policy of Delivery of Services to Students with Disabilities

In keeping with the intention of the state of Connecticut and this board of education to offer educational opportunities to all students which will enable them to lead fulfilling and productive lives, the district shall provide appropriate educational opportunities to students with disabilities in accordance with the requirements of state and federal law.

Any student identified as a child with disabilities pursuant to the Individuals with Disabilities Education Improvement Act of 2004 who is between ages of 3 and 22 who have and who has not received a high school diploma, GED or otherwise graduated from high school has the right to a free and appropriate public education. These students with disabilities shall be provided individualized educational programs appropriate to meet their educational needs.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such Services up until their 22nd birthday or until they graduate from high school with a regular high school diploma; whichever comes first. The adult student or his/her parents/guardian will be asked by the district if the student wishes to receive the special education and related Services outline in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

Students with disabilities are required by federal law to be included in state and district-wide assessments, with appropriate accommodations where necessary. Any individualized education program (IEP) developed for a student with disabilities shall specify whether the student shall achieve the district's adopted content standards or whether the student shall receive individualized standards which would indicate the student has met the requirements of his or her IEP.

The district also shall take steps to make the general public aware that all children and youth from birth through their 22nd birthday expected of having a disability have a right to a formal determination as to whether they have such a condition or disability.

The Board of Education accepts and endorses inclusion for children with disabilities. "Inclusion" is defined as the delivery of instruction and related services to students with disabilities to the maximum extent appropriate with students who are not disabled, based on the strengths and needs of the student.

Special education is a service delivery system that is responsive to the unique needs of each student, as such needs are determined by the Planning and Placement Team (PPT) and addressed in the Individualized Education Plan (IEP). Children with disabilities who are not identified as needing special education are also entitled to an appropriate educational

program. Supplementary services are to be provided so that such children can be educated in the Least Restrictive Environment (LRE), which is the appropriate approach to including students with disabilities with their non-disabled peers. The goal of the Derby Public Schools is to provide a continuum of alternative placements available to meet the needs of children with disabilities for special education and related services. The creation of educational programming for students with disabilities shall be determined on an individual basis by the Planning and Placement Team.

The Derby Public Schools support the evolving practice of inclusion as a means to achieve the appropriate goal of a unified education system for all students. The school system shall strive to include students with disabilities, to the maximum extent appropriate in supported, heterogeneous, age-appropriate, student-centered classrooms. A major benefit of including the students with disabilities in educational settings with their non-disabled peers is to help prepare all students for their future participation in a diverse and integrated society.

Legal Reference: Connecticut General Statutes
Connecticut General Statutes

[10-76a Definitions. \(as amended by PA 00-48 and PA 06-18\)](#)
[10-76-b State supervision of special education programs and services. \(as amended by PA 12-173\)](#)
[10-76c Receipt and use of money and personal property.](#)
[10-76d Duties and powers of boards of education to provide special education programs and services. \(as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277\)](#)
[10-76e School construction grant for cooperative regional special education facilities.](#)
[10-76f Definition of terms used in formula for state aid for special education.](#)
[10-76ff Procedures for determining if a child requires special education \(as amended by PA 06-18\)](#)
[10-76g State aid for special education.](#)
[10-76h Special education hearing and review procedure. Mediation of disputes. \(as amended by PA 00-48\)](#)
[10-76i Advisory council for special education.](#)
[10-76j Five-year plan for special education.](#)
[10-76k Development of experimental educational programs.](#)
[PA 06-18 An Act Concerning Special Education](#)
[State Board of Education Regulations.](#)
[10-76m Auditing claims for special education assistance.](#)
[10-76a-1 et seq. Definitions. \(as amended by PA 00-48\)](#)
[10-76a-1 through 10-76b-4 Supervision and administration.](#)
[10-76d-1 through 1076d-19 Conditions of instruction.](#)
[10-76h-1 through 10-76h-2 Due process.](#)
[10-76l-1 Program Evaluation](#)
[10-145a-24 through 10-145a-31 Special education \(re teacher certification\).](#)
[10-2641 Grants for the operation of interdistrict magnet school programs.](#)
[P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education](#)
[34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.](#)
[American with Disabilities Act, 42 U.S.C. §12101 et seq.](#)
[Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.](#)

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.
P.L. 108-446 The 2004 Reauthorization of the Individuals with
Disabilities Act
Bd of Ed of the City School District of the City of New York v. Tom F.
128S.Ct. 1, 76 U.S.L.W. 3197 (2008)
Rowley v. Board of Education, 485 U.S.-176 (1982)
Andrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)
A.M. v.N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.
1997)
A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D.
Conn. June 10, 2020)

[10](#) 76a Definitions.
[10](#) 76b State supervision of special education programs and services.
[10](#) 76c Receipt and use of money and personal property.
[10](#) 76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114)
[10](#) 76e School construction grant for cooperative regional special education facilities.
[10](#) 76f Definition of terms used in formula for state aid for special education.
[10](#) 76g State aid for special education.
[10](#) 76h Special education hearing and review procedure. Mediation of disputes.
[10](#) 76i Advisory council for special education.
[10](#) 76j Five year plan for special education.
[10](#) 76k Development of experimental educational programs.
State Board of Education Regulations.
[10](#) 76m Auditing claims for special education assistance.
[10](#) 76a [1](#) et seq. Definitions.
[10](#) 76b [1](#) through [10](#) 76b [4](#) Supervision and administration.
[10](#) 76d [1](#) through [10](#) 76d [19](#) Conditions of instruction.
[10](#) 76h [1](#) through [10](#) 76h [2](#) Due process.
[10](#) 76l [1](#) Program Evaluation.
[10](#) 145a 24 through [10](#) 145a [31](#) Special Education (re teacher certification).
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
American with Disabilities Act, 42 U.S.C. §12101 et seq.
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. as amended by P.L. 105-17.
Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.

Policy adopted: September 21, 2017

Revised:

DERBY PUBLIC SCHOOLS

Derby, Connecticut