



PLAINEDGE PUBLIC SCHOOLS

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District Plan of Services for Special Education

District Policies, Practices, and Procedures for Assuring Appropriate
Educational Services and Due Process in Evaluation and Placement of Students
with Disabilities

2022-23, 2023-24, & 2024-25 School Years

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SECTION 1:
INTRODUCTION

GENERAL BOARD OF EDUCATION POLICIES

The district is committed to the development and implementation of an appropriate education for students with disabilities who reside in the district in accordance with the following administrative practices and procedures:

- To ensure that students with disabilities have the opportunity to participate in school district programs to the maximum extent appropriate to the needs of each student, including nonacademic and extracurricular programs and activities, which are available to all other students in the public schools of the district.
- To ensure that each preschool student with a disability residing in the district has the opportunity to participate in preschool programs, including timely evaluation and placement.
- To appoint and train appropriately qualified personnel, including the members and chairpersons of the committee on special education (“CSE”) and the committee on preschool special education (“CPSE”).
- To implement the provisions of Section 200.6 (a) of the Commissioner’s Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum.
- To ensure that parents have received and understand the request for consent for evaluation of a preschool and/or school-age student.
- To ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
- To implement school-wide approaches, which may include a response to intervention process (RtI)/multi-tiered system of support (MTSS), and pre-referral interventions in order to remediate a student’s performance prior to referral to special education.
- To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
- To ensure the selection and board appointment of an impartial hearing officer consistent with Regulations.
- To ensure that all instructional materials to be used in the schools in the district are available in a usable alternative format for each student with a disability in accordance with the student’s educational needs and course selections at the same time that such materials are available to non-disabled students.
- To ensure that personnel responsible for implementing or assisting in the implementation of a student’s individualized education plan (“IEP”) receive or are provided access to a copy of the IEP for review prior to its implementation, and are informed of their responsibility to implement the recommendations of the IEP.
- To ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.
- To ensure the establishment of guidelines for the provision of appropriate accommodations necessary to ensure the academic achievement and functional performance of the student in the administration of district-wide assessments.

- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.
- To ensure that students who reside in the district have received the protection of all other applicable State and Federal laws and regulations.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the district must develop a policy and implement a plan to establish pre-referral interventions to assist a student's education process before consideration of referral to the CSE. In keeping with this policy, it is the responsibility of the school's principal and building level team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL) students who do not achieve the annual Commissioner's Regulations Part 154 performance standards. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate state assessments or who score below the local state designated performance levels on any one of the state examinations required for graduation. All school-wide approaches to provide remediation activities for students who are at risk of not meeting state standards or meeting graduation requirements will be considered prior to making referrals to the CSE. The school district may include the RtI/MTSS process as part of a district's school-wide approach. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided and the reasons these services are necessary. The parent will also be notified about the duration of AIS and/or the ending of these services. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the CSE.

The referral form to the CSE used by the district staff will describe, in writing, intervention services, programs used to remediate the student's performance prior to services, or instructional methodologies, including any supplementary aids or support services provided, or the reasons why no such attempts were made. The principal and/or building level team shall maintain a record of pre-referral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

Within ten (10) school days of receipt of referral to the CSE, the building administrator may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, speech and language improvement services, academic intervention services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the

referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student if appropriate. The copy of the agreement will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timelines of the CSE will be maintained. These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services, but shall be used to assess the ability of the student to benefit from general education services.

DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant provisions of special educational services in accordance with an individualized program. Effective October 30, 1990, Congress substituted the term “children with disabilities” for the term “handicapped children” in the Federal law establishing access to fair procedures and appropriate placements.

The following statutory and regulatory definitions are controlling:

The term “***student with a disability***” means a student with a disability, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the Department of Education. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency.

The term “***all students***” applies to every student listed on the registry of the district.

The term “***special education***” means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

- Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
- Such instruction includes specially designed instruction in physical education, including adapted physical education.

The term “***specially-designed instruction***” means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs that result from the student’s disability; and to ensure access of the student to the general education curriculum, so that he or she can meet the educational standards that apply to all students

The term “***Individualized Education Program***” means a written statement developed, reviewed and revised in accordance with Section 200.4 (d)(2) of the Regulations of the Commissioner to be provided to meet the unique educational needs of a student with a disability.

- Special classes, transitional support services, resource room, related services, consultant teacher services and home and hospital instruction
- Contracts with other districts for special services or programs.

- Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES)
- Appointment by the Commissioner to a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law.
- Contracts with private non-residential schools, which have been approved by the Commissioner and which are within the state.
- Contracts with private non-residential schools, which have been approved by the Commissioner and which are outside of the state.
- Contracts with private residential schools, which have been approved by the Commissioner and which are within the state.
- Contracts with private residential schools, which have been approved by the Commissioner and which are outside of the state.
- Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the state department of education.
- Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language therapy, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping), maintenance of that device, or the replacement of that device.
- Contracts for residential or non-residential placements with a special act school district listed in chapter five hundred sixty-six of the laws of Nineteen hundred sixty-seven.
- Contracts with New York State approved and funded schools (Article 89).

SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

In accordance with Section 200.6 of the Regulations of the Commissioner of Education, the district provides a continuum of services which allows placement of preschool and school-age students in the least restrictive environment (“LRE”) consistent with their needs and which provides for the placement of students on the basis of similarity of individual needs.

School Calendar

Special education students participate in the same school calendar as their general education peers.

“**School day**” means any day, including a partial day that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays.

“**Days**” mean calendar days unless otherwise indicated as school day or business day.

“**Business day**” means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

Least Restrictive Environment

The District provides a wide continuum of services, ranging from placement in residential settings to placement in general education classes with support and related services. The district is committed to the policy of placing students in the LRE consistent with their needs. LRE means that the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs **only** when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

- Placement shall be based on the student’s individualized education program and determined at least annually.
- Placement shall be as close as possible to the student’s home, and unless the student’s individualized education program requires some other arrangement, the student shall be educated in the school he or she would have attended if not disabled.
- In selecting the LRE, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and

- A student with a disability must not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.

Procedures to Implement LRE Requirements

The district is committed to the policy of placing students in the LRE consistent with their needs. The district provides the full continuum of services as described in 200.6 of the Commissioner's Regulations.

- The student will receive a comprehensive, unbiased, individual evaluation in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CPSE/CSE shall not determine a student to be a student with a disability if the determination factor is lack of appropriate instruction in reading or math or limited English proficiency. The CPSE/CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student to participate, as appropriate, in the general curriculum.
- Prior to placement in special education, the CPSE/CSE will ensure that the appropriateness of the resources of the general education program has been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that not less than one of the student's regular education teachers must be a member of the Committee (if the student is, or may be, participating in the regular education environment). In addition, the representative of the school district qualified to provide or supervise the provision of special education services must be knowledgeable about the general education curriculum and the availability of resources of the school district. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
- The CSE or CPSE will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum; or for preschool students, as appropriate, how the disability affects the child's participation in appropriate activities.
- Measurable annual goals, including benchmarks or short-term objectives (only for preschool students and students eligible for NYSAA) must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.

- Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities.
- The parent or guardian and the board of education will be provided a recommendation from the CSE/CPSE, which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning characteristics, social development, physical development and management needs.
- The CSE/CPSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

Similarity of Needs

Whenever students with disabilities are grouped together for purposes of special education, they are grouped by similarity of need. The CPSE and CSE identify educational needs in accordance with the following factors:

- Academic Achievement, Functional Performance and Learning Characteristics – The levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.
- Social Development – The degree and quality of the student's relationships with peers and adults, feelings about self and social adjustment of school and community environments.
- Physical Development – The degree or quality of the student's motor and sensory development, health, vitality and physical skills or limitations which pertain to the learning process.
- Management Needs – The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

PROVISION OF APPROPRIATE SPECIAL EDUCATION SERVICES
TO ENABLE INVOLVEMENT AND PROGRESS IN
THE GENERAL EDUCATION CURRICULUM

All students with disabilities who reside in the School District shall be provided with an appropriate IEP that meets the student's unique educational needs as determined and recommended by the CSE and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual measurable goals.

In keeping with this policy, the CSE will consider general education and integrated co-teaching services at each initial, program or annual review for the student as well as the appropriate support or related services needed for the student to make academic progress within this environment. Progress or educational benefit shall be indicated by successful academic progress, including improvement in skills, achievement on State mandated examinations, ability to perform activities of daily living and an increase in adaptive behavior. Progress will also be considered in the social areas, including relationships with peers and adults, feelings about one's self, and the adjustment to school and community environments. Physical development areas such as the student's improvement in motor or sensory areas, health, vitality and physical skills and the decrease of management needs that require environmental modifications or human resources shall also be considered as progress.

The District will ensure equal access to a diploma for all students with disabilities through its establishment of heterogeneous Regents classes, inclusion classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires a special education diploma program. If the student has the potential to achieve a high school diploma but requires a restrictive environment outside the district, the CSE will seek placement in a program that provides equivalent instruction.

The District will also ensure equal access for students with disabilities to after school activities such as clubs, sports, or evening activities and will provide, as recommended by the CSE, appropriate services to enable this participation. Students who are receiving education in out-of-district facilities, as recommended by the CSE, shall also have an equal opportunity to participate in these activities, as deemed appropriate to meet their individualized needs.

COMMITTEE ON SPECIAL EDUCATION (CSE) AND
COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

Appointment and Training

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a CSE, Subcommittee and a CPSE. The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Major functions of the CSE and CPSE include:

- Identifying, evaluating and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided for each student;
- Maintaining an annually revised register of all students with disabilities who reside in the district and who are eligible to attend preschool or public school during the coming school year;
- Establishing a network for communication and sharing of resources with other educational and community service agencies;
- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school district, and, for preschool students, by public and private agencies within the County of Nassau;
- Reporting to the State Education Department on the number of preschool students, if any, within the district who are not receiving appropriate preschool services and the reasons for any such lack of service.

Responsibilities

The Committees have the responsibility to ensure that all necessary procedures for the identification, classification, placement and annual review of the status and progress of every student with a disability are carried out in accordance with federal and state law and regulations. Subcommittees are authorized to perform the functions of the CSE except when a student is considered for a more restrictive environment or initial placement in:

- a special class; or
- a special class outside of the student's school of attendance; or
- a school primarily serving students with disabilities in a school outside the student's district.

Upon a written request from a parent or a legal guardian of a student, the subcommittee will immediately refer to the CSE for its review any recommendation of the subcommittee concerning the identification, evaluation, educational placement or provision of a free appropriate public education to a student that is not acceptable to the parent or person in parental relationship to the student.

The CSE is responsible for oversight and monitoring of the activities of each subcommittee to assure compliance with federal and state law and regulations. Each subcommittee must annually report the status of each student with a disability within its jurisdiction to the Committee.

Training of CSE & CPSE Members

The district is committed to ensuring that all members of the CSE and CPSE are appropriately trained for their responsibilities on their respective committees. Committee members are made aware of their responsibilities to ensure that services are identified to allow the student to be involved in and progress in the general education curriculum. Specific administrative practices for training these members, including general education teachers and parents, to carry out the provisions of Part 200 include:

- conducting district based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- participating in annual CSE/CPSE training provided by the New York State Education Department;
- disseminating the Part 200 Regulations of the Commissioner and all amendments and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
- inviting committee members to annual site visits of out-of district special education placements to familiarize them with placement options available to resident special education students;
- utilizing the regional Special Education Training and Resource Centers (SETRC) as a training resource; and
- utilizing the district attorney as a resource person, if needed to interpret specific information for the committee members.

General Staff Development

The Board of Education is committed to hiring, training and retaining highly qualified personnel responsible for carrying out all of the mandates of the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") and the Commissioner's Regulations regarding students with disabilities. Accordingly, it is the Board's policy to recruit, hire and train appropriately qualified special education personnel to provide special education programs and services, including members and chairpersons of the CSE and the Committee on Preschool Special Education.

All special education personnel shall be appropriately qualified to carry out their duties regarding students with disabilities, and shall possess the training, licensing and certification required by the New York State Law.

As part of an ongoing effort to assist special and general education teachers to better understand the needs of students with special needs, staff development plays a critical role in preparing teachers to work with diverse learners. In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and general education teachers, the State Education Department has directed districts to include, as part of its professional development plan a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.

SECTION 2:
COMMITTEE ON
PRESCHOOL
SPECIAL
EDUCATION
(CPSE)

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)
MEMBERSHIP

At its yearly organization meeting, the Board of Education shall appoint a CPSE comprised of at least the following mandated members:

- the parents of the preschool child;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher or not less than one special education provider of the student;
- the CPSE chairperson who is a representative of the district qualified to provide, or supervise the provision of specially-designed instruction to meet the unique needs of students with disabilities who is knowledgeable about the general education curriculum and about the availability of the special education programs, services and resources of the local educational agency. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the school psychologist, general or special education teacher or provider or district representative described above;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE;
- for a student in transition from early intervention programs and services, at the request of the parent, an appropriate professional from the Department of Health's Early Intervention Program;
- upon written parental request, an additional parent member of a preschool or elementary school-age child with a disability who resides in the district or neighboring district (the request must be received by the chairperson 3 days prior to the meeting); and
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum.

Role and Responsibilities of the CPSE Chairperson

The CPSE Chairperson will:

- preside over the CPSE meeting;
- carry out the functions of a CPSE chairperson including, but not limited to:
 - designating for each student a professional employee of the school district with knowledge of the student's disability and education program to, prior to implementation of the IEP, inform each teacher, related service

- providers, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
- o carrying out responsibilities related to referrals and requests for referrals such as:
 - forwarding a copy of a referral to the building administrators within five school days of its receipt;
 - notifying parents immediately when a referral or request for referral has been received;
 - documenting attempts to obtain parental consent to an initial evaluation;
 - informing a parent that does not grant consent for an initial evaluation, that upon request, that parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation; and
 - providing a parent and a referring person a copy of an agreement to withdraw a referral
 - o determining the location of any meeting held to review or evaluate a preschool child;
 - o participating in a transition planning conference for a child transitioning from early intervention (EI) services to preschool special education and services to review the child's program options and establish a transition plan (or designating another individual to participate in this meeting); and
 - o informing the parent of a child previously served under EI of his or her right to request that an invitation to an initial CPSE meeting be sent to the EI service coordinator or other representatives of the EI system to assist with the smooth transition of services.

