

PROGRAMS FOR SPECIAL NEEDS CHILDREN
Children with Disabilities

In keeping with the philosophy that a public school system is responsible for the education of all children within the community and, further, that every child is entitled to equal education opportunity, the Board will provide programs and services designed to meet the individual needs of children with disabilities, birth through 21.

The ultimate goal of these programs will be to have children with disabilities become as self-sufficient as their disabilities permit and to increase their life options and opportunities for personal liberty, happiness, and participation in our society.

Seeking out young children with disabilities so that they may receive special instruction in early childhood is part of this responsibility. The purpose of identifying these and older children and their disabilities is not to categorize them as disabled, but to determine and provide the most appropriate education possible for each one.

The Board believes that most children with disabilities can be education in the regular school program if they are given special instruction, accommodations, and the support they need. These children should also be given opportunity to participate in the school's nonacademic and extracurricular activities.

However, the Board recognizes that the needs of certain children are so great that special programs, special classes, or special schools may be necessary. When appropriate programs, services, or facilities are not possible within the district's schools, the district will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the Board that the schools work closely with parents in designing and providing programs and services to children with disabilities. Parents must be informed, and conferred with, whenever a child is referred for diagnosis of learning or other disability. In event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents must be accorded the right of due

process. The schools must also obtain parental consent before releasing the child's records to anyone other than a school official.

The Board will secure properly trained personnel to work with the children with disabilities. The financial commitment necessary to meet the needs of all children with disabilities is extensive, and the Board, in accordance with state law, will include the amount in the district tax levy which will be earmarked as the special education fund, to meet the needs of children who require special or prolonged assistance. In addition, the Board will seek other available funding for these programs.

DEVELOPMENT OF AN INDIVIDUAL EDUCATION PROGRAM (IEP)

A local placement committee will be comprised of parents, the child when appropriate, the superintendent or designee, a regular classroom teacher receiving or referring a child, an educator from the field of special education, and if necessary, an evaluator to interpret the multidisciplinary data. This committee will be responsible for the identification of children with disabilities, the diagnosis of disabilities, the design of an individual education program (IEP), and for placement and evaluation procedures. All procedures will be in accordance with federal and state requirements.

The individual plan determined by the local placement committee will be developed in accordance with each child's individual needs. The IEP will be approved by the local placement committee. The plan will provide for frequent reevaluation of the child's needs, progress, and the effectiveness of the program being offered.

The local placement committee will base its decision as to whether to place a child in a regular classroom, or in a special program, class, or school on the best interests of the child. However, the needs of other children in the school will also be considered.

LEGAL REFS.:

- ARSD 24:05 (13-35) (Special Education)
- Title 29 US Code §794 (Nondiscrimination under Federal grants and programs)

- Rehabilitation Act of 1973, Section 504

- Title 20 US Code §1400 et seq. (Individuals with Disabilities Education Act)

- Public Law 108-446 (2004 reauthorization of the Individuals with Disabilities Act)

- SDCL 13-37 (Special Assistance and Related Services)
- Section 504 of the Rehabilitation Act of 1973)
- Americans with Disabilities Act of 1990
- Title 34 CFR part 300 et seq. (Assistance to states for the education of children with disabilities)

- Title 42 US Code §12101-12103 (Equal opportunity for individuals with disabilities)

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