

**Special Education**

The Bethany Board of Education (Board) shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the Bethany Public School District (District) as required by state and federal law.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child's behavior repeatedly violated disciplinary policy. Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, or mathematical calculation or reasoning.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility.

No birth-to-three coordinator or qualified personnel, as defined in Connecticut General Statutes Section 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during PPT meeting or in a transition plan shall be subject to discipline, suspension, termination, or other punishment on the bases of such recommendations.

For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent/guardian to examine relevant records, an impartial hearing with opportunity for participation by the student's parent/guardians, and representation by counsel, and a review procedure.

The Board in fulfilling its legal duties and responsibilities for providing special education programs for the students of the District may be assisted through membership in the Regional Service Center and through cooperative associations with other school districts.

Legal References:

Connecticut General Statutes § 10-76a, as amended  
Connecticut General Statutes § 10-76b, as amended  
Connecticut General Statutes § 10-76c  
Connecticut General Statutes § 10-76d, as amended  
Connecticut General Statutes § 10-76e  
Connecticut General Statutes § 10-76f  
Connecticut General Statutes § 10-76ff, as amended  
Connecticut General Statutes § 10-76g  
Connecticut General Statutes § 10-76h  
Connecticut General Statutes § 10-76i  
Connecticut General Statutes § 10-76j  
Connecticut General Statutes § 10-76jj, as amended  
Connecticut General Statutes § 10-76k  
Connecticut General Statutes § 10-76m  
Connecticut General Statutes § 10-76a-1 et seq., as amended  
Connecticut General Statutes §§ 10-76b-1 through 10-76b-4  
Connecticut General Statutes §§ 10-76d-1 through 10-76d-19  
Connecticut General Statutes §§ 10-76h-1 through 10-76h-2  
Connecticut General Statutes § 10-761-1  
Connecticut General Statutes §§ 10-145a-24 through 10-145a-31  
Connecticut General Statutes § 10-2641  
34 C.F.R. 3000  
American with Disabilities Act, 42 U.S.C. § 12101 et seq.  
Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794  
Public Act 06-18  
Public Act 12-173  
Public Act 21-46  
34 C.F.R. 300 et seq.  
Public Law 108-446  
*Bd of Ed of the City School District of the City of New York v. Tom F.* 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)  
*Rowley v. Board of Education*, 485 U.S. 176 (1982)  
*Andrew F. v. Douglas County School District RE-1*, 15-287 U.S. (2017)

# INSTRUCTION

6171(c)

Legal References: *A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (Second Circuit 1997)  
*Mrs. B v. Milford Board of Education*, 103 F.3d 1114, 1121 (Second Circuit 1997)  
*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

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Policy revised: June 10, 2015  
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