Excusal of Committee Member

A member of the CPSE, other than the student, is not required to attend a meeting of the committee, in whole or in part, if the parent and the school district agree, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

A member of the CPSE, other than the student's parent may, be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parents and the school district agree in writing to the excusal, and
- the excused member submits to the parent and the rest of the CPSE, written input into the development of the student's IEP, and in particular written input with respect to their area of curriculum or related services, prior to the meeting.
- a parent retains the right to request and/or agree with the school district to excuse a CPSE member at any time including where:
 - o the member is unable to attend because of an emergency or unavoidable scheduling conflict and
 - o the request to excuse a member or to agree that a member's attendance at a meeting is not necessary, and the written input into the development

of the IEP from the member proposed to be excused must be provided not less than five calendar days prior to the meeting, in order to afford the parent a reasonable time to review and consider the request.

Requests for excusals do not apply to the parents of the student or the appointee of the municipality in the case of a committee on preschool special education.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee. Written notice of CPSE meetings is provided to parents at least five calendar days in advance of the meeting date (unless the parents and chairperson agree to waive the 5-day notice). Meetings of the CPSE are held in the Central Office Building as needed to review referrals throughout the school year and during the summer months.

DEFINITIONS

“Preschool Student with a Disability” refers to a preschool student who has been identified by the CPSE who is eligible to receive preschool programs and services. To be identified as having a disability, a preschool student shall either:

- Exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student’s ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student’s performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:
 - A 12 month delay in one or more functional area(s), or
 - A 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or
 - If appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
- Meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired.

“First Eligible for Services” is the earliest date on which a student becomes eligible for services as defined in current regulations. In the calendar year in which a preschool student becomes three years of age, a student shall be first eligible for preschool programs and services on January 2nd if the student’s birthday falls before July 1st. If the student’s birthday falls after July 1st, the student shall be first eligible on July 1st of the calendar year. Students in Family Court placements may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services under Section 4410. A student can be considered a preschool student with a disability until the child is eligible for Kindergarten in accordance with the district’s cutoff date (December 31). The Committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are found.

CPSE PROCEDURES

Referral

The CPSE is responsible for arranging for the evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the school district. A referral for an initial evaluation may be made by:

- The student's parent or person in parental relationship;
- A designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend;
- The commissioner or designee of a public agency with responsibility for the education of the student; and/or
- A designee of an education program affiliated with a child care institution with committee on special education responsibility pursuant to section 4002(3) of the Education Law.

The referral can be made at any time during the school year once the student is registered with the district. The referral should specify the extent to which the preschool student has received any services prior to referral. The referral should also include a copy of the student's home language survey. When the CPSE receives a referral, the chairperson will request parental consent for the evaluation. A list of County approved evaluation sites will be provided to the parent along with the prior written notice. Translations will be provided as needed. In the event that consent is not provided, the Committee shall implement the district's practices for ensuring that the parents have received and understood the request for consent.

Evaluation

The individual evaluation of a preschool child shall include relevant functional and developmental information regarding the child's abilities and needs relating to participation in age-appropriate activities.

This evaluation will include the following, at no cost to the parent:

- A physical examination;
- An individual psychological examination, except when a school psychologist determines after an assessment in a written report that further evaluation is unnecessary;
- An observation of the student in the student's learning environment including the general education setting, or, in the case of a student of less than school age or out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty.
- A social history;

- An observation of the student in an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty; and
- Other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors that contribute to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory and to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills. The CPSE will arrange for specialized evaluations where necessary. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time.

The initial individual evaluation shall be completed within 60 days of receipt of consent unless extended by mutual agreement of the student's parents and the CPSE. The 60 day timeframe does not apply if the parent repeatedly fails to produce the student for evaluation.

Prior to making any recommendation that would place a child in an approved program of the agency that conducted the initial evaluation, the committee may exercise discretion to obtain an evaluation of the child from other approved evaluators.

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled. The parents will be provided with a copy of the summary reports prior to the meeting. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

The CPSE Meeting and Recommendation

Reasonable measures will be made to ensure that the parent attends the meeting. This means:

- A written notice is sent to the parent at least five calendar days prior to the meeting. This notice will inform the parents of the purpose, date, time and location of the meeting and the name and title of those persons who will be in attendance at the meeting. Meeting notices will be on a form prescribed by the Commissioner.

- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call. The school district shall keep a detailed record of its attempts, and the results of those attempts.
- The meeting shall be scheduled at a mutually agreed on time and place and in a location that is physically accessible to the parents.
- The CPSE should use other methods to ensure parent participation, including individual or conference telephone calls.
- A school district may conduct a CPSE meeting without a parent in attendance if the school is unable to convince the parents that they should attend. In this case, the school must have a detailed record of its attempts and the result of those attempts.

The school district must ensure that the parent understands the proceedings at the CPSE meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

The school district must ensure that the parent is afforded an opportunity to inspect and review all education records.

If the Committee determines the student is ineligible for special education, written notification will indicate the reasons for the finding. If the Committee determines that a student has a disability, an IEP is prepared which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short-term objectives, and the type of special education program and/or services recommended. IEP's will be on a form prescribed by the Commissioner. The CPSE will seek, in every case, to recommend placement in the LRE consistent with the needs of the student. If, for any reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

Placement

Upon receipt of the CPSE's recommendation, the Board of Education will arrange for the student to receive appropriate special programs and services. Services will not be provided without parental consent but if the parent disagrees with the recommendation of the Board and prefers an alternative program, he/she may request special education mediation or an impartial hearing review and may appeal the decision to the Commissioner of Education. Review of placement decisions will be conducted in accordance with the same rules of procedural due process applicable to the placement of school-aged students. Placement in an approved program will take place as soon as possible following Board approval. If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

Annual Review

An annual review is conducted for every preschool student who has been classified as having a disability. The purpose of the annual review is to determine the appropriateness of each student's IEP and the need to continue or modify the student's preschool special education program. The yearly review ensures that the IEP will continue to meet the student's educational needs. In addition to the members of the CPSE, which includes the parent of the student, the student's teacher must also attend. Parents will receive a written notice, at least five (5) days prior to the meeting that indicates the time, date, location and persons expected to attend. Reasonable measures will be taken to ensure that the parent attends the meeting. This notice must also inform the parents that they may invite other persons to attend the meeting, who have knowledge or special expertise regarding the student.

Amendment to CPSE Meeting After the Annual Review

After an IEP has been developed at the annual review meeting, a parent and the school district may agree not to convene a meeting of the CPSE to make changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances:

- the parent makes a request to the school district for an amendment to the IEP and the parent and the district agree in writing; or
- the school district provides the parent with a written proposal to amend a provision or provisions of the IEP that:
 - is conveyed in language understandable to the parent, and
 - informs and allows the parent the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes.
 - The parent must agree in writing to such amendments.

The parent must be provided prior written notice (notice of recommendation) of the changes to the IEP and a copy of the rewritten IEP.

Amendments made to an IEP without a meeting do not affect the requirement that the CPSE must review the IEP at the annual meeting, or more often if necessary.

Withdrawal of Referral

Written consent of the parent or guardian is required prior to initiating an evaluation for a student who has not previously been identified as having a disability. In the event that parent permission is withheld, the parent shall be given the opportunity to attend an informal conference with a designated professional most familiar with the proposed evaluation. If, at this meeting the parent decides that the referral is not warranted, the referral shall be withdrawn.

CONTINUUM OF SERVICES
COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

A Preschool Student with a Disability refers to a preschool student who has been identified by the CPSE and is eligible to receive preschool programs and services. To be identified as having a disability, a preschool student shall exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and when reviewed in combination and compared to accepted milestones for child development indicate:

- a twelve (12) month delay in one or more functional area(s), or
- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or,
- if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

Program Recommendations

The CPSE must consider the appropriateness of services to meet the student's needs in the LRE in the following order:

- related services only
- special education itinerant services only
- related services in combination with special education itinerant services
- an integrated special education preschool program
- a half-day preschool program
- a full day preschool program
- If the CPSE determines that a student needs a single service, that service must be provided only as a related service or only as a special education itinerant service. The Committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are found.

Related Services

Those services defined in Section 4401 of Education Law, i.e., speech-language therapy, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, medical services as defined by regulation, orientation and mobility services, parent counseling and training, school health services, school nurse services, school social work, assistive technology

services, appropriate access to recreation, including therapeutic recreation, and other appropriate developmental or corrective support services and other appropriate support services and includes the early identification and assessment of disabling conditions of students. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device.

Related services are provided at a site determined by the Board of Education including, but not limited to:

- An appropriate or licensed pre-kindergarten
- A Head Start Program
- The worksite of the provider
- The child's home
- A hospital
- A state facility
- A childcare location

The initial location for the delivery of one or more related services must be stated on the IEP.

Special Education Itinerant Services

Special Education Itinerant Service (SEIS) are services provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the Board of Education including, but not limited to:

- an approved or licensed pre-kindergarten
- the work site of the provider
- a Head Start program
- a student's home*
- a hospital
- a state facility
- a childcare location

**Students are entitled to related services in the home if the Board of Education determines that documented medical or special needs indicate that the student should not be transported to another site.*

Changes of location for the provision of services may occur without the review of the CPSE.

SEIS providers are responsible to ensure that special education teachers providing SEIS are providing specially-designed instruction to aid the preschool child with a disability to benefit from the regular early childhood program and to participate in age-appropriate activities and that the learning environment and instructional methods are adjusted to meet the individual needs of the preschool child.

- Direct SEIS is specially designed instruction provided by a certified special education teacher of an approved program on an itinerant basis, which means that the special education teacher travels to the site of the child care setting where the child is attending during the day.
- Indirect SEIS means consultation provided by a certified special education teacher to assist the child's regular early childhood program teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program.

The IEP for the student must specifically indicate if the student is to receive direct and/or indirect SEIS and the frequency, duration, intensity and location for each.

The IEP must specify the frequency, such as the number of sessions per week, for which SEIS must be provided to a student. The recommended level of SEIS prescribed in the IEP for each student cannot be less than two hours per week.

Generally, SEIS is not provided for the entire time the child is attending a regular early childhood setting. Children who require continuous oversight of their entire program by a special educator or who require a significant number of hours (i.e., 11-15 hours or more per week) to achieve goals may need other supports and services or may be better served in a special class, with first consideration being given to an integrated setting.

The frequency of SEIS is determined by the CPSE based on the child's individual needs and in consideration of the schedule of the child's attendance at the child care location selected by the parents.

SEIS must be provided by a New York State certified special education teacher. While most children receive SEIS from a teacher certified in special education or speech and hearing, children with hearing impairments may require a certified teacher of the deaf, children with visual impairments may require a certified teacher of the blind and visually impaired, and bilingual children may require a certified bilingual teacher of special education.

Section 200.20(b)(4) has been added to clarify that special education programs approved to provide SEIS shall ensure that the services are provided, consistent with the student's IEP, as an itinerant service at a regular early childhood program, or the student's home, or at another child care location identified by the parent.

Special Class in an Integrated Setting

This is a special class of no more than twelve (12) preschool students which is staffed by at least one special education teacher and one paraprofessional. A special class in an integrated setting may be provided in a class of no more than twelve preschool students with disabilities staffed by a special education teacher and a paraprofessional, which is housed in the same space as a preschool class with non-disabled students taught by another teacher.

Special Class (half or full day)

A special class is defined as a class consisting of students with the same disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program in a special class. The chronological age range within special classes shall not exceed 36 months. The maximum class size shall not exceed 12 preschool students with at least one teacher and one or more supplementary school personnel assigned to each class. If the CPSE recommends a preschool student to an approved program which has no space available in the specific special class which will meet the student's unique needs as recommended on the IEP, the approved program may temporarily increase the enrollment of a class up to a maximum of 13 preschool students for the remainder of the school year. If the attendance during the instructional time exceeds 12 students, another staff member shall be assigned to the class. Services are provided not less than 2 ½ hours per day, 2 days per week.

Residential Special Education Programs

This program is a minimum of five hours per day, five days a week, for twelve months. Placements in residential programs must be approved by the Commissioner in accordance with 200.6 (I) of the Commissioner's Regulations.

SECTION 3:
COMMITTEE ON
SPECIAL
EDUCATION
(CSE)

COMMITTEE ON SPECIAL EDUCATION

Membership

At its yearly organization meeting, the Board of Education shall appoint a CSE comprised of at least the following mandated members:

- The parents or persons in parental relationship to the student;
- Not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or not less than one special education provider of the student;
- A school psychologist;
- The CSE chairperson who is a representative of the district qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- Such individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill the role of the committee.
- The school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
- An additional parent member of student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate.
- If appropriate, the student

Membership of the Subcommittee on Special Education

Subcommittees are utilized to review triennial evaluations and during annual reviews. The Subcommittee consists of the following members appointed by the Board of Education:

- The parent of the student;
- Not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- Not less than one special education teacher, or where appropriate, not less than one special education provider (i.e., related service provider) of the student;
- A representative of the district who is qualified to provide, administer or supervise special education and who is knowledgeable about the general education curriculum and who is knowledgeable about the availability of resources of the school district.
- A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered.
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the Sub CSE.
- The student, if appropriate.

