

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:
Date: August 22, 2022

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: FREE AND APPROPRIATE PUBLIC EDUCATION

II. PURPOSE:

To provide a Free Appropriate Public Education (FAPE) for children with disabilities in accordance with state and federal laws, rules and regulations.

III. REFERENCE:

34CFR §300 Assistance to States for the Education of Children with Disabilities
34CFR §303 Early Intervention for Infant and Toddlers with Disabilities
Ohio Revised Code §3323.09 County Board of DD to establish special education programs
Ohio Administrative Code 3301:51 Education of Children with Special Needs
LCBDD Policy A-10, Reporting and Handling of Major Unusual Incidents/Unusual Incidents

IV. POLICY:

A. CHILD IDENTIFICATION

It shall be the policy of the LCBDD/Deepwood to cooperate with the school district of residence in ongoing efforts to identify, locate, and evaluate children below 22 years of age, who attend the County Board programs and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

B. PROCEDURAL SAFEGUARDS

The LCBDD/Deepwood will cooperate with the school district of residence to ensure that a child with a disability who attends this County Board program and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation and placement process, and the provision of a free appropriate public education to the child.

C. MULTIFACTORED EVALUATION

The LCBDD/Deepwood will cooperate with the school district of residence in the provision of a multi-factored evaluation for children with disabilities to ensure that

children are assessed in their native language or other mode of communication; tests are used for their other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multi-disciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multi-factored evaluation, shall be provided at no cost to the parent by a licensed, physician designated by the superintendent of the school district of residence of his/her designee, when other no-cost resources are not available.

D. INDIVIDUALIZED EDUCATION PROGRAM

The LCBDD/Deepwood will cooperate with the school district of residence in the development of an individualized education program (IEP) for each child with a disability who needs special education. The IEP shall be designed to meet the unique educational needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

E. DELIVERY OF SERVICES

The LCBDD/Deepwood will provide for the education of children with disabilities in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. CONFIDENTIALITY OF DATA

The LCBDD/Deepwood will ensure that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this county board shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This County Board will follow all federal regulations and state standards related to the confidentiality of data.

G. DUE PROCESS

The LCBDD/Deepwood will cooperate with the school district of residence in the utilization of the procedures that allow differences of opinion between parent(s) and the school district(s) or between agencies and the school district (s), to be aired and resolved; and that the procedures shall provide for utilization of case

conferences, administrative reviews, impartial due process hearing, and state level appeals and appeals to the courts that involve the district's/districts' proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of **FAPE** to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

H. SURROGATE PARENT

The LCBDD/Deepwood will notify the school district whenever the parent(s) or guardian(s) of a child with disability is (are) not known or cannot be located, or when the child is a ward of the state.

I. TESTING PROGRAMS

The LCBDD/Deepwood will ensure that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

The Superintendent shall administer the local implementation of these state procedures, in accordance with state and federal laws, rules, and regulations.

J. ANTI-HARASSMENT, INTIMIDATION AND BULLYING

The LCBDD/Deepwood shall prohibit harassment, intimidation or bullying of any student on school property, school sponsored events or while being transported to and from school in accordance with state laws. The LCBDD/Deepwood shall report and document all incidents, notify parents/guardians of any student involved in an incident of this nature. The LCBDD/Deepwood models positive, respectful and supportive behavior.

V. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VI. REVIEWED:

8/22, 8/20, 8/18, 8/17, 8/16, 8/15, 8/14, 8/13, 8/12, 8/10, 8/08, 9/06, 9/04, 8/02, 8/00, 7/96