

Instruction

Special Education

The Board of Education accepts its legal duties and responsibilities for providing special education programs for the students of the school district.

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 in 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.

Each student with a disability who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student with a disability and other students.

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.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all of the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district.

The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed and the availability of trained and certified personnel.

1. The Board shall determine the facilities, programs, services and staff that will be provided by the District for the instruction of students with disabilities.
2. In order to maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.
3. The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations.

Instruction

Special Education

4. The Board directs that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.
5. No student with a disability shall be denied, because of handicap/disability, participation in activities, programs or services offered or recognitions rendered to District students, unless participation is not possible because of the handicap/disability.

(cf. 3231 - Medicaid Reimbursement for Special Education Students)

(cf. 5145.71 - Surrogate Parent Program)

Legal Reference: Connecticut General Statutes

10-76a Definitions. (as amended by PA 00-48 and PA 06-18)

10-76b State supervision of special education programs and services. (as amended by PA 12-173)

10-76c Receipt and use of money and personal property.

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)

10-76e School construction grant for cooperative regional special education facilities.

10-76f Definition of terms used in formula for state aid for special education.

10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)

10-76g State aid for special education.

10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

10-76i Advisory council for special education.

10-76j Five-year plan for special education.

10-76k Development of experimental educational programs.

PA 06-18 An Act Concerning Special Education

State Board of Education Regulations.

10-76m Auditing claims for special education assistance.

10-76a-1 et seq. Definitions. (as amended by PA 00-48)

Instruction

Special Education

Legal Reference: Connecticut General Statutes (continued)

10-76b-1 through 10-76b-4 Supervision and administration.

10-76d-1 through 10-76d-19 Conditions of instruction.

10-76h-1 through 10-76h-2 Due process.

10-76l-1 Program Evaluation.

10-145a-24 through 10-145a-31 Special Education (re teacher certification).

10-264l Grants for the operation of interdistrict magnet school programs.

P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

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.

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

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, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

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MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut