

The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

2460 - EXCEPTIONAL STUDENT EDUCATION

The School Board, as an expression of its commitment to provide a free, appropriate, public education for students with disabilities in accordance with State and Federal laws, rules, and regulations, shall develop and implement *The Gadsden County Exceptional Student Education Special Programs and Procedures Manual*. This document shall include at least the components listed below, shall provide administrative procedures for Exceptional Student Education Programs, and shall be revised when required by the Florida Department of Education (FLDOE), readopted, and submitted to the FLDOE.

A. **Child Identification**

It shall be the policy of this School District that ongoing efforts will be made to identify, locate, and evaluate students below twenty-two (22) years of age, who reside within the District and have a confirmed or suspected disability in accordance with all Federal regulations and State standards.

B. **Procedural Safeguards**

It shall be the policy of this School District that a student with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free, appropriate, public education to the student.

C. **Multifactor Evaluation**

It shall be the policy of this School District to provide a multifactor evaluation for students with disabilities by ensuring that:

1. students are assessed in their native language or other mode of communication;
2. tests are used for their validated purposes;
3. students are evaluated in all areas related to their suspected disability;
4. testing is conducted by a multidisciplinary team;
5. testing materials and procedures are not racially or culturally biased;
6. tests are administered by trained personnel qualified in accordance with all Federal regulations and State standards;
7. tests are administered in conformance with the instructions provided by the producer;
8. medical evaluation, when required as part of the multifactor evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when other no-cost resources are not available.

D. **Individualized Education Program**

It shall be the policy of this School District that an individualized education program (IEP) will be developed for each student with a disability who needs special education and related services. The IEP shall be designed to meet the unique educational needs of the student and shall be developed in meetings with the student's designated IEP Team. Parents of the student shall be strongly encouraged to participate in all planning conferences and IEP Team meetings. The student's IEP shall be reviewed and revised as often as necessary, but at least annually.

E. **Least Restrictive Environment**

It shall be the policy of this School District that the education of students with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each student with a disability; to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, shall be educated with students who do not have disabilities; special classes, separate schooling, or other removal of students with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. **Confidentiality of Data**

It shall be the policy of this School District that the confidentiality of personally-identifiable data relating to students with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this School District shall be assigned the responsibility for protecting the confidentiality of personally-identifiable data. This District follows all Federal regulations and State standards related to the confidentiality of data. (See Policy [8330](#) - Student Records)

G. **Due Process**

It shall be the policy of the District to utilize procedures that allow differences of opinion between parents and this District or between agencies and this District, to be aired and resolved; and that the procedures shall provide for utilization of case conferences and impartial hearings that involved the District's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student. The impartial hearings shall be conducted by an administrative law judge from the Florida Division of Administrative Hearings and shall be considered final; however, any party who does not agree with the findings and decision in the due process hearing, including a hearing relating to disciplinary procedures, has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction or in a district court of the United States without regard to the amount in dispute.

H. **Surrogate Parent**

It shall be the policy of the District that whenever the parent or a person who acts in a parental role to a student with a disability or a student suspected of having a disability is determined to be legally unavailable, the student's rights shall be protected through the assignment of a surrogate parent. A surrogate parent means an individual appointed by the Superintendent and/or the court to act in place of a parent in educational decision making and in safeguarding a student's rights under the Individuals with Disabilities Education Act. The surrogate parent shall not be an employee of the Department of Education, the School District, a community-based care provider, the Department of Children and Families, or any other public or private agency involved in the education or care of the student. The surrogate parent shall meet all statutory requirements and attend the required training to be appointed. The Superintendent shall appoint a surrogate not more than thirty (30) days after the District determines a particular student is in need of a surrogate.

I. **Testing Programs**

It shall be the policy of this School District that students with disabilities shall participate in local and State-wide testing programs to the maximum extent appropriate. Individual exemptions shall be determined only during an IEP conference. Further, pursuant to State law, the IEP team may determine that end-of-course assessment cannot accurately measure the abilities of the student with disabilities and may, therefore, waive the use of the results of the end-of-course assessment for purposes of determining the student's course grade and completing the requirements for middle school promotion.

Placement by the Department of Children and Families

After the Department of Children and Families provides written notification to the District that an exceptional student has been placed in a private residential care facility, the receiving school district shall, within ten (10) business days, review the student's Individual Education Plan (IEP) and shall:

- A. provide educational instruction to the student;
- B. contract with another provider to provide the educational instruction;
- C. contract with the private residential care facility in which the student resides to provide the educational instruction; or
- D. decline to provide or contract for educational instruction, in which case the school district in which the legal residence of the student is located shall provide or contract for the educational instruction of the student.

The Superintendent shall administer the local implementation of these State procedures, in accordance with State and Federal laws, rules, and regulations, which shall ensure fulfillment of this policy.

F.S. 1001.41, 1001.42, 1003.01(3)(b), 1003.57, 1008.22

F.A.C. 6A-1.0943, 6A-6.03311, 6A-6.03313, 6A-6.0333, 6A-6.03411

20 U.S.C. 1400 et seq.

20 U.S.C. 1401 et seq.

34 C.F.R. 300 et seq.

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