Role and Responsibility of the CSE Chairperson

The CSE Chairperson will:

- preside over the CSE meeting;
- carry out the functions of a CSE chairperson, including but not limited to:
 - designating for each student a professional employee of the school district with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
 - carrying out responsibilities related to referrals and requests for referrals such as:
 - forwarding a copy of a referral to the building administrators within five days of its receipt.
 - notifying parents when a referral or request for referral has been received;
 - documenting attempts to obtain parental consent to an initial evaluation;
 - informing a parent that does not grant consent for an initial evaluation, that upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation; and
 - providing a parent and a referring person a copy of an agreement to withdraw a referral.

- o determining the location of any meeting held to review or evaluate a student.

Excusal of a Committee Member

A member of the committee or subcommittee is not required to attend a meeting of the committee, in whole or in part, if the parent and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

A member of a CSE or subcommittee other than the student's parent may be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parents and the school district agree in writing to the excusal, and
- the excused member submits to the parent and the rest of the CSE, written input into the development of the student's IEP, and in particular written input with respect to their area of curriculum or related services, prior to the meeting.

Requests for excusals of a member of a committee and other written input will be provided not less than five days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request.

A parent retains the right to request and/or agree with the school district to excuse a CSE or subcommittee member at any time including where:

- the member is unable to attend because of an emergency or unavoidable scheduling conflict and
- the school district submits the written input for parental review and consideration within a reasonable time prior to the meeting and prior to obtaining written parental consent for the excusal.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee.

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings of the CSE are held in the Central Office Building and subcommittees and held in the school buildings as needed throughout the year.

DEFINITIONS

The term “**Student with a Disability**” includes the following classifications:

- *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph 4. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.
- *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student’s educational performance.
- *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- *Emotional Disability* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student’s educational performance:
 - an inability to learn that cannot be explained by intellectual sensory, or health factors;
 - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - inappropriate types of behavior or feelings under normal circumstances;
 - a general pervasive mood of unhappiness or depression; or
 - a tendency to develop physical symptoms or fears associated with personal or school problems.
 - The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.
- *Hearing Impairment* means impairment in hearing, whether permanent or fluctuating, which adversely affects the child’s educational performance but that is not included under the definition of deafness in this section.
- *Learning Disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. This term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and

developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

- *Intellectual Disability* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.
- *Multiple Disabilities* means concomitant impairments (such as mental retardation, blindness, mental retardation-orthopedic impairments, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
- *Orthopedic Impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
- *Other Health-Impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.
- *Speech or Language Impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance.
- *Traumatic Brain Injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.
- *Visual Impairment including blindness* means impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

CSE PROCEDURES

Referral

In accordance with New York Education Law Section 4402 and Part 200.2, 200.4 and 200.5 of the Commissioner's Regulations, the CSE is responsible for evaluating all school-age students suspected of having a disability, identifying a disability (or determining that no disability exists), and recommending placement and type of special education programs and/or services within sixty (60) days of the date of receipt of consent for evaluation. Referrals can be made at any time during the twelve-month year.

A student suspected of having a disability shall be referred in writing to the Chairperson of the CSE or to the building Administrator of the school, which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs or services. The school district must initiate a referral and promptly request parental consent to evaluate the student to determine if the student needs special education services and programs or if the student has not made adequate progress after an appropriate period of time when provided instruction in a multitiered problem-solving approach that utilizes systematically applied strategies and targeted instruction. A referral for an initial evaluation may be made by:

- a student's parent including an individual who is acting in place of a birth or adoptive parent;
- a designee of the school district in which the student resides
- the commissioner; and/or
- a designee of an education program affiliated with a child care institution with committee on special education responsibility.

A written request that the school district or agency refer the student for an initial evaluation may be made by:

- a professional staff member of the school district in which the student resides, or the public or private school the student legally attends;
- a licensed physician;
- a judicial officer;
- a professional staff member of a public agency with responsibility for welfare, health or education of children; or
- a student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

All new entrants to the district are screened at the time of enrollment and such screening, if it indicates a possible disability, can lead to a CSE referral.

Except for written requests for referrals submitted by the student or judicial officers, the referral must state the reasons for the referral and include any test results, records or

reports upon which the referral is based. It must also describe written efforts made by school and parent to resolve the difficulties leading to referral or to meet the needs of the student in the general classroom setting including intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral. It must also describe the extent of parental contact and involvement prior to the referral. If a referral is received by the building Administrator, it must be forwarded to the CSE Chairperson immediately. If a referral is received by the CSE Chairperson, a copy will be forwarded to the building Administrator within five school days of its receipt.

Within 10 school days of receiving a written request for referral/or an initial re-evaluation, the school district will notify the parent that a request for a referral for an initial evaluation has been received and either:

- request parent consent to initiate the evaluation; or
- provide the parent with a copy of a request for referral; and
 - inform the parent of his/her right to refer the student for an initial evaluation; and
 - offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with:
 - the building administrator or other designee of the school district authorized to make a referral;
 - the party making the request for referral if a professional staff member of the school district; and
 - upon request of the parent or school district, any other person making a request for referral must have the opportunity to attend such meeting.

A professional staff member of the school district who made a request for referral that results in a parent referral for special education, must attend any meeting requested by a building administrator to determine whether the student would benefit from additional general education support services as an alternative to special education and receive a copy of any agreement to withdraw the referral.

Withdrawal of Referral

Within ten (10) school days following receipt of CSE referral or a request for a referral, the building principal may decide to meet with the parent and/or student to discuss educational services presently being offered and to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of Educationally Related Support Services, Speech/Language Services, Remedial Instruction, and Academic Intervention Services and any other services designed to address the learning needs of the student and maintain his or her placement in general education. The professional staff member who made the referral should also attend this meeting. If at the meeting, the parent and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral or the request for

referral shall be deemed withdrawn, and the building administrator shall provide the chairperson of the CSE, the person who made the referral if a professional staff member of the district, the parent and the student, if appropriate, with copies of the agreement. All such agreements about withdrawal of a CSE referral must be in writing and must specify the general education support services and instructional strategies to be used and student centered data to be collected to resolve the identified learning difficulty of the student and provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress. A copy of the agreement becomes a part of the student's cumulative educational record. A copy of the agreement must be in the native language of the parent.

If the referral to the CSE is not withdrawn by agreement, and the parent does not consent to the initial evaluation within thirty (30) days of the date of receipt of referral, the CSE chairperson shall document attempts, including but not limited to, telephone calls made or attempted and the results of those calls and correspondence sent to the parents and any responses received by the Chairperson or other representatives of the committee to obtain parental consent and shall notify the board of education that they may utilize due process to permit the district to conduct an evaluation of the student without the consent of the parent.

Evaluation and Recommendations

The initial individual evaluation shall be completed within 60 days of receipt of consent unless extended by mutual agreement of the student's parents and the CSE. The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability and the content of the student's individualized education program, including information related to enabling the student to participate and progress in the general education curriculum.

The individual evaluation of the referred student must include, at no cost to the parent, at least:

- A physical examination;
- An individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the committee;

- An observation of the student in the student's learning environment including the general classroom setting or, in the case of a student of less than school age or out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty;
- A social history;
- Other appropriate assessment or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The district will ensure that:

- Assessments and other evaluation materials used to assess a student:
 - are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;
 - are used for purposes for which the assessments or measures are valid and reliable;
 - are administered by trained personnel in accordance with the instruction provided by those who developed such assessments; and
 - are selected and administered so as not to be discriminatory on a racial or cultural basis;
- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
- Assessments are selected and administered to ensure that, when an assessment is administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
- Materials and procedures used to assess a student with limited English proficiency be selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;
- No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;
- The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;
- The evaluation is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified;

- Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
- Assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
- The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities;
- Students age twelve (12) and those referred to special education for the first time who are age twelve (12) and over, shall receive an assessment that includes a review of school records and total assessments, and parent and student interview to determine vocational skills, aptitude and interests;
- The results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication, unless it clearly not feasible to do so;
- Assessments of students with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations;
- No student shall be required to obtain a prescription for a drug or other substance as a condition of receiving an evaluation.

The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the district. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, vocational evaluations and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time. The CSE shall maintain a list of appropriate resources and certified professionals for this purpose.

When an evaluation is completed, a CSE meeting is scheduled. Reasonable measures will be taken to ensure that the parent attends the meeting or is afforded the opportunity to participate. This means:

- A written notice will be sent to parents at least five days prior to the scheduled meeting advising them of the meeting. This notice will inform the parents of the purpose, date, time and location of the meeting and the name of those persons who will be in attendance at the meeting. Meeting notices will be on a form prescribed by the Commissioner.
- The meeting will be scheduled at a mutually agreed upon time and place and in a location that is physically accessible to parents.
- The secretary in the Special Education Department or the School Psychologist in the student's building, will call the parent three workdays prior to the meeting if there has not been a response regarding their attendance. If the parent cannot

be reached and does not return the call, a second attempt will be made to reach the parent by telephone.

- In the event the parent still cannot be reached, the student's school will be contacted in an effort to enlist their assistance in reaching the parent via a note sent home with the student.
- Attempts to contact the parent/guardian will be documented.
- For a subcommittee meeting, the special education or primary related service provider will make and document attempts to contact the parent. This will include two telephone calls and a note sent home with the student. All attempts to contact the parent/guardian will be logged.
- When conducting a meeting of the CSE, the parent and the school district may agree to use alternative means of meeting participation, such as a video conference or conference telephone calls.
- A meeting does not include informal or unscheduled conversations involving school personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
- The district may conduct a CSE meeting without a parent in attendance if the school is unable to convince the parents that they should attend. In this case, the school must have a detailed record of its attempts, and the results of those attempts to arrange a mutually agreed on time and place. A decision may be made by the CSE without the involvement of the parents, if the school is unable to obtain the parents' participation in the decision. In this case, the school must have a record of its attempt to ensure their involvement.
- The district will ensure that the parent understands the proceedings at the meetings of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

ELIGIBILITY DETERMINATION

The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure that the appropriateness of reading and math instruction and all general education resources including academic intervention services have been considered prior to determining that the student should be placed in a special education program. In interpreting evaluation data for the purpose of determining if a student is a student with a disability, and determining the educational needs of the student, the CSE must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior; and ensure that information obtained from all these sources is documented and carefully considered. The school district must provide a copy of the evaluation report and the documentation of eligibility to the student's parent. In making a determination of eligibility for special education and related services, a student shall not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies or math or limited English proficiency. In determining whether a student has a learning disability, the district may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures. The district is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical computation or mathematical reasoning. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible this should occur when the evaluation reports are shared with other members of the CSE before any meeting to discuss the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student. Consensus is the preferred decision making process. When an evaluation is completed, the committee, including the parent and, if appropriate, the student meets to review the evaluation information to determine eligibility for special education and, if appropriate, develop an IEP. IEPs will be on a form prescribed by the Commissioner. When evaluations are conducted for the purpose of determining a student's eligibility or continuing eligibility for special education, the CSE must give a copy at no cost of the evaluation report and the documentation of the determination of eligibility to the student's parent. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

If the Committee determines that the student is **ineligible** for special education:

- The Committee will provide notice to the parent of the recommendation. The parent will receive procedural safeguards and a copy of the evaluation report and the documentation of determination for ineligibility.
- The Committee will provide a copy of the recommendation and appropriate evaluation information to the building Administrator for consideration of general education supports and/or services to address the student's needs.
- The Committee will provide a copy of the recommendation to the Board of Education.

If the student has been receiving special education services, but it is determined by the CSE that the student no longer needs special education services and can be placed in a regular education program on a full-time basis, the student may be considered for declassification support services.

The Committee will:

- Identify the declassification support services, if any, to be provided to the student and/or the student's teachers; and
- Indicate the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue for more than one year after the student enters the full-time regular education program.

If the Committee determines that the student is **eligible** for special education:

- The Committee will develop a written recommendation (IEP);
- The Committee will document LRE considerations;
- The Committee will document special considerations for students whose behavior impedes learning, students who are deaf or hard of hearing, students who are blind or visually impaired, students with limited English proficiency and students who need assistive technology devices or services.
- The Committee will also provide notice to the Board of Education.

After the determination of eligibility or ineligibility by the CSE, a notice of this recommendation is provided to the parents. This notice of recommendation, also known as prior written notice must be given to parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notices shall be on a form prescribed by the Commissioner.

In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the academic, developmental and functional needs of the student, including as appropriate, the results of the student's performance on any general State or district-wide tests, and other factors unique to the student's disability.

The IEP includes:

- The classification of the disability;
- The student's present levels of academic achievement and functional performance and individual needs – academic, social, physical and management areas including how the disability affects the student's involvement and progress in the general education curriculum.
- Each measurable annual goal, including academic and functional goals, shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress towards meeting the annual goals during the period beginning with placement and ending with the next scheduled review by the committee. Each annual goal shall identify when periodic reports on the student's progress will be provided to the student's parents.
- Special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately towards attaining annual goals, to be involved and progress in general curriculum, and to be educated and participate in activities with other students with and without disabilities;
- The recommended program and services shall, to the extent practicable, be based on peer-reviewed research;
- The extent, if any, to which the student will **NOT** participate with non-disabled students in the general class and in other activities;
- If a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education, including adapted physical education;
- If the student will participate in an alternate assessment on a particular state or districtwide or part of an assessment, why the assessment is not appropriate for the student and how the student will be assessed;
- A statement of any individual testing accommodations to be used consistently for the student in the recommended educational program and in the administration of district-wide assessments of student achievement, and in accordance with department policy, State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student and projected date of review of the student;
- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of these services and modifications;
- The general education classes in which the student will receive consultant teacher services.
- The class size of any special education classes the student will participate in.
- A statement of supports for school personnel on behalf of the student.
- The extent to which the student's parents will receive parent counseling and training when appropriate.
- The IEP shall identify when periodic reports on the progress the student is making toward the annual goals (such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards) will be provided to the student's parents;

- For a student who takes a New York State Alternate Assessment and for each preschool student with a disability, the IEP shall include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal.
- Eligibility and statement for the need for twelve month services and the provider for services during the months of July and August.
- Projected date of annual review
- The recommended placement.

