

# PELHAM SCHOOL DISTRICT DRAFT POLICY

## IHBA – PROGRAMS FOR PUPILS WITH DISABILITIES

*Category: Priority*

### **A. Programs and Services**

The Pelham School District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the District, as required under the Individuals with Disabilities Act (IDEA), 20 U.S.C. 1400 et seq., Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794, Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. 12132 et seq., and New Hampshire laws and regulations. These laws include procedures for identification, evaluation, placement and delivery of services to children with disabilities.

Disabilities are defined differently under the IDEA than under Section 504 and Title II. While the IDEA focuses on special educational services for children with disabilities and the related rights afforded to eligible students and their parents, Section 504 and Title II focus on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities, and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school. Such rights can include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

While all students who are eligible for special education and related services under the IDEA are protected by Section 504 and Title II, not all students protected by Section 504 and Title II are eligible for services under the IDEA.

In other words, students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they are not a child with a disability within the meaning of the IDEA.

An IDEA-eligible student is entitled to receive special education and related services. When the student reaches three years of age and continues until the earlier of: the student's 22<sup>nd</sup> birthday or the student receives a high school diploma, whichever occurs first, or the student's Individualized Education Program (IEP) Team determines that the student no longer requires special education in accordance with federal and state laws and regulations. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 22 during the academic year may be allowed to complete the remainder of the school year.

### **B. Notice of Procedural Safeguards**

1. IDEA Safeguards. For IDEA-eligible students, the District utilizes the New Hampshire Special Education Procedural Safeguards, which can be accessed through the New Hampshire Department of Education website or obtained from the District's Student Services Office.

The District will provide a copy of New Hampshire Procedural Safeguards in Special Education to the parents/guardians of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

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1. Upon initial referral or parent request for evaluation;
2. Upon receipt of the first request for a due process hearing filed in a school year;
3. Upon receipt of the first State complaint in a school year;
4. Upon request by a parent; and
5. In accordance with the discipline procedures in §300.530(h).

Further information regarding special education procedures and services is available through the District Student Services Office, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that office.

2. Section 504 Safeguards. For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", posted on the district website under student services.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability one time per year. This is typically done at each Section 504 team meeting.

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### **District Policy History:**

*Adopted: October 12, 2012*

*Revised: December 2, 2020*

*Revised: February 22, 2023*

*Revised: November 20, 2024*

### **Legal References:**

*20 U.S.C. § 1400 et seq., Individuals with Disabilities Education Act*

*34 C.F.R. § 300 et seq., Assistance to the States for the Education of Children with Disabilities*

*RSA 186-C, Special Education*

*N.H. Code of Administrative Rules, Section Ed. 1100, Standards for the Education of Students With Disabilities*