

INSTRUCTION

Special Education

A. Services

The School Board assures that the School Division shall provide the following special education services:

1. A free appropriate public education (FAPE) will be available for each student with disabilities, ages 2 to 21, inclusive, ~~who are enrolled in the School Division including those enrolled in private school within the School Division's jurisdiction;~~
2. All students, ages 2 to 21, inclusive, residing in the School Division who have disabilities and need special education and related services are identified, located, ~~and~~ evaluated, ~~including those enrolled in a private school within the School Division's jurisdiction. and placed in an appropriate educational program~~ (Child Find);
3. Students with disabilities and their parents, legal guardians or surrogates are guaranteed procedural safeguards ~~in~~ during the process of identification, evaluation, and educational placement;
4. To the maximum extent appropriate, students with disabilities will be educated with ~~children-students~~ who are non-disabled (Least Restrictive Environment - LRE);
5. Confidential records of students with disabilities shall be properly maintained;
6. Testing and evaluative materials utilized for the purpose of ~~classifying-identifying and placing children-students~~ with disabilities are selected and administered so as not to be racially or culturally discriminatory;
7. An individualized education program (IEP) for each ~~child-student~~ with disabilities will be developed annually and ~~maintained~~ implemented each school year;
8. Surrogate parents will be appointed, when appropriate, to serve the educational interest of students, ages 2 to 21, inclusive, who are suspected of having, or are determined to have a disability;
9. A comprehensive system of personnel development, to include the in-service training of general and special education instructional and support personnel, related to the needs of children with disabilities is provided;
10. Program evaluation (i.e., individualized education program) shall be conducted annually;

11. There will be on-going parent/legal guardian or adult student consultation as appropriate;
12. A full educational opportunity ~~goal~~ is provided for all students with disabilities, from birth to age 21, inclusive, including appropriate career education, pre-vocational education, and vocational education; and
13. Students with disabilities are given the right of participating in the state assessment system. Parents/legal guardians or adult students whose IEP provides for an alternate assessment must be informed how participation in such assessment may delay or otherwise affect the student from completing the requirements for a regular high school diploma. (34 CFR 300.160(d))

B. Continuum of Services

A continuum of services shall be considered for all ~~children-students~~ with disabilities as follows:

1. All instruction in the general education classroom, no special education and related services needed, not eligible for special education;
2. All services and instruction in the general education classroom; (Note: Home-based instruction for preschool ~~children-students~~ with disabilities is considered the natural setting and as such, is the least restrictive environment.)
3. Most instruction in the general education classroom with some instruction (i.e., less than 50%) provided by special education staff in a setting outside the general education classroom;
4. Instruction in the general education classroom with most (i.e. 50% or greater) instruction provided by special education staff in a setting outside the general education classroom;
5. Instruction provided by special education staff in a setting fully outside the general education classroom but within the regular public school facility;
6. Instruction in a separate public day school;
7. Instruction in a private day school for students with disabilities;
8. Instruction in a public residential facility;
9. Instruction in a private residential facility;
10. Homebound instruction; and
11. Instruction in a hospital setting.

C. Placement Criteria to Meet the LRE Requirement and Assurance

1. To the maximum extent appropriate, the student is educated with other students without disabilities.

2. Special classes, separate schooling or other removal of the student from the ~~regular general educational environment classroom~~ occurs only if the nature or severity of the disability is such that education in ~~regular the general education classes classroom~~ with the use of supplementary aids and services cannot be achieved satisfactorily.
3. The student's placement is as close as possible to the student's home and unless the IEP of the student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if he or she did not have a disability.
4. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of the services that he/she needs.
5. The student with a disability is not removed from education in age-appropriate ~~regular general education classrooms~~ solely because of needed modifications in the general curriculum.
6. The student's placement is determined at least annually, with any proposed change in placement requiring prior written notice that specifically describes why the change in placement was proposed and why each less restrictive placement on the continuum of alternative placements was not selected. (34 CRF 300.115-116 and 503)

Editor's Note

See the School Division's "Local Annual Special Education Plan/Report." This mandated document specifies plans for providing a free appropriate public education and related services to all children with disabilities for the following year and reports on the extent to which the plan for the preceding year has been implemented.

For divisionwide implementation see "Virginia Beach Public Schools Special Education Administrative Guidelines."

See also "Virginia Beach Public Schools Department of Teaching and Learning: Section 504 Administrative Guidelines (revised August 2012)."

For Special Education Advisory Committee (SEAC) see School Board Regulation 7-21.2.

Legal Reference

Code of Virginia § 22.1-213, as amended. Definitions.

Code of Virginia § 22.1-214, as amended. Board to prepare special education program for children with disabilities.

Code of Virginia § 22.1-215, as amended. School divisions to provide special education; plan to be submitted to the Board.

Code of Virginia § 22.1-215.1, as amended. Information regarding procedures and rights relating to special education placement and withdrawal.

Code of Virginia § 22.1-216, as amended. Use of public or private facilities and personnel under contract for special education.

Code of Virginia § 22.1-217, as amended. Visually impaired children.

Code of Virginia § 22.1-218, as amended. Reimbursement for placement in private schools; reimbursement of school boards from state funds.

Code of Virginia § 22.1-218.1, as amended. Duty to process placements through the Interstate Compact on the Placement of Children.

Code of Virginia § 22.1-219, as amended. Use of federal, state or local funds not restricted.

Code of Virginia § 22.1-220, as amended. Power of counties, cities and towns to appropriate and expend funds for education of children with disabilities.

Code of Virginia § 22.1-221, as amended. Transportation of children with disabilities attending public or private special education programs.

Code of Virginia § 22.1-253.13.1, as amended. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

8 VAC 20-80-10, *et seq.*, as amended. Virginia Board of Education Regulations Governing Special Education programs for children with disabilities in Virginia.

Related Links

School Board [Regulation 7-21.2](#)

[Local Annual Special Education Plan/Report](#)

[Virginia Beach Public Schools Special Education Administrative Guidelines](#)

[Virginia Beach Public Schools Section 504 Administrative Guidelines \(revised August 2012\)](#)

Adopted by School Board: October 21, 1969

Amended by School Board: June 18, 1974

Amended by School Board: April 20, 1976

Amended by School Board: December 19, 1978

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: June 6, 2006

Scrivener's Amendments: January 8, 2014

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