SPECIAL EDUCATION

I. Purpose

To ensure that the District complies with the Individuals with Disabilities Education Act (IDEA) including its implementing federal regulations, state statutes and rules.

II. Position

The District will have in effect procedures and programs to implement this policy governing special education that are consistent with the IDEA (and its implementing federal regulations, state statutes and rules).

It will be the responsibility of the Superintendent and the Executive Director of Special Services to develop and maintain procedures to implement this policy governing special education that are localized for the District and which conform to the standards of the New Mexico Public Education Department, Special Education Bureau.

The purpose of these procedures will be to implement the IDEA, and therefore, will be interpreted consistent with the IDEA. The procedures will not be for the purpose of creating a requirement that is not otherwise imposed by the IDEA (including its implementing federal regulations, state statutes and rules), and will not be read to create a higher standard.

III. Child Find/Interventions

The District will ensure that all children with disabilities residing in the District, including children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with the IDEA.

A free appropriate public education (FAPE) will be made available to all children with disabilities between the ages of three through 21, including children who have been suspended or expelled from school in accordance with the IDEA.

IV. Procedural Safeguards

Children with disabilities and their parents will be afforded the procedural safeguards required under the IDEA including with respect to the confidentiality of records and personally identifiable information.

V. Full and Individual Evaluation

Children with disabilities will be evaluated in accordance with the IDEA, including by having in place procedures to ensure that testing and evaluation materials and procedures
utilized for the purposes of evaluation and placement of children with disabilities are selected and administered so as to not be racially or culturally discriminatory. Such materials or procedures will be provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so, and no single procedure will be the sole criterion for determining whether a child is a child with a disability or for determining an appropriate education program for a child with a disability.

VI. Disabilities—Exceptionalities

When conducting evaluations under the IDEA, the District will ensure that children are assessed in all areas of suspected disability/exceptionality. Upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA, the District will further ensure that an eligibility determination team (group of qualified professionals and the parent of the child) determines whether the child is a child with a disability under state and federal standards.

VII. Individualized Education Program (IEP)

An Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) will be developed, reviewed, and revised for each child with a disability in accordance with the IDEA.

VIII. Least Restrictive Environment

The District will ensure that to the maximum extent appropriate, children with disabilities, including children in public and non-public institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

IX. Discipline/Behavior

The District will ensure that when disciplining a child with a disability for a violation of the student code of conduct, such disciplinary action will be subject to the protections, including timelines and limitations, afforded a child with a disability under the IDEA. The IDEA protections will further extend to a child not yet determined eligible for special education services under the IDEA if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and the child meets the IDEA standards for receiving such protections.

X. General Administration

It is the goal of the District to provide a full educational opportunity to all children with disabilities consistent with the state’s full educational opportunity goal including by
having a comprehensive system of personnel development, a curriculum that meets the New Mexico Standards for Excellence, an accountability system that complies with state standards, collaboration with other agencies, a funding system that complies with state standards, and a program for gifted children that complies with state standards.

34 C.F.R. Part 300 (published 8/14/06; amended 12/1/08)
NMSA 1978, Sections 22-13-5 to 22-13-8
NMAC, Chapter 31, Part 2 (amended 2/29/12)

Adopted:  May 12, 2008
Revised:  January 26, 2009
Revised:  July 16, 2012