

SPECIAL EDUCATION/PROGRAMS FOR STUDENTS WITH DISABILITIES

Code **IHBA** Issued **9/17**

In keeping with its responsibility to educate all students in the district, the board will provide special education programs for students with various disabilities.

The board believes that students with exceptional educational needs should be served in regular classrooms whenever possible. To this extent, the board views special education as an integral part of the general education program offered to all students.

Every student has a right to an appropriate educational program in which he/she can experience success. If a student has a disability, his/her success may be contingent upon an adjustment to the techniques and materials of instruction to meet his/her individual needs.

The district will provide special programs in accordance with state and federal laws and regulations.

Educational Rights of Adult Students

When a student who receives special education services reaches the age of 18, he/she will be entitled to make his/her own educational decisions. However, depending on the nature of the student's disability and the student's wishes and needs, the student's rights will be impacted in one of the following ways:

- The student may elect to make his/her educational decisions with the support and assistance of an adult of his/her choice.
- The student may elect to delegate his/her educational rights to an agent using a delegation form approved by the South Carolina Department of Education or by a duly executed power of attorney.
- A representative may be appointed to represent the educational interests of the student while he/she is enrolled in school using a certification process that involves the attestation of a medical professional that the student is incapable of communicating, with or without reasonable accommodations, his/her wishes, interests, or preferences regarding his/her educational program.
- A guardian may be appointed and assigned the student's educational and other rights by a South Carolina Probate Court.

A principal is required to notify a student in writing if a certification letter is received by the school in which a medical professional has certified that the student is incapable of communicating or otherwise exercising his/her educational rights and the principal must designate an individual to represent the student's educational interests. The notice must inform the student that he/she may challenge the designation of this educational representative. If the student challenges the medical certification and the designation of an educational representative, then the district may not rely upon the educational representative for any decision-making purpose.

An educational representative does not have the authority to remove a student from educational services.

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Adopted 12/15/81; Revised 8/13/91, 4/12/05, 9/12/17

Legal References:

A. Federal Law:

1. Individuals with Disabilities Education Act of 1975 (IDEA), 20 U.S.C.A. Section 1400.
2. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C.A. Sections 11431-11435.

B. S.C. Code, 1976, as amended:

1. Sections 59-21-510, *et seq.* - Education of physically and mentally disabled students.
2. Sections 59-33-10, *et seq.* - Special education for disabled students.
3. Sections 59-33-310, *et seq.* - Adult Students with Disabilities Educational Rights Consent Act.

C. State Board of Education Regulations:

1. R43-80 - Transportation.
2. R43-243 - Special education; education of students with disabilities; discipline.
3. R43-243.1 - Criteria for entry into programs of special education for students with disabilities.