

# Hamilton County Board of Education

Monitoring: Review: Annually in October	Descriptor Term: <b>Exceptional Education</b>	Descriptor Code: 4.202	Issued Date: 12/08/22
		Rescinded:	Revised: 11/09/23

1  
2 The Board shall provide access to a free appropriate public education to all students with disabilities  
3 ages 3-21 who reside within the jurisdiction of the district and who are in need of exceptional education  
4 and related services. Implementation of appropriate instruction and exceptional education services shall  
5 be based upon the Individualized Education Program for each student and provided in accordance with  
6 applicable and current federal<sup>1</sup> and state laws,<sup>2</sup> rules and regulations ensuring that the rights of disabled  
7 students and their parents are protected.<sup>3</sup>

8  
9 To the maximum extent appropriate, students with disabilities eligible for exceptional education  
10 services, shall be educated with students who are not disabled. Special classes, separate schooling or  
11 other removal of students with disabilities from the regular education environment shall occur only if  
12 the nature or the severity of the disability is such that education in regular classes cannot be achieved  
13 satisfactorily with the use of supplementary aids and services.

14  
15 A continuum of services shall be available to meet the needs of students with disabilities who are eligible  
16 for exceptional education and related services. Placement determinations for students eligible for  
17 exceptional education and related services shall be made by a group of persons, including the parents (or  
18 adult student) and others knowledgeable about the student. The IEP team will review all data including  
19 evaluation data, the placement option<sup>3</sup>, and the current IEP. At least every three years, the IEP team will  
20 determine the eligibility of the student. Placement decisions must be made in conformity with the least  
21 restrictive environment, determined at least annually, based on the student's IEP, and as close as possible  
22 to the student's zone school. Students with disabilities who are eligible for exceptional education and  
23 related services shall not be removed from education in age-appropriate regular classrooms solely  
24 because of needed modifications in the general education curriculum.

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26 Each student with a disability who is eligible for exceptional education and related services must be  
27 given the opportunity to participate with nondisabled students in nonacademic, career and technical, and  
28 extracurricular activities to the maximum extent appropriate to the individual needs of that student.

## 29 30 Legal References:

- 31 1. Education of Individuals with Disabilities 20 U.S. C. Sections 1400-1485.
- 32 2. Section 504 of the Rehabilitation Act of 1973. (Note: 504 of the Rehabilitation Act of 1973 has been  
33 interpreted by the courts to include individuals with contagious diseases to be handicapped.)
- 34 3. TCA 49-10-101 et. seq.
- 35 4. TRR/MS 0520-1-3-.09