Transition Services

For those students, beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate) and updated annually, the IEP shall include:

- Under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
- Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- A statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced placement courses or a vocational education program;
- Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experience, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- A statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

To ensure appropriate transition planning for the student, the development of transition goals and services shall include a discussion with the student's parents of the graduation requirements and the student's progress towards receipt of a diploma including the courses passed and credits obtained by the student and the assessments required for graduation that the student has taken and passed.

At the CSE meeting, the parent shall be provided with written information explaining the graduation requirements including the eligibility criteria and processes for seeking an appeal to graduate with a lower score on a Regents examination and for requesting that a student be considered for a local diploma. The parents shall also be informed that

graduation from high school with a local diploma or Regents diploma shall terminate their child's entitlement to a FAPE.

Consideration of Special Factors

The CSE shall:

- in the case of a student whose behavior impedes his or her learning or that of others, consider when appropriate, strategies, including positive behavioral interventions, and supports and other strategies to address that behavior;
- in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP;
- in the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the CSE determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the student;
- consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education;
- include a statement in the IEP if, in considering the special factors listed above, the committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

IEP Implementation, Distribution and Placement

At the beginning of each school year, the special education teacher meets with all general education teachers to discuss each student's IEP and review the modifications and adaptations that may need to be made for each student. Each general education teacher is provided with a paper or electronic copy of the IEP and informed of his or her responsibilities to implement the recommendations in the student's IEP. Teachers need to be aware of each student's area of disability, testing modifications, special needs with regard to specialized equipment (e.g., enlarged print, taped textbooks, use of a calculator, etc.) and any other special accommodations as stipulated in the IEP.

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) school days of the referral for review of the student with a disability, the Board of Education shall arrange for

appropriate special programs and services. If a recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within thirty (30) school days of the Board's receipt of the recommendation of the committee. Notice of the recommendation will be provided to the parent, including procedural safeguards notice. If the Board of Education disagrees with the committee's recommendations, the Board may remand the recommendation back to the committee for reconsideration and provide notice to the parent. The Board may also establish a second committee to develop a new recommendation for the student:

- If the Board disagrees with the recommendation of the second committee, it may remand the recommendation back to the second committee for additional reviews.
- If the Board continues to disagree with the recommendation of such second committee, the Board may continue to remand the recommendation for additional reviews of its objections or concerns.
- In all cases, the Board must arrange for programs and services within sixty (60) school days of receipt of consent to evaluate.

The CSE must ensure that:

- each student with a disability has an IEP in effect at the beginning of each year;
- each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy of the student's IEP prior to the implementation of such IEP;
- an aide and each other provider responsible for assisting in the implementation of a student's IEP, has the opportunity to review a copy of the student's IEP, prior to the implementation of the program, and has ongoing access to a copy of the IEP;
- each general education teacher, special education teacher, related service provider and other service provider, aide and other providers and support staff person has been informed, prior to the implementation of the IEP, of his or her responsibility to implement the recommendation on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, and
- a copy of the IEP is provided to the student's parents at no cost to the student's parents.

The school district must provide special education and related services to a student with a disability in accordance with the student's IEP and make a good faith effort to assist the student to achieve the annual goals and, if appropriate, short term instructional objectives or benchmarks listed in the student's IEP.

Transfer Students

- Transfer Students Within New York State – In the case of a student with a disability who had an IEP that was in effect in New York State and who transfers from one school district and enrolls in a new school district within the same academic year, the new school district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district adopts the previously held IEP or develops, adopts and implements a new IEP;
- Transfer Students From Outside New York State – In the case of a student with a disability who transfers school districts within the same academic year, who enrolls in a new school district and who had an IEP that was in effect in another state, the school district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation, if determined to be necessary by the school district, and develops a new IEP, if appropriate.

Annual Review

The IEP of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. Prior to conducting any new assessments, parental consent must be obtained. Parents are notified by mail in advance of this review. Reasonable measures are taken to ensure that the parent attends the meeting. If a revision of the IEP is recommended, it must address:

- Any lack of expected progress toward the annual goals in the general education curriculum, if appropriate;
- The results of the most recent evaluations of the student;
- Concerns of the parents for enhancing the education of their child;
- Strengths of the student;
- Other matters, including a student's need for test accommodations and/or modifications and the student's need for a particular device or service (including an intervention, accommodation or other program) in order for the student to receive a free appropriate public education;
- The student's anticipated needs;
- As appropriate, the results of the student's performance on any general, state or district-wide assessment program.

Re-Evaluation

A CSE shall arrange for an appropriate reevaluation of each student with a disability if the school district determines that the educational or related services needs, including improved academic achievement and functional performance of the student, or if the student's parent or teacher requests a reevaluation, but not more frequently than once a

year, unless the parent and the representative of the school district appointed to the CSE agree otherwise; and at least once every three years. The parent and the school district may agree in writing that a three-year re-evaluation is unnecessary.

If conducted, a comprehensive three-year reevaluation is arranged by a multidisciplinary team or group of persons, including at least one teacher or other specialists with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, when evaluations are conducted with the purpose of determining continuing eligibility for special education the CSE will provide a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent.

Parent consent is obtained, if any new tests will be administered.

A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used in determining whether the student is or continues to be a student with a disability and the content of the student's individualized education program, including information related to enabling the student to be involved in and progress in the general education curriculum. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments, local and state assessment, classroom based observations, and observations by teachers and related service providers.

The CSE must obtain informed parental consent prior to conducting any new test or assessment as part of a re-evaluation of a student with a disability, except the such informed parent consent need not be obtained if the district can demonstrate that it took reasonable measures to obtain such consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home either via mail or with the student. If the parent refuses consent, the district must resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment as part of the re-evaluation. If the committee determines that no additional data is needed to determine whether the student continues to be a student with a disability, the CSE will notify the parent of that determination, and the reasons for it and the right of the parent to request an assessment to determine whether the student continues to be a student with a disability. The committee will also indicate that it is not required to conduct such an assessment unless requested by the student's parent.

Amendments to the IEP After the Annual Review

After an IEP has been developed at the annual review meeting, a parent and the school district may agree not to convene a meeting of the CSE to make changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances:

- the parent makes a request to the school district for an amendment to the IEP and the parent and the district agree in writing; or
- the school district provides the parent with a written proposal to amend a provision or provisions of the IEP that:
 - is conveyed in language understandable to the parent, and
 - informs and allows the parent the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes.
- the parent must agree in writing to the amendments.

The parent must be provided prior written notice (notice of recommendation) of the changes to the IEP. The parent must also receive, either a:

- rewritten IEP; or
- document that amends or modifies the IEP (or, upon parent request, a revised copy of the entire IEP with the amendments incorporated).

Amendments made to an IEP without a meeting do not affect the requirement that the CSE must review the IEP at the annual meeting, or more often if necessary.

Declassification

The CSE must evaluate a student with a disability before determining that the student is no longer a student with a disability. A copy of the evaluation report and the documentation of eligibility must be provided to the student's parent. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, social work, speech and language services, non-career counseling, or the assistance of a teacher aide or consultant to the classroom teacher. Continuation of test modifications upon declassification is not automatic. The CSE may determine that the test modifications previously documented in a student's IEP must continue to be consistently provided to the student for the balance of his or her public school education. The school district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regent's diploma or exceeding the age eligibility for a free appropriate public education, but is required to provide the student with a summary of his or her academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his or her postsecondary goals.

CONTINUUM OF SERVICES
COMMITTEE ON SPECIAL EDUCATION (CSE)

Transitional Support Services

When specified in a student's Individualized Education Program, transitional support services are provided to a teacher on a temporary basis to aid in the provision of an appropriate educational program to the student with a disability who is transferring to a general education program or to a less restrictive program or service. These services may be provided by the building psychologist, a special education teacher, a speech/language therapist, physical therapist, occupational therapist or other appropriate professional who understands the specific needs of the student with a disability and is qualified in the area of service.

Consultant Teacher Services

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes including career and technical education and/or to students' general education teachers. Direct consultant teacher services means instruction provided by a certified special education teacher to a student with a disability to aid such student to benefit from the student's regular education classes. Indirect consultant teacher services means consultation provided by a certified special education teacher to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes. These services shall be recommended by the CSE to meet specific needs of students. The student's IEP shall indicate the general education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

- Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week, except that the CSE may recommend that a student with a disability who also needs Resource Room Services in addition to Consultant Teacher Services may receive a combination of such services consistent with the student's IEP for not less than three hours each week.
- The total number of students with disabilities assigned to a consultant teacher shall not exceed twenty (20), except that additional students may be assigned to a consultant teacher with a variance from the Commissioner of Education.

Related Services

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility service, medical services as defined by regulations,

parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation and other appropriate and supportive services and includes the early identification and assessment of disabling conditions in students. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device.

- The frequency, duration and location of each service shall be in the IEP based on the individual student's need for the service.
- Total caseload for teachers who provide speech/language services will not exceed sixty-five (65).
- When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five (with the exception of vocational counseling which may be up to 10).

Resource Room

The resource room program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental programs.

- The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.
- Students shall spend a minimum of three (3) hours per week, except that a CSE may recommend that for a student with a disability who also needs Consultant Teacher Services in addition to Resource Room Services, may receive a combination of such services consistent with the student's IEP for not less than three hours per week. The student will not spend more than 50 percent of the day in the resource room program.
- The total number of students assigned to a resource room teacher shall not exceed twenty (20) at the elementary level and twenty-five (25) at the middle and high school levels.
- Resource room services may be provided either in a pull-out or push-in program or a combination of both.

Integrated Co-Teaching

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students.

- The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, provided that the number of students with disabilities in such classes shall not exceed 12 students unless a variance is provided. A written notice will be submitted to the commissioner to temporarily add one additional student with a disability to an

integrated co-teaching class for the remainder of the school year, provided that at the start of classes in September, is in compliance and has no more than 12 students with disabilities. This variance will be on a form prescribed by the Commissioner. If the school district has enrolled one student with a disability beyond the maximum 12 students with disabilities in an integrated co-teaching services class, as described above, and it determines that there is a need to temporarily add one additional student to the class, the school district may submit to the commissioner for approval an application for a variance to enroll the one additional student in the same class for the remainder of the school year. This variance will be on a form prescribed by the Commissioner.

- School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.
- Additional personnel, including supplementary school personnel, assigned to such classes by the district, may not serve as the special education teacher.

Special Class

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than sixteen (16) years of age shall not exceed thirty-six (36) months. The chronological age range within special classes of students with disabilities who are 16 years of age and older is not limited.

Upon application and documented educational justification to the commissioner, approval may be granted for variance from the special class sizes and chronological age ranges described above provided that requirements described above are met at the start of the school year in September.

For parents of students placed in special classes, provision shall be made for parent counseling and training.

Out-of-District Placement

Students with disabilities whose needs are too intensive to be addressed appropriately in an in-district special education program, may be placed in one of the following, listed from least restrictive to more restrictive:

- Special class operated by another school district
- A BOCES program
- An approved Private School (day)
- 4201 or State Operated School
- an approved Residential Placement

Home and Hospital Instruction

Students with disabilities who are recommended for home and/or hospital instruction by the CSE shall receive instruction as follows:

- elementary school students will be provided a minimum of five (5) hours per week;
- secondary school students will receive a minimum of ten (10) hours of instruction per week, preferably two (2) hours daily.

In addition to special education instruction, the students shall be provided with appropriate related services.

Twelve-month special service and/or program:

Students shall be considered for 12-month special services and/or programs in accordance with their need to prevent substantial regression, if they are students who, based on their severe disability, exhibit the need for a 12-month program as determined by the CSE.

Declassification Support Services

If a student has been receiving special education services but the CSE determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the student may be considered for declassification support services. Declassification support services means those services provided by persons appropriately certified or licensed in the appropriate area of service, to a student or student's teacher(s) to aid in the student's transition from special education to full-time regular education, including:

- for the student, psychological services, social work services, speech and language services, counseling (other than career counseling), and other appropriate support services; and
- for the student's teacher (s), the assistance of supplementary school personnel, and consultation with appropriate personnel.

SECTION 4:
**ADDITIONAL
EVALUATION,
IEP AND
PLACEMENT
CONSIDERATIONS**

ARRANGEMENT OF
SPECIAL EDUCATION PLACEMENTS CPSE AND CSE

The Board of Education shall, upon receipt of the IEP recommendation, arrange for programs and services to be provided to a student with a disability after consideration of the recommendation of the CSE. The Board shall notify the parent that this has been arranged.

For CPSE, the Board shall arrange for the services commencing with the July, September or January starting date, unless such services are recommended by the CPSE less than 30 school days prior to, or after, such appropriate starting date, in which case the services shall be provided as soon as possible following development of the IEP but no later than thirty (30) school days from the recommendation of the Committee.

For CSE, placement shall be completed within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or within 60 school days of referral for review of a student with a disability. For placement in approved in-state or out-of-state private school placements, the Board shall arrange for such programs and services within 30 school days of receipt of the recommendation of the CSE.

Because the placement of students is often a lengthy process, the Board authorizes the Superintendent of Schools, or designee, to act as its agent in making necessary arrangements to implement the appropriate recommended program/services prior to Board of Education review.

If the Board disagrees with the recommendation of the CSE, it shall set forth in writing a statement of its reasons and send the recommendation back to the Committee, with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board shall provide the parent with a copy of this statement and notice. The committee shall then submit its revised recommendation to the Board of Education.

ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES

A student suspected of having a learning disability must receive an individual evaluation that includes a variety of assessment tools and strategies. The CSE may not rely on any single procedure as the sole criterion for determining whether a student has a learning disability. The individual evaluation shall be completed within 60 days of receipt of consent, unless extended by mutual written agreement of the student's parent and the CSE.

