

# Child Find/Free Appropriate Education (FAPE)

The Individuals with Disability Education Act (IDEA) guarantees a free and appropriate public education in the least restrictive environment to all children with disabilities, ages two to 21 (inclusive). The steps in the special education process include:

1. Identification and referral
2. Evaluation
3. Determination of eligibility
4. Development of an individualized education program (IEP) and determination of services
5. Reevaluation

**“Free Appropriate Public Education” (FAPE)** means special education and related services:

- Are provided at public expense, under public supervision and direction, and without charge;
- Meet the standards of the Virginia Board of Education;
- Include an appropriate preschool, elementary school, middle school, or secondary school education in the state; and are provided in keeping with an individualized education program (IEP).

There are timelines schools must follow for each step. Timelines help to prevent any delay. Procedural safeguards, which are rights given to the parents of a child with a disability and the child upon reaching the age of majority (age 18), ensure that the child is provided a free appropriate public education according to the Federal and State rules. The services and placement of students with disabilities who need special education, are developed through an IEP, which is the responsibility of Scott County Public Schools. The Federal and State definition of special education and specially designed instruction are:

**"Special Education"** means specially designed instruction, at no cost to the parent(s), to meet the unique needs of a child with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education. The term includes each of the following if it meets the requirements of the definition of special education: (§ 22.1-213 of the *Code of Virginia*; 34 CFR 300.39)

1. Speech-language pathology services or any other related service, if the service is considered special education rather than a related service under state standards;
2. Vocational education; and
3. Travel training.

**"Specially Designed Instruction"** means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction: (34 CFR 300.39(b)(3))

1. To address the unique needs of the child that result from the child's disability; and
2. To ensure access of the child to the general curriculum, so that the child can meet the educational standards that apply to all children within the jurisdiction of the local educational agency.

**"Individual Referral"** may be made by anyone: parent(s), guardian, adult student, school personnel, the school-based team (referring source), or outside agency may request an evaluation at any time by writing or by speaking to a school principal, assistant principal, guidance counselor, special education teacher or special education administrator. The request does not have to be in writing; however, a written request documents your referral and starts the timeline. The referring source must explain the reasons that an evaluation is requested and any efforts that have been made to address the concerns.

When the referral is received, the date is recorded; as well as, the reason for referral and name of person or agency making the referral. The School-Based Team has 10 business days of its receipt of referral to hold a meeting and decide whether to refer the child for formal testing. The principal of the school and the Special Education Director ensures confidentiality. Parents receive a Procedural Safeguards Notice and Prior Written Notice for their documentation.

If the referral is received by the Director of Special Education, the Director must decide whether to evaluate, request a review by the School-Based Team, or deny the request.

If the referral is received by the school, the School-Based Team is required to meet within 10- business days of receipt of the referral to decide whether to evaluate. The parent is part of this team if they wish to attend. Once the Special Education Administrator (Central Office Special Education Staff) receives the referral, Scott County Public Schools has 65 business days to complete an evaluation and determine eligibility.

**"Screenings"** are provided for children in specific grades within 60 administrative days of initial enrollment and may be screened after 60 business days if the original results are not considered valid. If a child fails two screenings, they may be referred for further testing. Special education referrals may be generated from these screenings.

- Speech, Language, and Voice Screenings – K and those who transfer into the school division for the first time.
- Hearing & Vision Screenings - K, 3,7,10
- Audiological Evaluation– Children who fail two hearing screenings will be referred for an audiological eval.
- Scholiosis Screening – Will be conducted twice during a six-year period in which students are in grades 5 through 10. For students in the school division at or prior to grade 5, the children will receive a screening at grade 5 and another at grade 10. If the student enters for the first time after grade 5, they will receive only one screening a grade 10.

**“Nature of Disabilities”** (refer to: “Terms of Disabling Conditions” and “Preschool Developmental Milestones” for contact information.)

If you would like to refer a child, please contact the school where your child attends and speak to the special education teacher. If you have any questions, you may either contact the school or the Supervisor of Special Education at the Scott County School Board Office (386-6118).

#### **NONDISCRIMINATION POLICY**

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1972; Title IX Regulation 1964 and Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Genetic Information Nondiscrimination Act (GINA) of 2008 and all other Federal, State, School rules, laws, regulations, and policies, Scott County Public Schools shall not discriminate on the basis of race, color, religion, national origin, political affiliation, gender identity, sexual orientation, gender/sex (including pregnant and parenting students), age, marital status, disability, or genetic information in any educational program including vocational education for career and technical students, daily activities or extra-curricular activities, or the admission to such programs or activities, and provides equal access to the Boy Scouts and other designated youth groups. Contact Brenda Robinette Nondiscrimination Compliance Officer, Jason Smith, Jennifer Frazier, Tammy Quillen, or Reagan Mullins at 276-386-6118, Scott County School Board Office for further information pertaining to nondiscrimination or to file a complaint.

#### **POLÍTICA DE NO DISCRIMINACIÓN**

En cumplimiento de la Orden Ejecutiva 11246; Título II de las Enmiendas de Educación de 1976; Título VI de la Ley de Derechos Civiles de 1972; Título IX Reglamento de 1964 y Aplicación de las Enmiendas a la Educación de 1972; Artículo 504 de la Ley de rehabilitación de 1973; la Ley de No Discriminación de Información Genética (GINA) de 2008 y todas las demás reglas federales, estatales, escolares, leyes, regulaciones **ypolíticas**, las Escuelas Públicas del Condado de Scott no discriminarán por motivos de raza, color, religión, origen nacional, afiliación política, identidad de género, orientación sexual, género / sexo (incluidos los estudiantes embarazadas y padres), edad, estado civil, discapacidad o información genética en cualquier programa educativo, incluida la educación vocacional para estudiantes profesionales y técnicos, actividades diarias o actividades extracurriculares, o la admisión a dichos programas o actividades, y proporciona igualdad de acceso a los Boy Scouts y otros grupos de jóvenes designados. Póngase en contacto con Brenda Robinette Nondiscrimination Compliance Officer, Jason Smith, Jennifer Frazier, Tammy Quillen o Reagan Mullins al 276-386-6118, Scott County School Board Office para obtener más información relacionada con la no discriminación o para presentar una queja.