

Programs for Students with Disabilities:
Special Education Identification, Evaluation, Eligibility and Placement Procedures

I. General

The [e.g., Supervisor of Pupil Personnel Services or Director of Special Education] (“Coordinator”) is responsible for locating and identifying students with disabilities. In furtherance of this policy the Coordinator shall insure:

- A. Students with disabilities are located.
 - 1. Efforts are to be made annually to locate and identify qualified students with disabilities residing in the school division who are not receiving a public education presently.
 - 2. Notice of the availability of services and the types and location of services should be published in the local newspaper, sent as a public service announcement to local radio stations, sent to nearby private schools, pediatricians and the Health Department.
- B. Parents or guardians of students with disabilities are to be given notice of their rights.
 - 1. Parents or guardians of students with disabilities are notified of their rights at least annually and, in all cases, prior to evaluation and placement.
 - 2. Parents or guardians of students with disabilities are to be notified of their rights prior to any significant change in placement.
- C. Appropriate educational opportunities are to be made available to students with disabilities.
 - 1. Each qualified student with a disability is entitled to a free appropriate public education.
 - 2. To the maximum extent appropriate, the students with disabilities shall be educated with their non-disabled peers.
 - 3. Evaluations of the student are to be made prior to providing services.
 - 4. Periodic reevaluations are to be made when necessary and, in every case, prior to a significant change in program.

- D. Hearing procedures must be available in the event of a dispute.
 - 1. The School Board or parents or guardians may request a hearing over disputes concerning the identification, evaluation or educational placement of persons who because of disabling condition or need, or are believed to need special instruction or related services.
- E. Procedural safeguards shall include notice of:
 - 1. the right of access to educational records; and
 - 2. The availability of an impartial hearing.

II. Identification and Evaluation

- A. Those of school age residing in the school division suspected of having a disability shall be referred to the Coordinator.
- B. The Coordinator shall see that an evaluation of the student's educational needs is made if it appears that the student might have a disabling condition.
- C. The evaluation may consist of the following written components:
 - 1. medical
 - 2. psychological
 - 3. educational
 - 4. socio-cultural
 - 5. others as appropriate to the student's suspected disability.
- D. Tests utilized for the evaluation process must be properly validated, administered by trained personnel, and assess areas of educational needs.
- E. The evaluation and identification process must be completed with sixty-five (65) administrative working days of the referral.
- F. Following completion of the evaluations, the Eligibility Committee shall meet. The Eligibility Committee shall be composed of individuals who represent the various evaluation components, general educator, special educator, school administrator or designee and central office representative and parents.

- G. The parents shall be encouraged to present information relevant to the identification issue for consideration by the Eligibility Committee.
- H. The Eligibility Committee is responsible for determining the following:
 - 1. whether the student has a disabling condition and
 - 2. the impact of the disability on the student's educational achievement.
- I. Minutes of the Eligibility meeting shall be maintained setting forth the justification for the decision.

III. Placement

A. Special Education

- 1. For students who are identified as a **“child with a disability”** means a child evaluated in accordance with federal and state law as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disability (referred to in this part as "emotional disability"), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities who, by reason thereof, needs special education and related services. This also includes developmental delay which is a recognized disability by Westmoreland County Public Schools.
- 2. Students who are identified as a “child with a disability” will have an Individualized Education Plan (IEP) developed for them within thirty (30) days of identification by the Eligibility Committee. The IEP team will consist of at least one of the student's general education teachers, one special education teacher, school administrator, parent and student, if appropriate.
- 3. The Individualized Education Plan (IEP) shall be developed to incorporate the services that the student needs in the educational setting.
- 4. No placement in special education services may be made prior to the development of the Individualized Education Plan (IEP).
- 5. Changes in placement for students identified as having a disability which result from disciplinary action shall be handled pursuant to the procedures utilized for students identified as having a disability under the Individuals with Disabilities Education Act.

B. Children not found eligible for special education

1. Information relevant to instruction for a child found not eligible for special education shall be provided to the child's teachers or any appropriate committee.
2. Parental consent to release information shall be secured for children who are placed by their parents in private schools that are not located in the local educational agency of the parent's residence. (34 CFR 300.622)
3. If the school division decides that a child is not eligible for special education and related services, prior written notice, in accordance with 8VAC20-81-170 shall be given to the parent(s) including the parent(s) right to appeal the decision through the due process hearing procedures. (34 CFR 300.503; 34 CFR 300.507) Please refer to IGBA-R3 for more information on the hearing and review procedures.
4. For students who are identified as having an impairment by the Eligibility Committee, the need for special education must be ruled out before Section 504 is considered.
5. For those students who are identified with an impairment by the Section 504 Eligibility Committee, a Section 504 Educational Plan ("504 Plan or Health Services Plan") shall be developed to incorporate the services that the student needs in the educational setting. Please refer to IGBA-R2 for more information on the identification, evaluation and placement procedures under Section 504.

Adopted: April 18, 2011