The individual evaluation must include information from an observation of the student in routine classroom instruction and monitoring of the student's performance that was either done before the student was referred for an evaluation or from an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and parental consent is obtained.

To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures consider:

- data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel; and
- data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which shall include the student's general education teacher and at least one person qualified to conduct individual diagnostic examinations of students such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher.

A student may be determined to have a learning disability if, when provided with learning experiences and instruction, appropriate for the student's age or state-approved grade-level standards, the student does not achieve adequately for the student's age or to meet state-approved grade level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving and the student either:

- does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the identified areas when using a process based on the student's response to scientific, research-based intervention; or
- exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual

development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments.

A student may be determined to have a learning disability if the CSE determines that its findings are not primarily the result of a visual, hearing, or motor disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.

In addition to the criteria above, the CSE is not prohibited from considering whether there is a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation and/or mathematical problem solving, provided that effective on and after July 1, 2012, a school district shall not use the severe discrepancy criteria to determine that a student in Kindergarten through grade four has a learning disability in the area of reading.

Specific Documentation for the Eligibility Determination

When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of:

- whether the student has a learning disability;
- the basis for making the determination, including an assurance that the determination has been made in accordance with regulations;
- the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
- the educationally relevant medical findings, if any;
- whether the student does not achieve adequately for the student's age or to meet state-approved grade-level standards; and
- the student does not make sufficient progress to meet age or state-approved grade-level standards; or exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development;
- the determination of the CSE concerning the effects of a visual, hearing, or motor disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency on the student's achievement level, and
- if the student has participated in a process that assesses the student's response to scientific, research-based intervention; the instructional strategies used and the student-centered data collected;
- and the documentation that the student's parents were notified.

Each CSE member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the CSE member must submit a separate statement presenting the member's conclusions.

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The recommendation to declassify students with disabilities is the responsibility of the CPSE and the CSE. As declassification constitutes a significant change of identification and placement, the CPSE/CSE shall reevaluate the child prior to making this recommendation. The CPSE/CSE shall also provide prior notice, in the native language or other mode of communication of the home, to the child's parent or guardian, that a reevaluation is being sought for the purpose of considering declassification and request written consent for this evaluation. If the initial request for consent for reevaluation is unsuccessful, alternate measures will be taken to obtain consent and will be documented. If reasonable attempts have been made to obtain consent and have been documented, but no response is received from the parent or guardian, the CPSE/CSE shall reevaluate the child without consent.

In order to determine the nature of this reevaluation, the school staff including members of the CPSE/CSE and other qualified professionals may review the existing evaluation data on the student including evaluations provided by the parents or guardians, current class assessments, observations by teachers, reports by related services providers and other professionals. This review shall not constitute a CPSE/CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CPSE/CSE shall notify the parents or guardians that further assessment has been deemed unnecessary and that they have a right to request further assessment to determine if their child continues to be a student with a disability. If the parent or guardian does not request further assessment, the CPSE/CSE may meet to review the existing information and to consider declassification. A copy of this informal evaluation report shall be made available to the parent or guardian.

In conducting its review, the CPSE/CSE will consider the student's ability to participate in instructional programs in regular education, the student's benefit from special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEA, the Part 200 Commissioner's Regulations and the District's existing policies and procedures. The CPSE/CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CPSE/CSE shall identify any declassification support services including the projected date of initiation of such services and the duration of these services. Declassification services shall be provided for no more than a year following the declassification date. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional academic intervention services, or other services that may be appropriate for the child.

PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS
(ELL STUDENTS)

SCREENING:

As part of the initial school screening, students who appear to be English Language Learners (ELL), formerly known as Limited English Proficient (LEP) students, are screened by the English as a New Language (“ENL”) teacher. The ENL teacher also screens ELL new entrants to the district. One method that is used to determine the student’s predominant language is the Home Language Questionnaire (HLQ). If the responses on the HLQ indicate that a language other than English is spoken at home or that the student understands a language other than English, then an individual interview in English and the student’s home language is conducted, along with a review of the student’s abilities or work samples in reading and writing in English and the home language and math, collected or generated during the interview. If that process indicates that the student is possibly an ELL, the New York State Identification Test for English Language Learners (NYSITELL) is administered to determine language proficiency. If the student receives a score below a state-designated level of proficiency, the student is identified as an English Language Learner and will receive ENL services.

Part 154-3 requires the establishment of a Language Proficiency Team (LPT), which is a committee that makes a recommendation regarding the initial assessment of English Language Learner status for a student with a disability. The LPT shall be minimally comprised of a school/district administrator; a certified teacher or related service provider with a bilingual extension and/or a teacher of English to Speakers of Other Languages; the director of special education or individual in a comparable title (or his or her designee); and the student’s parent or person in parental relation. A qualified interpreter or translator of the language or mode of communication the parent or person in parental relation best understands shall be present at each meeting of the LPT.

Students who initially enroll as a student with a disability (SWD) will require a seven-step review of their classification to determine whether the student’s disability is the determinant factor affecting whether the student can demonstrate proficiency in English.

Steps in the LPT Review Process

1. For a student identified as having a disability, the LPT must make a recommendation as to whether there is evidence that the student may have second language acquisition needs.
2. In making this recommendation, the LPT shall, in accordance with guidance prescribed by the commissioner, consider evidence of the student’s English language development, including, but not limited to:
 - a. the results of the HLQ and Individual Interview;

- b. the student's history of language use in school and home or community;
 - c. the individual CSE evaluation of the student, which shall include assessments administered in the student's home language; and
 - d. information provided by the CSE as to whether the student's disability is the determinant factor affecting whether the student can demonstrate proficiency in English.
3. Based on the evidence, the LPT must make a recommendation as to whether a student may have second language acquisition needs or whether the student's disability is the determinant factor affecting whether the student could demonstrate proficiency in English during the Individual Interview.
4. If the LPT recommends that the student does not have second language acquisition needs and therefore should not take the English language proficiency identification assessment to identify the student as an English language learner, the recommendation shall be referred to the school principal for review.
5. If the school principal agrees with the recommendation of the LPT that the student is not an English Language Learner and will not take the English language proficiency identification assessment, the school principal shall inform the parent or person in parental relation of this recommendation, in the language or mode of communication the parent or person in parental relation best understands.
6. Upon receipt of a recommendation by the school principal, the Superintendent or his or her designee shall review the school principal's recommendation and make a final determination to accept or reject the school principal's recommendation within ten (10) days of receiving the school principal's recommendation. If the Superintendent determines that the student is not an English Language Learner, notice of such determination shall be provided to the parent or person in parental relation in the language or mode of communication the parent or person in parental relation best understands within five (5) days of such final determination.
7. If the LPT determines that the student with a disability may have second language acquisition needs, the student shall take the initial English language proficiency identification assessment, NYSITELL. The CSE shall determine, in accordance with the IEP) developed for such student, whether the student shall take the assessment with or without testing accommodations or an alternate assessment as may be prescribed by the Commissioner.

State and Federal laws and regulations require that all ELLs receive ENL services until they score proficient on the NYSESLAT or on an alternate assessment as may be prescribed by the Commissioner.

Students who are referred for a bilingual assessment have usually been in the ENL program for at least two-three years. Traditionally, the referral comes from the ENL teachers who discuss their concerns about the student's progress with the building team or guidance counselor and/or the school psychologist with regard to the possibility of a disability interfering with the acquisition of academic and/or language skills.

Prior to referral, general education supports are attempted to determine if the student can make progress through these interventions.

These supports may include:

- ENL Program
- Academic Intervention Services/Response to Intervention
- Remedial Reading Support
- Remedial Math Support
- Speech/Language Services
- Extra help sessions with the general education teacher
- Informal small group instruction

If the student's home language is other than English, this is noted on the referral form in order that further evaluations can be completed in the student's native language. If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the Parent's Guide to Special Education in their native language, if available.

At the CSE meeting, an interpreter will be provided for parents if their native language is other than English. When considering if a disability is present, the CSE will consider the following factors:

- the length of time the student has been in the United States;
- the amount of instruction that the student has received in the United States as well as his or her home country;
- the length of time the student has been receiving ENL instruction;
- attendance in school;
- the student's proficiency in his native language as well as English proficiency;
and
- the types of general education supports that the student has received.

In all cases, the student's educational, cultural and experiential background will be considered by the Committee to determine if these factors are contributing to the student's learning or behavioral problems. Personnel with knowledge of second

language needs and how those needs relate to learning will be invited to participate in CSE meetings. In making a determination of eligibility for special education and related services, a student may not be identified as a child with a disability if the determinant factor for such determination is limited English proficiency.

When the CSE develops an IEP for an ENL student with a disability, that student must be provided the opportunity to participate in the district's ENL program. ENL programs should be considered general education core instruction for all ENL students. The CSE does not have the authority to determine that a student with a disability will not receive any ENL instruction unless the student has been re-designated as English proficient pursuant to Part 154 of the Regulations of the Commissioner of Education.

CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION
FOR ENGLISH LANGUAGE LEARNERS

The CPSE/CSE is responsible for evaluating students to determine the existence of a disability that may require special education services. In order to safeguard educational opportunities for students, whose native language is other than English, the CSE must ensure that all tests and assessment procedures are selected and administered so as not to be discriminatory on a racial or cultural basis.

The procedures for ensuring appropriate and non-discriminatory evaluations for students who are English Language Learners will be as follows:

- The CSE referral will indicate the student's native language, as determined by the Home Language Survey and other assessments.
- The CSE referral includes a section that must be completed on students who are English Language Learners and may also be suspected of having a disability.
- If the student's English proficiency is determined to be insufficient to obtain valid results in English and the home language is not English, the evaluation shall be bilingual.
- If the home language is English but the student is considered limited English proficient, an evaluation will be conducted by a professional familiar with the culture and language dialect of the student.
- If the student is from a culturally and linguistically diverse background and English is the home language and the student is considered to be proficient in English, as determined by an English/Language Assessment, the evaluation may be conducted in English; however, the culture and linguistic background of the student will be taken into consideration.
- If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the Parent's Guide to Special Education in their native language.

Upon receipt of a referral that indicates that the home language is not English, due process notices will be mailed to parents in the dominant language. At the CSE/CPSE meeting, an interpreter will be present to explain the results of the evaluations and the proposed recommendations.

The bilingual evaluation will include the following considerations/evaluations:

- The length of time the student has been in the United States;
- The amount of instruction that the student has received in the United States as well as his or her home country;
- The length of time the student has been receiving ESL instruction;
- Attendance in school;
- The student's proficiency in his native language as well as English proficiency;
- The types of general education supports that the student has received.

- A bilingual evaluator will be obtained who is knowledgeable about the student's geographic area of origin as well as its language and culture.
- BOCES and other agencies may be used for bilingual assessment.
- Test instruments in the appropriate language that are normed on the same or similar population as the country from which the student has come will be sought. If such evaluative tools are not available, the evaluator will state in the report specific concerns regarding the instruments that were used and specific cautions to be observed when interpreting the results.
- If specific sub-tests are not considered appropriate because of cultural disadvantage, the evaluator may prorate the results and explain the reasons for this decision in the report.
- Student work samples may be submitted to the CSE to provide an informal portfolio assessment that may indicate functional levels.
- Non-verbal assessment batteries will be used to supplement more linguistic based measures.
- Age-appropriate adaptive behaviors will also be taken into consideration.
- All areas of suspected disability will be evaluated in the student's native language (e.g. speech).
- The bilingual evaluator will conduct a complete bilingual social history.
- The evaluation report will state the language in which the assessment was administered.
- If the tests normally used are not considered valid for the LEP student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

The following procedures will be followed by the CSE/CPSE when reviewing bilingual evaluations:

- A bilingual professional or translator will be present at the CSE/CPSE meeting and the attendance sheet will indicate the name and language of this interpreter.
- The CSE will consider the role of cultural and/or linguistic factors in relation to the student's behavior and/or academic difficulties before determining if special education services are required.
- In keeping with the doctrine of LRE, the CSE/CPSE will determine if remedial services and other general education supports can be tried before considering special education services.
- All notices requiring consent and informing parents of CSE/CPSE recommendations will be translated into the parent's dominant language.
- The program or services recommended for the student may consist of a combination of ESL and special education services, as recommended by the CSE.

RECOMMENDATIONS FOR ONE-TO-ONE AIDES FOR PRESCHOOL AND
SCHOOL-AGE STUDENTS WITH DISABILITIES

Effective June 29, 2016, Section 200.4(d)(3) of the Regulations of the Commissioner of Education, relating to the assignment of an individual aide to a student with a disability, was amended to add a requirement that both CSE and CPSE make certain considerations prior to determining that a student needs a one-to-one aide. The CSE and the CPSE shall consider:

- the management needs of the student that would require a significant degree of individualized attention and intervention;
- the skills and goals the student would need to achieve that will reduce or eliminate the need for the one-to-one aide;
- the specific support that the one-to-one aide would provide for the student (e.g.: assistance with personal hygiene or behaviors that impede learning);
- other supports, accommodations and/or services that could support the student to meet these needs (e.g.: behavioral intervention plan, environmental accommodations or modifications, instructional materials in alternate formats, assistive technology devices, peer-to-peer supports);
- the extent (e.g.: portions of the school day) or circumstances (e.g.: for transitions from class to class) the student would need the assistance of a one-to-one aide;
- staff ratios in the setting where the student will attend school;
- the extent to which assignment of a one-to-one aide might enable the student to be educated with nondisabled students and, to the maximum extent appropriate, in the LRE;
- any harmful effect on the student or on the quality of services that he or she needs that might result from the assignment of a one-to-one aide; and
- the training and support provided to the one-to-one aide to help him or her understand the student's disability-related needs, learn effective strategies for addressing the student's needs, and acquire the necessary skills to support the implementation of the student's IEP.

