

PART F

INSTRUCTIONAL PROGRAM

- F-101 Special Education Program
- F-102 Special Education & Related Services
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F-101 SPECIAL EDUCATION PROGRAMS

In keeping with the intention of the State of North Dakota to offer educational opportunities to all children which will enable them to lead fulfilling and productive lives, the district shall provide special education and training opportunities to all resident children age 3 through 21 who have exceptional needs because of disabled conditions.

All such services shall be provided in accordance with the requirements of state statutes and the North Dakota Department of Education.

F-102 SPECIAL EDUCATION AND RELATED SERVICES

ECCEC is to provide special education and/or related services to any student who is a resident of one of its member districts.

If a member district enters into a tuition (or nontuition) agreement with any out-of-unit district, it may become that receiving districts responsibility to contract special education and/or related services with the costs determined by the Multidistrict Director.

NDCSC 15-59.2-05

POWERS AND DUTIES OF THE MULTIDISTRICT BOARD

The powers and duties of a multidistrict special education board shall be as follows:

1. To prepare, on behalf of the participating school district, an annual plan for providing special education and related services, such plan to be submitted to the superintendent of public instruction for approval.
2. To receive state and federal funds and expend them on behalf of the participating school districts.
3. To employ personnel to carry out administrative, itinerant instruction, coordinative, and related services who shall have the same statutory rights as school district employees. Rights which teachers shall have during the transition as set forth herein shall include, but not be limited to, those rights available under sections 15-47-27 and 15-47-38.
4. To receive and expend any private, local, state or federal funds for the payment of personnel and for expenses of the multidistrict board.
5. To contract with school districts within and without the multidistrict area to provide special education and related services.

Before contracting with an in-state, out-of-unit school, the administrator of the school district of residence must notify the State Director of Special Education (Robert Rutten) by letter or telephone of the intent to enroll the student out-of-unit.

These conditions must exist before the contract is considered:

1. No other public school within the special education unit has the necessary facilities or program or will accept the student.
2. The out-of-unit public or private school has proper facilities for the education of the student.
3. The curriculum provided by the out-of-unit public or private school is approved by the Superintendent of the North Dakota Department of Public Instruction.

F-103 DRUG FREE SCHOOLS

East Central affirms the individual school districts' policies for students, with the provisions that all safeguards under the Individuals with Disabilities Education Act (IDEA), will be observed for disabled students.

This would include all due process rights, evaluation rights, least restrictive environment considerations, and the students' IEP addressed.

F-501 OPEN ENROLLMENT

East Central Special Education Unit will adhere to the open enrollment policies that have been approved by each local school board, following policy guidelines developed by NDSBA. Those guidelines are as follows:

The (Name of District) will not accept students from other districts under the provisions of the North Dakota open enrollment law.

OR

Open enrollment applications received from other North Dakota school districts will be acted upon by the (Name of District) School Board at a regular or special meeting prior to April 1. All applications will be reviewed and acted upon in the same chronological order as they were received by the school districts of residence.

Criteria for acceptance or rejection shall be based upon the capacity of a program; class; grade level; or school building.

NOTE: LOCAL POLICY MAY DEFINE ABOVE CRITERIA MORE SPECIFICALLY, BUT MAY NOT INCLUDE ADDITIONAL CRITERIA.

This district will not deny an application on the basis of previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency or previous disciplinary proceedings.

This district will not give or offer to give remuneration or directly or indirectly exert influence upon the student or the student's family, in order to encourage participation in the open enrollment program for the purpose of having the student participate in varsity athletic activities.

The district reserves the right for the Superintendent to assign building and to determine the class schedule for students who are accepted under this policy.

The business manager or designee will notify the parent or guardian and the resident district of the acceptance or rejection of an application within five days of the date on which action was taken.

The District will not be responsible for transportation of students who have enrolled in other districts through the open enrollment process.

ADMISSION OF NON-RESIDENT STUDENTS

The District shall admit students from other districts to its school when it can be done without injuring or overcrowding its schools. When the students are received from a district that does not offer the grade level in which the student requires enrollment the Board must charge tuition to the sending district, as prescribed by law. When the student has been placed at a group or residential care facility or a residential treatment center in accordance with NDCC 15-40.2-08, the Board shall charge tuition to sending district unless a waiver of tuition agreement has been entered into with the sending district. The District may also admit pupils whose tuition is paid by a parent or guardian (but will not enter into tuition waiver agreements other than as specified above).

Admittance of students under the open enrollment law will be governed by each local unit school's policy - Open Enrollment.

Enrollment of homeless students as defined under the Stewart B. McKinney Homeless Assistance Act will continue to be governed by each local unit school's policy.

The Board reserves the right to have the Superintendent designate the school or schools which non-resident students may attend and/or the class schedule for such students.

F-600 ENROLLMENT OF SUSPENDED AND EXPELLED STUDENTS

Any student who has been suspended or expelled from a school of this District is not eligible to attend any other school within the District until eligible to return to his or her regular school. Any student who has been suspended or expelled from another district will not be permitted to enroll in the District until eligible to reenroll in his or her former district or until the Board or the Superintendent has reviewed the prior suspension and determines that the suspension or expulsion was illegal or improperly given.

Legal Ref:

- NDCC 15-40.2-01 Transfer of pupils to other districts or institutions-Tuition
- NDCC 15-40.2-02 Receiving of pupils by admitting districts
- NDCC 15-40.2-03 Tuition payments
- NDCC 15-40.2-04 Nonresident tuition payments mandatory