

## **P5403 DUE PROCESS AND PROCEDURES RELATED TO ACCESS TO AND DENIAL OF SPECIAL EDUCATION SERVICES**

### **BOARD POLICY:**

**The authority to (1) exclude, reassign, or transfer a student from a regular school class on the grounds that the student is an exceptional student and cannot benefit materially therefrom, or (2) place a student in, transfer to or from, or deny placement in special education services, are subject to the exercise of due process rights, is delegated to appointed administrative personnel by the Board of Education in accordance with applicable state statutes.**

**The schools in Unified School District 259 are not required to keep an exceptional student in regular school programs or to provide such student with special education services when it is determined, in accordance with due process procedures, that the education of such student cannot be satisfactorily achieved thereby and that such student requires housing, maintenance, and special education provided at a state institution or private contract facility. The district, however, remains responsible for the education of each exceptional student as long as the lawful custodian resides within the USD 259 boundaries**

Administrative Implemental Procedures:

1. The district will implement all Kansas rules and regulations as outlined in the *Kansas State Plan for Due Process Procedures* and the *Kansas Special Education Process Handbook*.

Administrative Responsibility: Student Support Services

Latest Revision Date: June 2011

Previous Revision Date: September 1997 P5403

Updated administratively for alignment purposes: January 2021