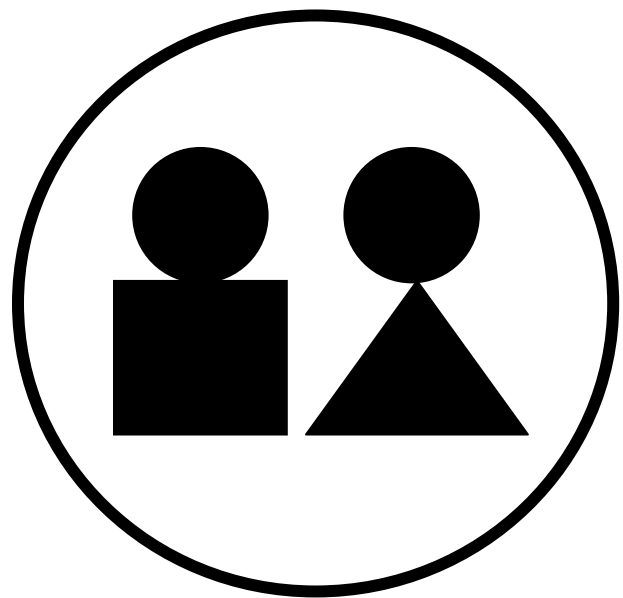


**OPERATIONAL GUIDELINES FOR
MANAGING THE SPECIAL
EDUCATION PROCESS**

CURRICULUM & INSTRUCTION DEPARTMENT
(revised 2007)



Newport News Public Schools
Newport News, Virginia

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Introduction

Newport News Public Schools ensures that all children with disabilities, aged two to 21, inclusive, residing in Newport News have a right to a free appropriate public education, including:

1. Children with disabilities who are migrant;
2. Children with disabilities who are homeless;
 - a. Requests for training with respect to the McKinney-Vento Homeless Assistance Act, or to obtain services for students to whom the act applies should contact the Newport News Public Schools office of Equity and Accountability.
3. Children with disabilities who are in need of special education and related services, even though they are advancing from grade to grade;
4. Children with disabilities who are served in a charter school in accordance with the Code of Virginia, when and if the Newport News Public School Board establishes a charter school;
5. Children with disabilities who have been suspended or expelled from school;
6. Children with disabilities who are incarcerated for 10 or more days in a regional or local jail with the exception of those provisions identified in 8 VAC 20-80-62;
7. Children with disabilities who are residents of Newport News and who are on house arrest, as ordered by a court of competent jurisdiction; services shall be provided at a mutually agreed upon location;
8. Children with disabilities who are in foster care and residents of Virginia, but not residents of Newport News, under the following conditions:
 - a. The child has been placed in foster care or other custodial care within the geographical boundaries of Newport News, placed by a Virginia agency, whether state or local, that is authorized by the Code of Virginia to place children;
 - b. The child has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia that is located within the geographical boundaries of Newport News; and
 - c. If the child's individualized education program prescribes placement in a private day or residential special education facility, the responsibility for a free and appropriate public education shall transfer to the school division that is a participant in the Community Policy and Management Team of the

locality that has responsibility for the child under the Comprehensive Services Act (§ 2.1-745 et seq. of the Code of Virginia);

9. Children with disabilities who are placed in a private residential placement by a Comprehensive Services Act team. The local school division that is part of the Comprehensive Services Act team that places the child in the private residential placement for noneducational reasons shall ensure that the child's IEP team develops an IEP appropriate for the child's needs while the child is in the residential placement;
10. Children with disabilities who are placed for noneducational reasons and are not physically present in Newport News Public Schools, but whose parent or parents continue to reside in Newport News Public Schools in accordance with § 22.1-3 of the Code of Virginia;
 - a. For the purpose of determining residency, the residence of the child with a disability shall be determined as follows:
 - (1) If placed for noneducational reasons in a nursing facility, a long-stay hospital, or an intermediate care facility for the mentally retarded under funding from the Virginia Department of Medical Assistance Services, the child is a resident of the division where the parent or parents reside, unless the child is in a state-operated program;
 - (2) If placed for noneducational reasons in a group home by a community services board, a court service unit, or a court of competent jurisdiction, the child is a resident of the division in which the student resides, unless the student is in a state-operated program;
 - (3) If aged 18 or older, placed for noneducational reasons in a nursing facility, a long-stay hospital, or an intermediate care facility for the mentally retarded under funding from the Virginia Department of Medical Assistance Services, and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions, the adult child is a resident of the division where the guardian resides, unless the adult child with a disability is in a state-operated program; and
 - (4) If aged 18 or older, placed for noneducational reasons in a group home by a community services board and who has been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions, the adult child is a resident of the division where the adult child resides, unless the adult child with a disability is in a state-operated program.

- b. If there is a dispute between local school divisions regarding the parent's, parents', or legal guardian's residence, the local school division of the parent's, parents', or legal guardian's last known place of residence is responsible until such dispute is resolved or the parent's, parents', or legal guardian's residence is established in Newport News.
11. Students who attend a home school or private school which is located within the geographical boundaries of the City of Newport News;
12. Children who reside within the jurisdiction of Newport News, including wards of the state, who are not home-schooled or attending a private school;
13. Children with disabilities, aged 18 or older, who have not been declared legally incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has not appointed a guardian to make decisions and who reside in Newport News; unless the adult child is in a state-operated program, the adult child's residence shall be Newport News. No adult child shall have more than one residence at a time.
14. Children with disabilities, aged 18 or older, who have been declared incompetent or legally incapacitated by a court of competent jurisdiction and for whom the court has appointed a guardian to make decisions and guardian resides in Newport News; unless the adult child with a disability is in a state-operated program, the adult child's residence shall be the home in which the adult child is placed. No adult child with a disability shall have more than one residence at a time.
15. A student with a disability will not be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation, or receiving services. However, teachers and other school personnel may consult or share classroom-based observations with parents or guardians regarding a student's academic and functional performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.

Further: The policies and procedures of the Newport News Public Schools and the parental guidelines contained in this document are designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.