

# PELHAM SCHOOL DISTRICT DRAFT POLICY IHBA – PROGRAMS FOR PUPILS WITH DISABILITIES

*Category: Recommended*

*Related Policies: AC, IHBAA, IHBAB, IHBAM & JICD*

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, 29 U.S.C. 794, the Americans with Disabilities Act, 42 U.S.C. 12132 et seq., and New Hampshire laws and regulations.

The Pelham School District is committed to the philosophy of equal opportunity and equal access in all its educational programs, activities, and services. All students shall have the opportunity to participate in and receive benefits from all programs or activities offered by the District, including but not limited to course offerings, graduation requirements, athletics, counseling, extra-curricular, and other school-related activities. No otherwise qualified person shall, by reason of his or her disability, be excluded from participation in or denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the District. Discrimination because of race, color, national origin, ancestry, religion, creed, age, physical or mental disability, marital or parental status, pregnancy, or sexual orientation is prohibited.

It is the intent of the Pelham School District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational accommodations and services. The District has established and implements a system of procedural safeguards, which pertains to identification, evaluation, and educational placement of students with disabilities. The procedural safeguards include notice, the opportunity for the student's parent(s)/guardian(s) to examine relevant records, an impartial hearing with the opportunity for participation by the student's parent(s)/guardian(s) and representation by counsel, and a review procedure. 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.

For students who are eligible for services under the IDEA, the District follows the procedures for identification, evaluation, placement, and delivery of services to children with disabilities set forth in federal and state statutes and regulations that govern special education.

The District recognizes its obligation to provide an education for all students determined to be educationally disabled and in need of special education and related services. This obligation begins when a student reaches three years of age and shall continue until the earlier of: the student's 22<sup>nd</sup> birthday, the student receives a high school diploma, or the student's IEP Team determines that the student no longer requires special education in accordance with federal and state laws and regulations.

Inquiries, complaints, and other communications relative to this policy and to other federal or state laws or regulations pertaining to the education of children with disability and non-discrimination on the basis of disability (including requests for a copy of the procedural safeguards required by federal and state law and regulation) should be addressed to:

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Pelham School District  
Director of Student Services  
59A Marsh Road  
Pelham, NH 03076  
603-635-1145

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**District Policy History:**

*Adopted: October 12, 2012*

*Revised: December 2, 2020*

*Revised: February 22, 2023*

**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*