Section 200.4(d)(3) also clarifies that the assignment of shared one-to-one aides at the discretion of the school to meet the individualized needs of students whose IEPs include the recommendation for one-to-one aides is not prohibited or limited. The duties of a teacher aide or a teaching assistant providing individualized support to a student with a disability must be consistent with the duties prescribed in 8 NYCRR 80-5.6.

GUIDELINES FOR DETERMINING A STUDENT WITH A DISABILITY'S NEED FOR A ONE-TO-ONE NURSES

NYSED's Office of Special Education provided guidelines for determining a Student with a Disability's needs for a one-to-one nurse in January 2019. While some students may need the support of a full-day (continuous) one-to-one nurse to receive a free appropriate public education (FAPE), for other students, based on their specific health needs, assignment of a full-day (continuous) one-to-one nurse may not be necessary. A CPSE/CSE recommendation for a full-day (continuous) one-to-one nurse should only be made after a comprehensive discussion of other nursing options are considered and there is clear documentation as to why those options will not meet the health and medical needs of the student.

Evaluation information must be obtained in all areas of the student's disability or suspected disability and provide instructionally relevant information as to the unique educational needs of the student. In determining the educational needs of the student, the CPSE/CSE must draw upon information from a variety of sources, including parent input and teacher recommendations, as well as information about the student's physical condition (including the health of the student), social or cultural background, and adaptive behavior and ensure that information obtained from all these sources is documented and carefully considered. This information may include information from a physician, such as a written order to the school nurse from a student's health care provider. Students with disabilities who have a one-to-one nurse at home may require nursing services in order to attend school. Based on the individual needs of the student, the CPSE/CSE, in consultation with school health professionals, may determine a student's health needs can be appropriately met by the school's building nurse, a shared nurse, or a one-to-one aide who monitors and alerts the school nurse. The CPSE/CSE may also determine that a full-day (continuous) one-to-one nurse in school is necessary for the student to receive FAPE.

The decision to recommend a full-day (continuous) one-to-one nurse must weigh the factors of both the student's individual health needs and what specific school health and/or school nurse services are required to meet those needs. There are a number of important considerations that must be made by the CPSE/CSE in determining if a student needs a full-day (continuous) one-to-one nurse. These include, but are not limited to, consideration of each of the following:

- The complexity of the student's individual health needs and level of care needed during the school day to enable the student to attend school and benefit from special education;
- The qualifications required to meet the student's health needs;
- The student's proximity to a nurse;
- The building nurse's student case load; and
- The extent and frequency the student would need the services of a nurse (e.g., portions of the school day or continuously throughout the day).

EXTENDED SCHOOL YEAR (ESY) SERVICES

The CSE or CPSE will determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression as defined by regulations would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Section 200.6(k) of the Commissioner's Regulations, students will be considered for twelve-month (12) special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment and who are placed in special classes;
- Students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;
- Students whose needs are so severe that they can be met only in a seven-day (7) residential program; or
- Students receiving other special education services, who, because of their disabilities exhibit the need for a twelve-month (12) special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression.

Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and programs. A student is eligible for a twelve-month (12) service or program when the period of review or re-teaching required to recoup the skill or knowledge level attained by the end of the prior school year is beyond the time ordinarily reserved for that purpose at the beginning of the school year. The typical period of review or re-teaching ranges between twenty (20) and forty (40) school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight (8) weeks or more would indicate that substantial regression has occurred.

Parent consent is required for initial placement in a twelve (12) month program or service. The parents/guardians have the right to refuse ESY programs and services.

ACCESS TO ASSISTIVE TECHNOLOGY/AUGMENTATIVE COMMUNICATION DEVICES AND SERVICES

The District is committed to ensuring that assistive technology/augmentative communication devices and/or services are made available to a student with a disability, when appropriate, as part of the student's IEP. The IEP must describe any specialized equipment and adaptive devices needed for the student to benefit from instruction. IDEA requires each school district to ensure that assistive technology/augmentative communication devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education, related services or supplementary aids or services as described in the IEP. IDEA defines assistive technology devices and assistive technology services, as follows:

Assistive technology devices means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. Such a term does not include a medical device that is surgically implanted, or the replacement of such a device.

Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- The evaluation of the needs of a child with a disability, including a functional evaluation of the student in the student's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for a child with a disability, or if appropriate, that child's family; and
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of that student.

A student's need for assistive technology/augmentative communication is determined through the individual evaluation. The district's CSE/CPSE is responsible for this functional evaluation of the student. The need to conduct an assistive technology component of an evaluation must be considered for students on a case-by-case basis.

Since assistive technology services are provided as part of the student's special education instruction, related services and/or other supplementary aids and services,

they must be provided by an appropriately licensed or certified individual in accordance with Section 200.6 of the Regulations of the Commissioner of Education.

If the child is eligible to receive assistive technology/augmentative communication device or services, the CSE/CPSE should consider whether the child needs the device or services in the student's home or in other settings in order to receive a FAPE.

EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT

Students identified as having disabilities may be exempted from foreign language requirement as established for all schools in the State by Section 100.2 (d) of the Regulations of the Commissioner of Education, if their IEP indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibits other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students who are completing sixth, seventh, or eighth grade, the CSE will take the following steps:

- Curriculum will be reviewed to determine whether the language requirement has been completed.
- If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors, which may be relevant to ability to benefit from language instruction in the following year.
- In determining whether or not exemption is “appropriate”, particular attention will be paid to severity of the speech and language impairment. Exemption may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that exemption is warranted, reasons will be provided in a statement accompanying the IEP.
- If a student with a disability is assigned to a language class, a copy of the IEP showing necessary testing modifications and classroom modifications will be made available to the language instructor by the student’s special education teacher.

School district and State Education Department policies strongly favor fulfillment of the language requirement by all students prior to completion of ninth grade. Only students whose receptive or expressive language is severely impaired will be exempted unless there are specific factors, which, in combination with language problems, make exemption necessary.

EXEMPTION OF A STUDENT WITH A DISABILITY FROM THE REQUIREMENT IN
HANDS-ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF
AUTOMATED EXTERNAL DEFIBRILLATORS

Section 100.2(c)(11) of Commissioner's Regulations requires that all students complete hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of Automated External Defibrillators (AEDs) at least once between grades 9-12 prior to graduation. The standards for such instruction must be based on a nationally recognized instructional program that utilizes the most current guidelines for CPR and emergency cardiovascular care consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross. Instruction must be designed to:

1. recognize the signs of a possible cardiac arrest and to call 911;
2. provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only CPR; and
3. provide awareness in the use of an AED.

Most students with disabilities have the ability to complete the required instruction in hands-only CPR and the use of AEDs described above. In recognition that there may be some students who, due to the nature of their disability, will not be able to physically or cognitively perform the tasks included in such instruction. The CSE may determine, on an individual student basis, if a student with a disability should be excused from the requirement for instruction in hands-only CPR and the use of AEDs.

When a determination is made to excuse the student from this instructional requirement, the student's IEP or Section 504 accommodation plan must include documentation of the Committee's decision. The determination of whether a student with a disability would require this exception should be made in the year in which the student would be expected to complete the instruction.

GUIDELINES FOR PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE AND DISTRICTWIDE ASSESSMENTS

As required under IDEA, all students with disabilities must be included in all general State and district-wide assessment programs with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs.

As part of the student's IEP, the CSE must include a statement of any accommodations that are necessary to measure the academic achievement and functional performance of the student on State and district-wide assessments.

Testing accommodations are changes made in the administration of a test, including testing procedures or formats, in order to remove obstacles to the test-taking process caused by a student's disability, that do not alter the constructs being tested or measured. . The district recognizes that the provision of testing accommodations to students with disabilities enables such students to participate in assessment programs on an equal basis with their nondisabled peers. Testing accommodations provide students with disabilities the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by their disability. Further, testing accommodations provide opportunity for students with disabilities to gain access to more challenging courses and programs. Therefore, the Board adopts the following guidelines to ensure that all state and districtwide assessments are administered using appropriate accommodations:

- Testing accommodations must be provided on a consistent and uniform basis, as provided by each student's IEP ;
- Testing accommodations are neither intended nor permitted to:
 - alter the construct of the test being measured or invalidate the results;
 - provide an unfair advantage for students with disabilities over students taking tests under standardized conditions;
 - substitute for knowledge or abilities the student has not attained.
- The following students are eligible to receive test accommodations:
 - students classified by the CSE or CPSE as having a disability;
 - students identified as having a disability pursuant to Section 504 of the Rehabilitation Act by a 504 Multidisciplinary Team;
 - students who incurred disabilities for 30 days or less before administration of a districtwide test and who are authorized by the principal to receive testing accommodations;
 - students previously declassified by the CSE or CPSE who are provided with declassification accommodations;
 - Students with disabilities taking the New York State Alternate Assessment ("NYSAA").
- The following individuals are authorized to make the decisions regarding testing accommodations for a student with a disability:
 - the CSE or CPSE, if the student is classified under IDEA and the Commissioner's Regulations or if the student has been declassified;

- o the Section 504 Multidisciplinary Team for those students identified as having a disability pursuant to Section 504 of the Rehabilitation Act;
 - o the school principal, for general education students who have incurred a short or long-term disability within the 30 days before the administration of assessments and where sufficient time is not available for the development of an IEP or 504 Plan.
- All appropriate testing accommodations will be designated in a student's IEP or 504 Accommodation Plan and will be reviewed at least annually by the CSE or CPSE or 504 Multidisciplinary Team (except for declassification accommodations).
- Steps shall be taken to ensure that teachers and service providers are aware of testing accommodations for students and how they are to be implemented. A school's failure to provide the testing accommodations documented in the student's IEP/504 Plan may result in the invalidation of a student's test score.
- The student's IEP shall provide a statement of any individual testing accommodations to be used consistently by the student in the recommended educational program and in the administration of district wide assessments of student achievement and, in accordance with the Board's policy, State assessments of students achievement that are necessary to measure the academic achievement and functional performance of the student.
- If the student will participate in an alternate assessment on a particular State or district wide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.

TRANSITION PLANNING FOR STUDENTS WITH DISABILITIES

Definition

“Transition Services” are defined in the IDEA and Article 89 as a coordinated set of activities for a student with a disability designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student’s movement from school to post-school activities including, but not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s strengths, Preferences and interests, and shall include needed activities in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, if appropriate, acquisition of daily living skills and a functional vocational evaluation.

Transition Planning

Transition planning for secondary students with disabilities is outcome-oriented and looks toward adult life. Professionals, students and parents or other guardians work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes. The student’s interests and needs are kept foremost in the decision making process.

For those students beginning not later than the first IEP to be in effect when the student is age 15 and at a younger age, if determined appropriate, and updated annually, the IEP shall include:

- under the student’s present levels of performance, a statement of the student’s needs, taking into account the student’s strengths, preference and interests, as they relate to transition from school to post-school activities;
- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills;
- a statement of the transition service needs of the student that focuses on the student’s courses of study, such as participation in advanced-placement courses or a vocational education program;
- needed activities to facilitate the student’s movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that

promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

If the purpose of the meeting is to consider postsecondary goals and transition services, the meeting notice must indicate this purpose, indicate that the district will invite the student and identify any other agency that will be invited to send a representative. The student should be invited at all meetings for the purpose of discussing the need for transition services. Other knowledgeable school personnel (e.g., administrators, psychologist, related service provider, general education teacher) may be asked to participate in the process. If the student is not available to participate, the CSE shall ensure that the student's interests and preferences are considered. If appropriate and with parental consent, the CSE must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

At the CSE meeting in which transition services are discussed, the CSE should include transition goals and services in the IEP and discuss with the student's parents the graduation requirements, the student's progress toward receipt of a diploma including discussion of the credits earned and needed to obtain a diploma and the assessments required for graduation that the student has taken and passed.

The CSE shall provide written information to the parents relating to the graduation requirements including eligibility criteria and processes for seeking an appeal to graduate with a lower score on a Regents examination and for requesting that a student be considered for a local diploma through the superintendent determination pathway option. Parents shall also be informed that graduation with a high school diploma or a Regents diploma terminates the right of the student to receive a FAPE.

The coordinated set of activities is:

- Instruction – Education instruction that will be provided to the student to achieve the stated outcome(s) (e.g. general and/or special education course instruction, occupational education and advanced placement courses).
- Related Services – These are specific related services, as defined in Section 200.1 of the Regulations of the Commissioner of Education, such as rehabilitation counseling services, which will support the student in attaining the stated outcome(s).
- Employment and Other Post-School Adult Living Objectives – Educational services that will be provided to the student to prepare for employment or other post-school activity. Post-school activities will determine what other skills or supports will be necessary for the student to succeed as independently as possible. Examples include participation in a work experience program, information about colleges in which the student has an interest and travel training.
- Community Experiences – Community-based experiences that will be offered, or community resources utilized as part of the student's school program, whether

utilized during school hours or after school hours, to achieve the stated outcome(s).

- Activities of Daily Living Skills (ADL) (if appropriate) – ADL skills necessary to be worked on to achieve the stated outcome(s) (e.g. dressing, hygiene, self-care skills, self-medication).
- Functional Vocational Assessment (if appropriate) – If the vocational assessment has not provided enough information to make a vocational program decision, additional assessment activities can be performed to obtain more information about the student's needs, preferences and interests.

If at any time during the school year, the participating agency fails to provide agreed-upon transition services contained in the student's IEP, the district responsible for the student's education shall, as soon as possible, initiate a meeting to identify alternative strategies to meet the transition objectives and, if necessary, revise the students's IEP.

TRAVEL TRAINING

Travel training is a special education service that means providing instruction, as appropriate, to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills to move effectively and safely from place to place within that environment such as school, in the home, at work, and in the community.

AGE-APPROPRIATE TRANSITION ASSESSMENT

The goal of the vocational assessment process is the successful transition of students to post-secondary education or employment. The process serves to help students, parents, and staff focus on long-term planning leading to realistic outcomes. The ultimate goal is for the school, the family and community agencies to work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes.

