

Instruction - 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.

Least Restrictive Environment (LRE)

The IDEA regulations (34 CFR 300) require that children eligible for special education and related services be provided a free appropriate public education (FAPE) in the least restrictive environment (LRE). The provisions at 34 CFR 300.550(b) require each public agency to ensure:

- (1) That **to the maximum extent appropriate, children with disabilities**, including children in public or private institutions or other care facilities, **are educated with children who are nondisabled** [emphasis added, 2002]; and
- (2) That special classes, separate schooling or other **removal of children with disabilities from the regular educational environment occurs only if 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** [emphasis added, 2002].

Section 300.551(a) requires each public agency to ensure “that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.” Section 300.551(b) states that “the continuum required in paragraph (a) of this section must –

- (1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
- (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.”
Procedural Guidance: LRE and Services -3- April 10, 2003
Section 300.552 requires that when determining educational placement, each public agency must ensure:

(a) The placement decision—

- (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
- (2) Is made in conformity with the LRE provisions of this subpart, including §§300.550 – 300.554

(b) The child's placement—

- (1) Is determined at least annually;
- (2) Is based on the child's IEP [Individualized Education Program]; and
- (3) **Is as close as possible to the child's home** [emphasis added, 2002];

- (c) Unless the IEP of a child with a disability requires some other arrangement, **the child is educated in the school that he or she would attend if not disabled** [emphasis added];
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability **is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum** [emphasis added].

Finally, with regard to a child's IEP, 34 CFR 300.347 requires:

(a) General. The IEP for each child with a disability must include—

- (1) A statement of the child's present levels of performance, including—
 - (i) How the child's disability **affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as nondisabled children)** or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—
 - (i) Meeting the child's needs that result from the child's disability **to enable the child to be involved in and progress in the general curriculum...or for preschool children, as appropriate, to participate in appropriate activities** [emphasis added, 2002]...
- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child—
 - (i) To advance appropriately toward attaining annual goals;
 - (ii) **To be involved in and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities** [emphasis added, 2002]; and
 - (iii) **To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section** [emphasis added, 2002];

- (4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section.

Definition of Terms

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 Illinois State Board of Education’s *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 Illinois State Board of Education’s *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.

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

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
 Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C.
 §1400 et seq.
 Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.
 105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.
 23 Ill.Admin.Code Part 226.
 34 C.F.R. §300.

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)

APPROVED: 10/19/2016