



# SPECIAL EDUCATION PROCESSES

The Essex County School Board shall establish a program of services for students with disabilities as required by the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and all applicable state and federal laws. The program shall include a child-find process designed to identify, locate and evaluate those children from birth to 21 inclusive who may have disabilities and may need special education and related services. The School Board shall ensure that free appropriate public education will be available for all children and youth with disabilities, ages 2 through 21, who are residents of Essex County.

The School Board shall ensure that students with disabilities and their parents or guardians are guaranteed the appropriate procedural safeguards in the process of identification, evaluation, placement, and provision of an appropriate education program. To the maximum extent appropriate, students with disabilities will be educated with children who are not disabled. Prior to the identification, evaluation, placement, or provision of free appropriate public education to a disabled student, a full explanation of all procedural safeguards shall be made available to parents.

An Individualized Education Program (IEP) shall be designed and maintained for each child eligible for special education under the Individuals with Disabilities Education Act. The program will be developed in a meeting with the child's teachers, parent(s), the student (when appropriate), a school division representative qualified to provide or supervise the provision of special education services and other individuals at the discretion of the parents or school division in accordance with state and federal law. This IEP shall be reviewed at least annually.

The IEP shall be inclusive of areas specified by state and federal statutes and regulations. A standards-based IEP may be written for your student.

The School Board shall ensure compliance with the following requirements for special education and will provide support services and programs to achieve the following goals

- A free appropriate public education will be available for each child, ages 2 to 21, inclusive, residing in the school division (FAPE).
- All children, ages 2 to 21, inclusive, residing in the school division who are disabled and need special education and related services are identified, located, evaluated and placed in an appropriate educational program (Child Identification) consistent with applicable law.
- Children with disabilities and their parents, guardians or surrogates are guaranteed procedural safeguards in the process of identification, evaluation, and educational placements (Procedural Safeguards).
- To the maximum extent appropriate, children with disabilities will be educated with children who are not disabled (LRE).
- Confidential records of children with disabilities shall be properly maintained (Confidentiality).

- Testing and evaluative materials utilized for the purpose of classification and placement of children with disabilities are selected and administered so as not to be racially or culturally discriminatory (Protection in Evaluation Process).
- An individualized education program for each child with disabilities will be maintained (IEP).
- Surrogate parents will be appointed, when appropriate, to act as advocates to serve the educational interest of children, ages 2 to 21, inclusive, who are suspected of being or are determined to be disabled (Surrogates).
- A comprehensive system of personnel development, to include the in-service training of general and special education instructional and support personnel, related to the needs of children with disabilities is provided (CSPD).
- There will be on-going parent or guardian consultation (Parent Involvement).
- A full educational opportunity goal is provided for all children with disabilities from birth to age 21, inclusive, including appropriate career education, prevocational education, and vocational education (Full Opportunity).



## SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination against individuals on the basis of a disability. Section 504 specifically states that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 504 requires that the needs of students with disabilities be met as adequately as the needs of their non-disabled peers.

As defined in the Rehabilitation Act of 1973 as amended and its implementing regulations (to be referred to as Section 504), a student with a disability is one who: 1) has a physical or mental impairment that substantially limits one or more major life activity; 2) has a record of such impairment; or 3) is regarded as having such an impairment.

For a person to be covered under Section 504, the individual must be otherwise qualified, meaning that a person with a disability must be qualified to do something before the presence of a disability can be a factor in discrimination. Therefore, if a person wants to participate in some activity, but the individual is not otherwise qualified for that activity, not allowing the person to participate would not be considered discrimination.

Although Section 504 and the IDEA are similar in many respects, there are also a number of differences. Some students with qualified disabilities may be protected by Section 504 but not be eligible for services under the IDEA. For eligibility purposes, the IDEA defines specific disabilities and criteria. Eligibility entitles the student to special education (specialized instruction) and related services as described in the student's Individualized Education Program (IEP). On the other hand, Section 504 protects all students with qualified disabilities. A Section 504 Plan is developed for students determined eligible under this statute. Section 504 is a much broader civil rights act when compared with the IDEA, which is an entitlement act.

Inquiries concerning 504 may be directed to the Essex County Department of Special Education at 804-443-3959.