

SERVICES TO SCHOOLS AND CHILDREN

Section 1 Special Education

ESU #13 will abide by all state and federal laws and regulations relating to special education.

A. Free Appropriate Public Education

The Board affirms its position that students with disabilities are entitled to a free appropriate public education in conformance with Nebraska Department of Education Rule 51. As and to the extent the services to a special education student are the responsibility of ESU #13, the services are to:

1. be in conformance with the student's Individualized Education Plan (IEP) or Individual Family Service Plan (IFSP);
2. meet the standards that apply to education provided by the school in which the student is enrolled; and
3. provide the student with all of the rights of a child with a disability who is served by the school in which the student is enrolled.

B. Student Records - Rights and Privacy

Student records are to be maintained in conformance with the requirements of the Family Educational Rights and Privacy Act (FERPA) and NDE Rule 51. The Administrator or Administrator's designee shall establish procedures to protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. This information is considered as confidential and is determined to be the property of the resident school district and will be released only to the resident school district unless otherwise directed in writing by the resident school district or parent.

1. Each school district shall be notified as to the nature and types of student data items that are being collected and maintained in ESU #13 files.
2. ESU #13 shall obtain from schools written permission for ESU #13 to request and release confidential information from other sources.
3. Five years after the special education data is no longer needed to provide educational services, ESU #13 shall return to the school district of residence of the student all data items which have been received or generated by ESU #13.
4. Working files maintained by professional staff members employed by ESU #13 are the sole possession of the maker thereof and are exempt from this policy.

C. Procedural Safeguards

The special education programs and services operated by ESU #13 or provided to schools by contract shall comply with the procedural safeguards specified in NDE Rule 51.

D. Plans and Budgets

Subject to all applicable student privacy and confidentiality requirements, special education plans and budgets for schools served will be available for public viewing.

E. Personnel

All personnel assigned to provide special education and related services to children with disabilities are to be appropriately and adequately prepared to provide special education. The Director of Special Education will develop a comprehensive system of personnel development which shall include:

1. in-service training;
2. procedures to assure that all personnel are properly endorsed and adequately trained; and
3. acquiring and disseminating best educational practices and materials developed for the provision of the services.

Legal Reference:	20 U.S.C. 1400 et seq. 34 CFR Part 300 (Individuals with Disabilities Education Act and regulations); §§ 79-1110 to 79-1178 92 NAC 51 (NDE Rule 51) 20 U.S.C. 1232g (FERPA)
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