

Free and Appropriate Public Education

I. Age of Eligibility

A. Newport News Public Schools provides a free appropriate public education to all children with disabilities who need special education and related services, aged two to 21, inclusive, residing within the jurisdiction of the City of Newport News, Virginia. This includes children with disabilities who are in need of special education and related services even though they are advancing from grade to grade or who have been suspended or expelled from school with the provisions of 8 VAC 20-80-68. Newport News Public Schools provides a full educational opportunity for all children with disabilities, aged two to 21, inclusive, residing within Newport News.

1. The services provided to the child with disabilities must address all of the child's identified special education and related services needs.
2. The services and placement needed by each child with a disability to receive a free appropriate public education must be based on the child's unique needs and not on the child's disability.

B. Exceptions. The obligation to provide a free appropriate public education to all children with disabilities does not apply to:

1. Children in Newport News with disabilities who have graduated from high school with a standard or advanced studies high school diploma. This exception does not apply to students who have graduated but have not been awarded a standard or advanced studies high school diploma.
2. Children with disabilities, aged 18 to 21, inclusive, who, if in their last educational placement prior to their incarceration in an adult correctional

facility, were not identified as being a child with a disability and did not have an IEP.

3. This exception does not apply to children with disabilities, aged 18 to 21, inclusive, who had been identified as children with disabilities and had received services in accordance with their IEPs, but who left school prior to their incarceration or did not have IEPs in their last educational setting but who had actually been identified as children with disabilities.

II. Program options

Newport News Public Schools ensures that its children with disabilities have available to them the variety of educational programs and services available to children without disabilities, including art, music, industrial arts, consumer and homemaking education, and vocational education.

III. Residential Placements

Newport News Public Schools provides residential placement if a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability. The program, including non-medical care and room and board, is at no cost to the parents of the child.

IV. Proper functioning of hearing aids

Newport News Public Schools addresses proper functioning of hearing aids. The Division ensures that the hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

V. **Assistive technology.** Newport News Public Schools addresses assistive technology needs as follows:

- A. The Division ensures that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as part of the child's special education and related services or as a supplementary aid or service.
- B. On a case-by-case basis, the use of Division purchased or leased assistive technology devices in a child's home or in other settings will be provided if the child's IEP team determines that the child needs access to those devices in order to receive a free appropriate public education.

VI. **Transportation**

- A. Each child with a disability placed in an education program, including private special education day or residential placements, by Newport News Public Schools is entitled to transportation to and from the program at no cost if such transportation is necessary to enable the child to benefit from educational programs and opportunities. Children with disabilities and children without disabilities share the same transportation, unless a child's IEP requires specialized transportation that would not be available to a non-disabled child.
- B. If the IEP team determines that a child with a disability requires accommodations or modifications to participate in transportation, the accommodations or modifications are provided in the least restrictive environment. Newport News Public Schools' transportation personnel may be on the IEP team or be consulted before any

modifications or accommodations are written into the student's IEP to ensure that the modifications and accommodations do not violate any state or federal standard or any nationally recognized safety practices.

- C. If the Division enters an agreement with another school division or educational agency for the provision of special education or related services for a child with a disability, the child will be transported to and from the program at no cost to the parent.
- D. If a child with a disability is placed in a residential placement at the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, the Virginia School is responsible for the provision of transportation services. When Newport News children are educated as day students at this school, the Division shall be responsible for the provision of transportation services to and from the school's location.

VII. Nonacademic and extracurricular services and activities

- A. The Division takes steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.
- B. Nonacademic and extracurricular services and activities may include but not be limited to counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the local educational agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the division and assistance in making outside employment available.

VIII. Physical education

- A. General. Physical education services, specially designed if necessary, are made available to every child with a disability receiving a free appropriate public education, if included in the individualized education program.
- B. Regular physical education. Each child with a disability is afforded the opportunity to participate in the regular physical education program available to children without disabilities, unless:
 - 1. The child is enrolled full time in a separate facility; or
 - 2. The child needs specially designed physical education, as prescribed in the child's IEP that cannot be provided in the regular physical education program.
- C. Special physical education. If specially designed physical education is prescribed in a child's IEP, the Division is responsible for the education of that child and will provide the services directly or make arrangements for those services to be provided through other public or private programs.
- D. Education in separate facilities. The Division is responsible for the education of a child with a disability who is enrolled in a separate facility and makes certain that the child receives appropriate physical education services.

IX. Extended school year services

- A. Newport News Public Schools provides extended school year services as necessary to provide a free appropriate public education.
- B. Extended school year services are provided only if a child's IEP team determines on an individual basis that the services are necessary for the provision of a free appropriate public education to the child.

- C. In implementing the requirements for extended school year, the Division does not limit extended school year services to:
 - 1. Particular categories of disability or
 - 2. Unilaterally limit the type, amount, or duration of those services (Refer to ESY Technical Assistance Document).

- X. **Children with disabilities in public charter schools.** A free and appropriate public education will be provided to charter school students in Newport News in accordance with their IEPs.

- XI. **Length of school day.** The Division's school-aged students with disabilities must be provided a school day comparable in length to the day provided to school-aged students without disabilities, unless their IEPs specify otherwise.

- XII. **Disproportionality/Overidentification.** The Division strives to prevent the overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.
 - A. The Director of Special Education and the Supervisor of Referrals and Assessments will regularly review the representation of racial and ethnic groups in special education and related services, or in specific disability categories and in the process of child study committee referral to determine if there is a disproportionate representation.
 - B. When that is seen to be the case they will work with individual schools and take corrective actions on a timeline for their implementation.

- XIII. When carrying out the requirements of IDEA '04 with respect to homeless students, Newport News Public Schools will meet the requirements of Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.)