SPECIAL EDUCATION/PROGRAMS FOR STUDENTS WITH DISABILITIES

In keeping with its responsibilities to educate all students in the district, the board will provide special education programs for students with various disabilities that meet eligibility requirements.

The board believes that students with disabilities should be served in general education classrooms whenever possible. To this extent, the board views special education as an integral part of the general education program offered to all students.

Every student has a right to an appropriate, high-quality educational program in which he/she can experience success. If a student has a disability, his/her success may be contingent upon an adjustment to the techniques and materials of specialized instruction to meet his/her individual needs.

The district will provide special education services in accordance with state and federal laws and regulations.

Educational Rights of Adult Students

When a student who receives special education services reaches the age of 18, he/she will be entitled to make his/her own educational decisions. However, depending on the nature of the student’s disability and the student’s wishes and needs, the student’s rights will be impacted in one of the following ways:

- The student may elect to make his/her educational decisions with the support and assistance of an adult of his/her choice.
- The student may elect to delegate his/her educational rights to an agent using a delegation form approved by the South Carolina Department of Education (SCDE) or by a duly executed, using the district’s delegation form or power of attorney.
- A representative may be appointed to the student by the district using a certification process.
- A guardian may be appointed and assigned the student’s educational and other rights by a South Carolina Probate Court.
The district will notify a student in writing if a certification letter is received. A principal is required to notify a student in writing if a certification letter is received by the school in which a medical professional has certified that the student is incapable of communicating or otherwise exercising his/her educational rights, and the principal must designate an individual to represent the student’s educational interests. The notice must inform the student that he/she may challenge the designation of this educational representative. If the student challenges the medical certification and the designation of an educational representative, then the district may not rely upon the educational representative for any decision-making purpose.

Adopted 12/17/74; Revised 4/25/78, 8/31/82, 5/14/85, 7/1/03, 5/8/18.

Legal References:

A. Federal Law:
   1. Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400.

B. S.C. Code, 1976, as amended:
   2. Sections 59-33-10, et seq. - Special education for disabled students.
   4. Section 59-39-100 - Issuance of uniform diplomas by accredited high school; units required.

C. State Board of Education Regulations:
   1. R43-80 - Transportation.
   2. R43-243 - Special education; education of students with disabilities; discipline.
   3. R43-243.1 - Criteria for entry into programs of special education for students with disabilities.