The CSE is responsible for conducting assessments to identify transition needs and appropriate transition services for students with disabilities. Beginning for students with disabilities at age 12 and students referred to special education for the first time who are age 12 and over, these assessments must include a review of school records and teacher assessments and parent and student interviews to determine vocational skills, aptitudes, and interests. A variety of additional transition assessments should be considered, and selection of assessments should be based upon each student's current learning needs and future considerations in the areas of independent living, employment and education/ training. Information gathered in these areas assists the CSE to determine what skills need to be taught and what services need to be provided to allow a student to make progress. The use of age-appropriate transition assessments helps ensure that the student is an active participant in the development of the IEP and provides the necessary information to make informed decisions regarding programming and appropriate linkages to community agencies and/or other postsecondary services and environments. Assessment options may include reviews of student records; interviews with the student, parents and teachers; paper-pencil assessments; situational assessments; academic or work experience progress reports; or postsecondary education assessments.

OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS

The Board of Education and district staff shall comply with all federal and state requirements concerning the education of students with disabilities. It is the policy of the school district to encourage students with disabilities to pursue high school diplomas. The graduation and exit options for these students were recently revised and the Regulations of the Commissioner were updated. Access must be provided to required courses, electives and assessments as specified in Part 100 of the Regulations of the Commissioner. The Committee must consider the high school credentials the student will seek to attain: a Regent's or local high school diploma; or the New York State Career Development and Occupational Studies ("NYC CDOS") Commencement Credential or Skills and Achievement Commencement Credential (SACC). Students who are unable to earn a regular diploma may graduate with the NYS CDOS Commencement Credential as the student's only exiting credential, provided they meet the requirements for award of the credential and have attended school for at least 12 years, excluding Kindergarten. An IEP Diploma is no longer an alternative for students with disabilities after August, 2013. To ensure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:

- The CSE will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the Middle School, the CSE will make an assessment as to whether or not the student's capabilities indicate probable success in a course of study leading to a diploma, or whether his or her needs could be better met in an individualized education program designed to culminate in a NYS CDOS Commencement Credential or (SACC). Where appropriate, the student will participate in this decision-making process.
- The decision will be reviewed annually. The CSE will consider the following factors:
 - recent evaluations, including an assessment of adaptive behavior, if appropriate;
 - current levels of achievement;
 - learning rate;
 - preference of student and family.
- The CSE will consider if the student requires testing modifications to participate in state or district—wide assessments. These modifications will be clearly stated on the student's IEP.
- The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
- If the student's special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the district in special education classes. In any such case, instruction in subjects granting credit toward graduation and a Regent's or local high school diploma will be provided in accordance with curriculum objectives and required levels of achievement determined by the special

education teacher in consultation with a teacher certified in the subject being taught.

- A record of the objectives and criteria for mastery will be subject to approval by the building principal and maintained in the special education office. Evaluation of student work will be completed in accordance with the individual educational needs of the student.

Prior receipt of an NYS CDOS Commencement Credential, or a SACC does not preclude subsequent granting of a regular diploma if passing of appropriate assessments and necessary credits are achieved before the end of the school year in which a student reaches his/her twenty-first (21) birthday. In all cases in which a Commencement Credential is issued, parents will receive written notice that a student is entitled to receive a free, appropriate public education until the end of the school year in which he/she reaches his/her twenty-first (21) birthday or obtains a high school diploma.

GUIDELINES FOR ISSUANCE OF A LOCAL DIPLOMA

It is expected that students with disabilities will be guided towards a course of study which will lead to the achievement of a high school diploma. However, the Board of Education recognizes that the achievement of a regular Regents' diploma may be precluded for some students due to the nature or severity of their disability. The IEP development process and annual reviews should serve to inform students, and their parents, of the type of diploma a student is eligible and appropriate for.

The awarding of a Local Diploma is authorized for such students under the following conditions:

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma to which achievement of the goals specified therein will lead.
- Such diploma shall be awarded at the end of the school year in which the student fulfills the credit and performance requirements as outlined by the Regulations:
- The student is classified by the CSE as a student with a disability
- The student qualifies for the Compensatory Option, Safety Net Option, Safety Net Option Waiver, or Superintendent Determination of Graduation.
- The student will receive a Student Exit Summary upon completion of the requirements.
- The Local Diploma shall be in conformance with the Regulations of the Commissioner of Education.

GUIDELINES FOR ISSUANCE OF A SKILLS AND ACHIEVEMENT
COMMENCEMENT CREDENTIAL (SACC) OR THE CAREER DEVELOPMENT AND
OCCUPATIONAL STUDIES COMMENCEMENT CREDENTIAL (CDOS)

The district subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. In accordance with this, it is expected that students with disabilities will be guided towards a course of study which will lead to the achievement of a high school diploma. It is recognized, however, that the achievement of a regular high school diploma may be precluded for some students due to the nature or severity of their disability. Most students with disabilities, given the opportunity and appropriate supports and services, have the ability to earn a regular high school diploma. A decision as to the type of diploma a student is expected to earn should not be made early in a student's school career. Most students with disabilities should be working towards a regular diploma. The IEP development process and annual guidance reviews should serve to inform students, and their parents, if, because of the severity of the disability, the student may be likely to receive a SACC or the NYS CDOS Commencement Credential in lieu of a regular diploma.

At each annual review meeting, the CSE must determine the particular State assessment the student will participate in and provide a statement in the IEP of why the student cannot participate in the regular assessment. A determination that the student cannot take the regular State assessments and will participate in an alternate assessment (New York State Alternate Assessment) will mean that the student cannot graduate with a regular high school diploma and will only become eligible for the SACC. Therefore, this determination is an important one and should be reconsidered at each annual meeting to review the student's IEP.

The awarding of a SACC is authorized for such students under the following conditions:

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma to which achievement of the goals specified therein will lead.
- Such credential shall be awarded at the end of the school year in which the student reaches age twenty-one (21) provided that the educational goals in the student's current IEP have been achieved and the student has participated in the New York Alternate Assessment.
- Alternately, upon application of the student or parent, such credential may be awarded upon the completion of twelve (12) years of attendance or its equivalence, excluding kindergarten, provided that the educational goals in the student's current IEP have been achieved and the student has participated in the New York Alternate Assessment.
- Any student under age twenty-one (21) who is awarded such credential shall receive written notice of his entitlement to attend the district tuition free until the end of the school year in which that age is reached or a high school diploma is earned.

- The student will receive a Student Exit Summary upon completion of the requirements.
- The SACC shall be in conformance with the Regulations of the Commissioner of Education.

The awarding of the NYS CDOS Commencement Credential is authorized for such students under the following conditions:

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma to which achievement of the goals specified therein will lead.
- Such credential shall be awarded at the end of the school year in which the student has obtained the necessary credits to fulfill the graduation requirements, including completion of at least 2 units of study in career and technical education courses and/or work-based learning experiences (totaling 216 hours), with a minimum of 54 hours of work-based learning experiences.
- The NYS CDOS Commencement Credential can be earned with a regular high school diploma (Regents or Local) or as a stand-alone credential, should the student not be able to meet the requirements of a Regents or Local Diploma.
- The student will receive an employability profile documenting the attainment of commencement level knowledge and skills.
- The NYS CDOS Commencement Credential shall be in conformance with the Regulations of the Commissioner of Education.
- Any student under age twenty-one (21) who is awarded such credential shall receive written notice of his entitlement to attend the district tuition free until the end of the school year in which that age is reached or a high school diploma is earned.
- The certificate earned shall be similar to the diploma issued by the school district, except that it shall not use the term “diploma” but shall indicate that the student has earned a NYS CDOS Commencement Credential that has been endorsed by the New York State Board of Regents as a certificate of readiness for entry-level employment. Award of the credential shall be documented in the student’s transcript.

SECTION 5:
PROCEDURAL
SAFEGUARDS

PROCEDURAL SAFEGUARDS

Procedural Safeguards Notice

A mandatory Procedural Safeguards Notice has been provided to school districts by the New York State Education Department. The Procedural Safeguards Notice must be provided to parents of students with a disability in the parent's native language if feasible to do so and provided to the parent at a minimum of one time per year. The district provides this copy with the invitation to the student's annual review. A copy of the Procedural Safeguards Notice is also available on the Plainedge Union Free School District's webpage. The district must also provide parents a copy of the Procedural Safeguards Notice:

- upon initial referral or a parental request for evaluation;
- upon the first time filing of a due process complaint notice to request mediation or impartial hearing and
- upon request by a parent

Prior Written Notice

Prior written notice means written statements provided to the parents of a student with a disability a reasonable time before the district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice will be on a form prescribed by the commissioner.

Prior written notice must include a description of the action proposed or refused by the district, and explanation of why the district proposes or refuses to take the action, a description of other options considered and rejected, a description of the evaluations and reports used as a basis for the decision, and a description of the factors relevant to the proposal or refusal. Prior written notice must also inform parents of their protection under due process safeguards and how a copy of these safeguards may be obtained. Parents are also provided sources to contact to obtain assistance in understanding these provisions.

Prior written notice must be written in language understandable to the general public and in the native language of the parents unless it is clearly not feasible to do so. A parent of a student with a disability may elect to receive prior written notice and other required communication by electronic mail (e-mail) communication if the school district makes this option available.

Prior written notice must be provided to the parent

- prior to conducting an initial evaluation or a reevaluation,
- prior to the student's graduation with a high school or Regents diploma with indication that the student is not eligible for a FAPE after graduation

- prior to the student's exit with a NYS CDOS Commencement Credential or a SACC credential with an indication that the student is eligible for a FAPE until the end of the school year in which the student turns 21 or until the receipt of a Regents or local high school diploma.
- Prior to making a determination that the student is no longer eligible for special education services

Informed Consent (CSE and CPSE)

“Consent” means:

- the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- the parent understands and agrees in writing to the activity for which consent is sought; and
- the parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Written Parental Consent is Required Prior To:

- Initial Evaluation – Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CSE/CPSE regarding the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and A Parent's Guide to Special Education. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age child, except one who is home instructed or placed in a private school at the parent's expense, does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts, including telephone calls and correspondence, to obtain parental consent and will notify the Board of Education that they may but are not required to utilize the due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent.

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial

evaluation or reevaluation, or if the parent fails to respond to a request to provide consent, the school district may not continue to pursue those evaluations by using due process procedures. The school district is not required to consider the student as eligible for special education services.

The initial evaluation to determine if a student is a student with a disability must be completed within 60 days of receiving parental consent for the evaluation. The 60-day timeline shall not apply if:

- o a student enrolls in district after parental consent has been received and prior to a determination by the previous school district as to whether the student is a student with a disability. The district will ensure prompt completion of the evaluation and the parent and school district will agree to a specific time when the evaluation will be completed; or
 - o the parent of a student repeatedly fails or refuses to produce the student for the evaluation.
- Initial Provision of Special Education Services – If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent to initial placement is requested. The parent is provided with a copy of due process rights. If a parent refuses to give written consent, the District may not deny the parent or child any other service, benefit, or activity of the school district, except for the recommended special education service. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of the student refuses to consent or fails to respond to a request to provide consent to the initial provision of special education programs and services, the school district shall not provide the special education programs and services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The school district shall not be considered to be in violation of the requirements to make available a free appropriate public education to the student because of the failure to provide the student with the special education program and services for which the parent refuses to or fails to provide consent. The school district shall not be required to convene a meeting of the CSE or develop an IEP for the student.
- Revocation of Consent - If at any time, subsequent to the initial provision of special education programs and services, the parent of a student revokes consent in writing for the continued provision of special education programs and services, the school district:
 - o will not continue to provide any special education programs and services to the student, but must provide prior written notice before ceasing the provision of special education programs and services;
 - o will not use due process procedures to obtain agreement or a ruling that the services may be provided to the student;
 - o will not be considered to be in violation of the requirement to make available a free appropriate public education to the student because of the

- failure to provide the student with further special education programs and services;
- o is not required to convene a meeting of the CSE or develop an IEP for the student for further provision of special education programs and services; and
- o is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.
- **Reevaluation** – Parental consent will be requested prior to conducting a reevaluation of the student with a disability; however, the district may proceed with the reevaluation if the parent does not respond and reasonable efforts have been made to obtain such consent. Reasonable efforts are interpreted as:
 - o a written notice is sent to the parent requesting consent for the reevaluation;
 - o at least one additional attempt is made to notify the parents; this may mean an additional written notice or a telephone call.
 - o A detailed record of the district's attempts and the results of those attempts will be maintained.
- **Withdrawal of Referral** - Parental consent will be required if the parent decides to withdraw a referral for special education.

Requests for Records/Other Communications with Non-District Personnel

Parental consent is required for the following:

- release of CSE records to another agency/individual;
- request for copies of reports/evaluations from another agency/individual;
- request for verbal communications with another agency/individual;
- see section on Special Education Records: Access and Accessibility for further information in this regard.

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

INDEPENDENT EDUCATIONAL EVALUATIONS

At the time of CSE initial or reevaluation, the District will inform parents regarding their right to an independent educational evaluation by providing them with a copy of the Procedural Safeguards Notice. As per NYSED regulations, if they disagree with the evaluation conducted by the CSE, parents may request an independent educational evaluation at district expense. A parent is entitled to only one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained will be provided upon request. The school district may ask for the parent's reason why he or she objects to the public evaluation. If a parent requests an independent educational evaluation at public expense, the District must, with unnecessary delay either (a) file a due process complaint to request a hearing before an impartial hearing officer to show that its evaluation is appropriate and/or that the evaluation obtained by the parent does not meet the school district criteria; or (b) ensure that an independent educational evaluation is provided at public expense. If a hearing officer determines that the district's evaluation was appropriate or the evaluation obtained by the parent did not meet school district criteria, the parent is not entitled to reimbursement at district expense. Any independent educational evaluation, whether paid for by the parent, or by the school district, will be reviewed by the CSE and taken into consideration in its final placement determination.

