

## INSTRUCTION

### **6:120 Education of Children with Disabilities**

The Cooperative shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the Cooperative and its member districts, 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 federal and State laws, regulations, and 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.

It is the intent of the Cooperative and its member districts 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 IDEA.

For students eligible for services under IDEA, the Cooperative and its member districts shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the federal and State laws, regulations, and 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 Cooperative and its member districts 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.

If necessary, the member districts may also place students in nonpublic special education programs or education facilities.

#### LEGAL REF.:

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.

29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.

42 U.S.C. §12101 et seq., Americans With Disabilities Act.

34 C.F.R. Part 106.

34 C.F.R. Part 300.

105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.

23 Ill.Admin.Code Part 226.

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

Adopted: February 16, 2022

## Proviso Area for Exceptional Children (P.A.E.C.)

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