

## PROGRAMS FOR PUPILS WITH DISABILITIES

### A. PROGRAMS AND SERVICES

The Lincoln Woodstock Cooperative School District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities ACT (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the American With Disabilities Act (Title II) and New Hampshire Law. These laws include procedures for identification, evaluation, placement and delivery of services to children with disabilities.

Disabilities are defined differently under the IDEA than under Section 504 and Title II. While the IDEA focuses on special educational service for children with disabilities and the related rights afforded to eligible students and their parents, Section 504 and Title II focus on the nondiscrimination rights of student as well as other individuals with disabilities who are not students, such as family members with disabilities, and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school. Such rights can include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled student are met.

While all students who are eligible for special education and related service under the IDEA are protect by Section 504 and Title II, not all students protected by Section 504 and Title II are eligible for services under the IDEA. In other words, students may be disabled within the meaning of Section 504 and Title II even though they do not require services and specially designed instruction pursuant to the IDEA.

An IDEA-eligible student is entitled to receive special education and related services when the student reaches three years of age and continues until the student's 22nd birthday or until such time as he/she receives a regular high school diploma, whichever occurs first, or until the student's Individualized Education Program (IEP) Team determines that the student no longer requires special education in accordance with federal and state law. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 22 during the academic year may be allowed to complete the remainder of the school year.

### B. NOTICE OF PROCEDURAL SAFEGUARDS

1. IDEA SAFEGUARDS. For IDEA-eligible students, the District utilizes the New Hampshire Special Education Procedural Safeguards, which can be accessed through the New Hampshire Department of Education website or obtained from the District's Special Education department.

The District will provide a copy of the New Hampshire Procedural Safeguards in Special Education to the parents/guardians of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first request for a due process hearing filed in a school year;
- c. Upon receipt of the first State complaint in a school year;
- d. Upon request by a parent; and
- e. In accordance wit the discipline procedures in §300.530(h).

Further information regarding special education procedures and services is available through the District Special Education Department, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that department.

2. SECTION 504 SAFEGUARDS. For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", and administrative document coded as IHBA-R.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability on time per year. This is typically done at each Section 504 team meeting.

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

*20 U.S.C. §1400 et seq., Individuals with Disabilities Education Act*

*29 U.S.C §794 Rehabilitation Act of 1973*

*42 U.S.C 12101, et seq. Title II of The Americans with Disabilities Act of 1990*

*34 C.F.R. §300 et seq., Assistance to the States for the Education of Children with Disabilities*

*RSA 186-C, Special Education*

*N.H. Code of Administrative Rules, Section Ed. 1100, Standards for the Education of Students With Disabilities*

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