

281—41.404(256B) Policies and procedures required of all public agencies.

41.404(1) *Policies.* Policies related to the provision of special education and related services shall be developed by each public agency and made available to the department upon request to include the following:

- a. Policy to ensure the provision of a free appropriate public education.
- b. Policy for the provision of special education and related services.
- c. Policies to ensure the provision of special education and related services in the least restrictive environment.
- d. Policy concerning the protection of confidentiality of personally identifiable information.
- e. Policy concerning graduation requirements for eligible individuals.
- f. Policy to ensure the participation of eligible individuals in districtwide assessment programs.

41.404(2) *Procedures.* Each public agency shall develop written procedures concerning the provision of special education and related services and shall make such procedures available to the department upon request and shall, at a minimum, include:

- a. Procedures to ensure the provision of special education and related services.
- b. Procedures for protecting the confidentiality of personally identifiable information.
- c. Procedures for the graduation of eligible individuals.
- d. Procedures for providing continuing education opportunities.
- e. A procedure for its continued participation in the development of the eligible individual's IEP in out-of-state placements and shall outline a program to prepare for the eligible individual's transition back to the LEA before the eligible individual is placed out of state.
- f. Procedures for ensuring procedural safeguards for children with disabilities and their parents.
- g. Procedures to ensure the participation of eligible individuals in districtwide assessment programs.

41.404(3) *Rule of construction.* Any public agency will adopt any policy and procedure necessary to comply with Part B of the Act and this chapter, even if such a policy or procedure is not listed in this rule.

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