

§ 115C-150.13A. Admissions.

(a) Rules. – Schools for the deaf and blind shall admit students in accordance with eligibility criteria, standards, and procedures established through rules by the board of trustees in accordance with the requirements of this Article.

(b) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:

- (1) For a school for the deaf, evidence of hearing loss and that the student's primary educational needs are related to the student's hearing loss and require the specialized support and programs offered by that school.
- (2) For the school for the blind, evidence of vision loss and that the student's primary educational needs are related to the student's vision loss and require the specialized support and programs offered by the school for the blind.
- (3) State and federal laws.
- (4) Optimal academic and communicative outcomes for the student.
- (5) Parental input and choice.
- (6) Student's possession of the level of functioning necessary to participate in the educational program, including an assessment that the student does not pose a risk of harm to self or others, can function within the school environment in a healthy and safe manner, and does not pose a risk of substantial disruption to the learning environment at the school.

(c) Procedures. – Admission procedures shall include the following:

- (1) An application process that may be directly made by a parent to the school or upon recommendation of a local school administrative unit or charter school. If a student has not been evaluated by the local school administrative unit or charter school and determined to be a child with a disability, the procedure for the school and local school administrative unit or charter school to enter into an agreement to determine if the student is a child with a disability.
- (2) An admissions committee to make recommendations on an admissions status that includes, but is not limited to, the following members:
 - a. A chair designated by the director of the school.
 - b. The applicant's parent.
 - c. Any professionals necessary to interpret the evaluation results.
 - d. If the applicant is currently enrolled in a local school administrative unit or charter school, a written invitation shall be extended to a representative from that local school administrative unit or charter school to attend and participate in the evaluation.
- (3) An admissions evaluation that uses multiple sources of information in determining eligibility, including assessments, teacher recommendations, evidence of the applicant's physical and emotional health, indications of the applicant's level of functioning, including adaptive behavior skills, and the student's current or proposed individualized education plan.
- (4) A final admissions determination made by the director of the school or the director of the school's designee.

(d) Admission Status. – A student may be admitted in one of the following statuses:

- (1) Temporary assignment. – An applicant admitted for no more than 90 school days for the school staff to complete evaluations and gather additional information for the admissions committee to make an eligibility determination. A student admitted to a temporary assignment status is not guaranteed admission to the educational program as a student who meets the school's eligibility criteria.

(2) Educational program assignment. – An applicant determined to meet the eligibility criteria and granted admission to the educational program.

(e) Disenrollment. – A student's continued enrollment in an educational program assignment status shall be subject to reevaluation by the admissions committee when determined necessary by the school to assess if the student continues to meet eligibility criteria. The disenrollment assessment shall follow the same procedures as the admissions process, and a final determination shall be made by the director or the director's designee.

(f) Free Appropriate Public Education. – The local school administrative unit or charter school in which the student is enrolled shall have the initial responsibility of identifying and evaluating the special education needs of the student and providing a special educational program and related services in accordance with Article 9 of this Chapter. If a parent submits an application to the school for enrollment of the parent's child in the school's educational program, and if the child is determined to meet the eligibility criteria for admission to the school's educational program, the school is responsible for the provision of a free appropriate public education. However, a subsequent determination by the school that the student no longer meets eligibility criteria immediately transfers the responsibility for the provision of a special educational program and related services to ensure a free appropriate public education back to the local school administrative unit or charter school in which the student was previously enrolled.

(g) Mediation. – Prior to seeking a due process hearing as provided in Article 9 of this Chapter, parents are encouraged to seek mediation under Article 9 of this Chapter in resolving any dispute with regards to a student's eligibility determination or IEP.

(h) Due Process Hearing. – A parent may seek an impartial due process hearing following a final determination on a student's eligibility by the director. If the parent pursues a due process hearing to challenge the school's ineligibility determination, the student's "stay put" placement shall not be the school but shall be the student's local school administrative unit or charter school. (2023-10, s. 1; 2024-1, s. 2.8E(a).)