

**Shelby County Board of Education**  
**PROGRAMS FOR STUDENTS WITH DISABILITIES**  
**UNDER IDEA**

**5002**

**Issued Date: 08/26/10**

**Revised: 05/28/13**

**Effective: 07/01/13**

**I. PURPOSE**

To ensure that all students with disabilities are provided access to a free appropriate public education.

**II. SCOPE**

This policy applies to students with disabilities ages 3-21, both inclusive, residing within the jurisdiction of SCS.

**III. DEFINITIONS**

"Child with disabilities" (students with disabilities) means a child with intellectual disability, hearing impairments, including deafness, speech or language impairments, visual impairments, including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disability, developmental delay, functional delay and the intellectually gifted.

**IV. POLICY STATEMENT**

All students with disabilities in the Shelby County Schools system shall be provided with a free and appropriate public education.

To the maximum extent appropriate, students with disabilities attending SCS shall be educated with students who are nondisabled. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily<sup>6</sup>. Any educational placement is made only when it has been determined

by the Individual Education Plan (IEP) Team that such placement is appropriate. Parents or legal guardians have a right to due process procedures if they feel that such placement is not appropriate.

## **V. RESPONSIBILITY**

The Superintendent (or designee) is responsible for administering this policy.

---

### Legal References:

1. Individuals with Disabilities Education Act 20 U.S.C. 1400 et seq., C.F.R. Part 300
2. TRR/MS 0520-01-09-.06
3. TRR/MS 0520-1-3-.09
4. TCA 49-10-101 et seq.
5. Education of Individuals with Disabilities 20 USC Sections 1400-1485. Section 504 of the Rehabilitation Act of 1973; 29 U.S.C. 794, 34 C.F.R. Part 104. (Note: 504 of the Rehabilitation Act of 1973 has been interpreted by the courts to include individuals with contagious diseases.)
6. IDEA 20 U.S.C.1412 (a) (5), 34 C.F.R. 300.114 (a)(2)
7. TCA 49-1-104

## **PROGRAMS FOR STUDENTS WITH DISABILITIES**

### **General Provisions**

The plan for implementation of appropriate instruction and special education services shall be in accordance with the current *Rules, Regulations and Minimum Standards* of the State Board of Education,<sup>2,3</sup> and state<sup>4</sup> and federal<sup>1,5</sup> law.

The Board shall develop and periodically update a local plan for providing special education services for students with disabilities. Specifically, the Board assures that:

1. All students with disabilities living within the attendance zones of the school system have available to them a free, appropriate public education which emphasizes special education and related services to meet their unique needs; and
2. The rights of students with disabilities and their parents are protected.

The plan shall aim toward meeting the following objectives:

1. To carry out a comprehensive screening and assessment plan emphasizing the early identification and evaluation of students with disabilities.
2. To use the Individualized Education Program Team (IEP-Team) for reviewing assessments, formulating programming, and determining placement for every student with a disability, including review of proposed suspensions when appropriate, in accordance with the State Board of Education Rules, Regulations, and Minimum Standards;
3. To ensure that educational placements are made which educate students with disabilities with students without disabilities to the maximum extent appropriate in the schools these students would normally attend if not disabled and with age-appropriate peers;
4. To provide each student with a disability with an individualized educational program (IEP) specifically designed to meet his/her unique needs;

5. To provide continuing evaluation of the progress of each student with a disability, including at least annual review of his IEP and re-evaluation at least every three (3) years;

6. To ensure that procedural safeguards required by state and federal laws are adhered to; and

7. To involve parents of students with disabilities in meaningful dialogue with school personnel beginning with initial referral and continuing throughout the student's educational career.

8. Special education class size shall not exceed the limits specified for average class size pursuant to TCA 49-1-104(a).