

SCOTTSBLUFF PUBLIC SCHOOLS
Scottsbluff, Nebraska

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

92 NAC 51-004.01

All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall insure that all children with verified disabilities, from date of diagnosis to age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs.

92 NAC 51-004.01A

A school district need not provide services during periods of removal under Subsection 016.02A1 to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

92 NAC 51-004.01B

In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the school district, for the remainder of the removals, must:

92 NAC 51-004.01B1

Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP (Individualized Education Plan), if the removal is:

92 NAC 51-004.01B1a

Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under Subsection 016.01; or

92 NAC 51-004.01B1b

For behavior that is not a manifestation of the child's disability, consistent with Subsection 016.06; and

92 NAC 51-004.01B2

Provide services consistent with Subsection 016.04 regarding determination of the appropriate interim alternative educational setting, if the removal is:

92 NAC 51-004.01B2a

For drug or weapons offenses under Subsection 016.02A2; or 2

92 NAC 51-004.01B2b

Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with Subsection 016.03.

92 NAC 51-004.01C

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under Subsection 016.01.

92 NAC 51-004.01C1

The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with Subsection 016.06.

92 NAC 51-004.02

The school district shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

92 NAC 51-004.02A

The determination that a child described in Subsection 004.02 is eligible under this part must be made on an individual basis by the multidisciplinary evaluation team.

92 NAC 51-004.03

Exceptions to the Requirement to Provide a Free Appropriate Public Education

92 NAC 51-004.03A

Students with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE.

92 NAC 51-004.03A1

The exception in Subsection 004.03B does not apply to students who have graduated but have not been awarded a regular high school diploma.

92 NAC 51-004.03A2

Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with Subsection 009.03 of this Chapter.

92 NAC 51-004.04

Participation in or attendance at programs by children with verified disabilities from date of diagnosis to age five shall be voluntary as specified by the parent.

PERSON(S) RESPONSIBLE: Board of Education, Superintendent, Special Education Director, Principal, Teachers

TIMELINE: Ongoing

MATERIALS: District policies and procedures, special education forms, Parent Rights Pamphlets, Parent training information

METHODS: Through the implementation of the district's special education policies and procedures, the district provides a free appropriate public education to all children with disabilities. It is anticipated that all students with disabilities will receive a regular high school diploma upon completion of their educational program. In those limited cases where it is determined that a student will receive other than a regular diploma the IEP Team, including the parents, will meet to discuss the student's educational programming until age 21.

Approved: 12/09/02

Reviewed:

Revised: