

## **SPECIAL EDUCATION**

### **Free Appropriate Public Education**

David City Public Schools shall insure that children with verified disabilities, from date of diagnosis to age 21, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs in detention facilities, correctional facilities, jails and prisons and eligible resident children.

1. David City Public Schools shall ensure that a FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade. The determination that such a child is eligible for such services is to be made on an individual basis by the multidisciplinary evaluation team.
2. Exceptions to the Requirements to Provide a Free Appropriate Public Education:

Students with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE.

  - a. The exception does not apply to students who have graduated but have not been awarded a regular high school diploma.
  - b. Graduation from high school with a regular diploma constitutes a change in placement requiring written prior notice in accordance with state and federal laws.
3. Participation in or attendance at programs by children with verified disabilities from date of diagnosis to age five shall be voluntary as specified by the parent.

**Legal Reference:**

**Federal Regulation 34  
CFR 300; Nebraska  
Statutes 79-1110 to 79-  
1178; 92 NAC 51-  
004.01, 004.02**

**Date Regulation Reviewed by the Board of Education: November 14, 2005**