If parents intend to seek funding/reimbursement for the cost of the evaluation they must adhere to following criteria:

- the qualifications of the evaluator and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation.
- psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
- other evaluators should be appropriately certified in the area of their specialty by the New York State Education Department; and
- the evaluation will take place within the boundaries of the metropolitan area (e.g., Nassau, Suffolk, Queens or Manhattan);
- the tests performed must be norm referenced for individual evaluations appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests;
- the cost of the independent evaluation requested by a hearing officer shall be at district expense;
- the parent/guardian shall submit a completed W-9 form prior to the start of the evaluation;
- the parent/guardian will submit the completed evaluation report, paid invoice, and proof of payment (e.g. canceled check or credit card statement)
- reimbursement will not be in excess of the reasonable cost of such evaluations, less the portion of such costs paid through insurance or Medicaid payments.

Reasonable costs are defined as follows (except that parents may demonstrate that unique circumstances justify the selection of an evaluator whose fees fall outside these reasonable cost parameters):

● Psychological Evaluation	\$ 2,000.00
● Neurological Evaluation	\$ 550.00
● Educational Evaluation	\$ 950.00
● Speech/Language Evaluation	\$ 450.00
● OT Evaluation	\$ 375.00
● PT Evaluation	\$ 375.00
● Psychiatric Evaluation	\$ 1,500.00
● Neuropsychological Evaluation	\$ 4,000.00
● Audiological Evaluation	\$ 550.00
● Auditory Processing Evaluation	\$ 1,400.00
● Assistive Technology Evaluation	\$ 2,000.00
● Diagnostic Evaluation	\$ 3,800.00

SURROGATE PARENTS

Definition

“**Surrogate Parent**” means a person appointed to act in place of parents or guardians when a student’s parents or guardians are not known, or when after reasonable efforts, the Board of Education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth, the student is a ward of the State, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. The list is approved at the annual organization meeting of the Board.

Qualifications

Persons selected as surrogate parents cannot be officers, employees or agents of the school district or State Education Department or other agency involved in the education or care of the student. To the extent possible, an effort is made to appoint surrogate parents who:

- Have no other interest which could conflict with their primary allegiance to the student they would represent;
- Are committed to acquaint themselves personally and thoroughly with the student and the student’s educational needs;
- Are of the same racial, cultural and linguistic background as the student they seek to represent; and
- Are generally familiar with the educational options available to children with disabilities.

Procedures for Assigning Surrogates

Assignment of a surrogate parent to a particular student shall be made in accordance with the following procedures:

- Any person whose work involves education or treatment of students, who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent, with the CSE;
- The CSE shall send notice of the possible need for a surrogate parent to the adult in charge of the student’s place of residence and to the parents or guardians at their last known address;
- The CSE shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the CSE finds that there is a need for a

surrogate parent, such assignment shall be made by the Board of Education within ten (10) business days of the date of determination by the Committee.

- Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
- The foster parent of the student, who otherwise meets the qualifications, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.

SPECIAL EDUCATION MEDIATION

Special Education mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator to resolve disputes involving any matter for which an impartial due process hearing may be brought. By asking questions and discussing all information with both parties the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive. *Mediation can only be initiated upon a written request of a parent or guardian.* The mediation process is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial, have been trained in effective mediation techniques and are knowledgeable in laws and regulations relating to the provision of special education services. An individual who serves as a mediator may not be an employee of any school district or state agency that is involved in the education or care of the student and must not have a personal or professional interest that conflicts with the individual's objectivity. The mediation session will be scheduled in a timely manner and held in a location convenient to the parties. *Mediation occurs at no cost to either the parents or the school district.*

If a parent disagrees with the decision of the Committee regarding their student's program or services, they have the option to participate in mediation. Choosing to participate in mediation does not limit other alternatives, such as requesting a meeting with the Committee or requesting an impartial hearing.

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. In the case that a resolution is reached to resolve the complaint through the mediation process, the parents and school district representative will execute a legally binding written agreement that details the resolution and states that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any federal or state court. The agreement will be signed by both the parent and a representative of the school district who has the authority to bind the school district. The written signed agreement is enforceable in any State or district court. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. If the written agreement reached by the parties in mediation is inconsistent with the student's IEP, then the student's IEP must be immediately amended to be consistent with the mediation agreement.

Special education mediation will be conducted by the community Dispute Resolution Center (CDRC) in Nassau County. Each center is staffed by a number of highly qualified mediators who are not employed by the school district and who are not selected to be mediators by the school district.

Resolution Process:

Prior to an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting. The participants at the meeting shall include the parents and the relevant members of the CSE, as determined by the school district and parent, who have specific knowledge of the facts identified in the complaint, which shall include a representative of the school district who has decision-making authority on behalf of the school district. The school district shall take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents. This meeting shall not include an attorney of the school district unless the parent is accompanied by an attorney, where the parents of the student discuss their complaint and the facts that form the basis of the complaint, and the school district has the opportunity to resolve the complaint. The parent and the school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.

The parent and the school district may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

If, during the resolution process, the parent and the school district reach an agreement to resolve the complaint, a legally binding agreement shall be signed by both the parent and a representative of the school district who has the authority to bind the school district. Such agreement shall be enforceable in any State court of competent jurisdiction or in a district court of the United States. Either the parent or school district may void the agreement within three business days of the agreement's execution.

If the school district has not resolved the due process complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint notice, the impartial due process hearing may occur, and all the applicable timelines for an impartial due process hearing shall commence. Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held.

If the school district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the school district may, at the conclusion of the 30-day period, request that an impartial hearing officer dismiss the parents' due process complaint. If the school district fails to hold the resolution meeting within 15 days of receipt of the parents' due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the impartial hearing officer to begin the due process hearing timeline.

APPOINTMENT OF IMPARTIAL HEARING OFFICERS

The Board of Education annually establishes and maintains a list of names and qualifications of Impartial Hearing Officers available to serve in the school district from whom the district shall choose an impartial hearing officer.

A certified impartial hearing officer shall:

- Be an attorney certified in the State of New York to practice law and be in good standing with a minimum of two years of post-graduation legal practice and/or legal experience in the areas of education, special education, disability rights or civil rights;
- Be independent and not an officer, employee or agent of the school district of the board or of cooperative educational services ("BOCES") of which the school district is a component or an employee of the State Education Department;
- Continue to remain qualified as an IHO if the individual was certified as an IHO prior to September, 2001.
- Not have been employed by a school district, school or program serving students with disabilities placed there by a school district CSE or an officer, employee or agent of a school district for two years following the termination of such employment;
- Have access to the support and equipment necessary to perform the duties of an IHO; and
- Successfully complete a State Education Department training program.

Appointment

The updated list of certified IHO's for Nassau County promulgated by the New York State Education Department will be used in connection with all requests for impartial due process hearings. The list shall include the names of those certified IHO's who appear on the state list for the county or who have indicated their interest in serving in such capacity in the Plainedge Union Free School District.

The District Clerk or designee shall be responsible for contacting IHO's. Upon receipt of a request for an impartial hearing, the District Clerk or designee not involved in the hearing process shall canvass the list in alphabetical order of IHO's as prescribed by the Regulations of the Commissioner of Education to ascertain the willingness and availability of the next listed individual to serve as an IHO for the particular matter.

Upon receipt of a complete due process complaint notice for an impartial hearing, the rotational selection process of the IHO shall be initiated immediately and always within two days after receipt by the district of such request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such district representative shall then proceed through the list to determine availability of the next successive IHO.

The impartial hearing officer may not accept appointment unless he or she is available to make a determination of sufficiency of a due process complaint notice within five days of receiving such a request and unless an extension is granted, to initiate the hearing within the first 14 days after:

- the date upon which the impartial hearing officer receives the parties' written waiver of the resolution session; or
- the date upon which the impartial hearing officer receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
- the expiration of the 30-day period beginning with the receipt of the due process complaint notice, whichever occurs first.

The District Clerk or designee shall then proceed through the list to determine availability of the next successive IHO. Upon identifying the next IHO on the list who is available to serve, a subcommittee of the Board of Education, consisting of the Board President or in his/her absence, the Board Vice President, shall appoint such person to serve as the IHO.

Records relating to the IHO process including, but not limited to, the request for availability, initiation and completion of such impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by the Commissioner's Regulations.

Compensation

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100 per hour for pre-hearing, hearing and post-hearing activities. There is no maximum per diem number of hours for which an IHO can be compensated. Pre-hearing activities include scheduling the time and location of the hearing, conducting pre-hearing conferences, arranging for witnesses and subpoenas, and writing letters to the parties involved in the hearing. Hearing activities include the hearing, participating in settlement discussions and arranging for subsequent hearing dates. Post-hearing activities include researching material pertinent to the issues raised at the hearing, reviewing the hearing records, exhibits, memoranda of law and writing the decision. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse hearing officers for administrative assistance, secretarial or other overhead expenses.

Impartial hearing officers will be reimbursed for automobile travel in accordance with the current Internal Revenue Code mileage rate. If the travel distance from the home/office

of the impartial hearing officer is more than 200 miles from the hearing location, the impartial hearing officer may be reimbursed for air travel using a commercial airline carrier where tickets are purchased at the economy rate for round trip tickets. Prior to confirming purchase of airline tickets the impartial hearing officer must inform the district of his/her wish to travel by airline.

The District shall not be responsible for the impartial hearing officer's fee due to a late cancellation unless the cancellation is made by the District less than one (1) calendar week from the date the impartial hearing officer is scheduled to serve.

The District shall annually notify each impartial hearing officer certified to serve in the district of this policy and of the current rates set by the district for travel reimbursement, overnight lodging, meal expenses and mailing costs.

For further information concerning the impartial due process hearing refer to the "New York State Education Department Procedural Safeguards Notice"

GUARDIAN AD LITEM

In the event the impartial hearing officer determines that the interests of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of a student would best be protected by appointment of a *guardian ad litem*, the impartial hearing officer shall appoint a guardian ad litem, to protect the interests of the student unless a surrogate parent has previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent are preserved throughout the hearing whenever a *guardian ad litem* is appointed.

A *guardian ad litem* is defined as a person who is familiar with the provision of the Part 200 Regulations and is appointed from the list of surrogate parents maintained by the District or may be a pro-bono attorney appointed to represent the interests of the student during the proceedings of an impartial hearing and, where appropriate, to join in an appeal to the State Review Officer initiated by the parent or Board of Education. A *guardian ad litem* shall have the right to fully participate in the impartial hearing to the extent indicated in the Regulations.

SECTION 6:
RECORDS ACCESS
AND
CONFIDENTIALITY

SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY

Notice of Rights Concerning Student Records

Following is an explanation of the rights of parents/guardians concerning school records relating to their student pursuant to the Federal "Family Educational Rights and Privacy Act of 1974":

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data maintained by the school district directly related to their student, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a student's (their own) school records, in writing, to the Elementary principal of the building to which such student is assigned or the Guidance Counselor in the Secondary School. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Assistant Superintendent of Schools.
- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The District shall maintain directory information regarding its students. Directory information consists of personal information about individual students and includes the student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received and previous educational institutions attended. Directory information shall be disclosed, without consent, for limited purposes and to a limited number of

district-related groups, committees, associations and organizations such as PTA and SEPTA.

- At the beginning of each school year this policy remains in effect. The District shall notify parents, guardians and students eighteen years old and older (“eligible students”), either by direct mail or by other district-wide publication, or both, of those categories of information that constitute directory information. Thereafter, parents, guardians or eligible students shall have a reasonable period of time in which to inform the District that any or all of the information designated as directory information may not be released without the individual’s consent. Any objection to such disclosure of directory information, and any request to be excluded from the list of directory information to be disclosed, shall be submitted in writing to the Superintendent of Schools, no later than three weeks after the mailing of notice to parents, guardians or eligible students, or notice in a district-wide publication.

Definitions

Terms which are defined in Federal or State law which are used in this statement are explained below:

Student: any person who has received educational services or instruction within the District. This includes students who receive preschool services from the Plainedge Public Schools.

Eligible Student: a student or former student who has reached the age of eighteen or who is attending an institution of post-secondary school education, unless the parent has legal guardianship of the student. An “eligible student” (not his/her parent) has full access to his/her own records and is the only person who is authorized to consent to the release of such records. Such student may expressly authorize a parent or guardian to exercise access and release rights on his/her behalf, but such authorization must be in writing, and must be signed by the student in the presence of a third party.

Parent: either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the District has received notice of such court order or document. The term “parent” also includes a guardian who has been appointed by a court or who had demonstrated, to the satisfaction of the principal, that he or she is the actual and only person responsible for the child and for making decisions on the student’s behalf. Non-custodial parents have the same rights concerning access to their student’s educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him or her the opportunity to present a court order or other binding instrument barring the release of the date requested.

Education Record: a record which is maintained within the school district which relates to the preschool, elementary, or secondary school education of a student within

the district and which is accessible to more than one educator or other professional within the school district.

Personally Identifiable: information that includes the name or address of the student, the student's parent or other family member, a personal identified such as the student's social security or student identification number, or a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

Records Kept in the District, Their Location and Custodian

Student Cumulative Records: The student cumulative record is initiated upon the student's entry into school, and follows the student through his/her school career. By the time the student completes secondary school, the record will include the following kinds of information: personal identification data; attendance records, health history; end-of-the year development suggestions; academic history including subjects and teachers by semester and year, units of study, summer school credits, subjects and grades failed and subjects dropped, secondary school subject sequences, type of diploma and date of graduation, report cards; standardized transcript, correspondence which is pertinent to the educational development of the student; records of suspensions or other disciplinary matter; and honors and awards.

Custodians and Locations	Custodian	Location
Elementary Schools	Principal	Main Office
Middle School	Principal	Main Office
High School	Director of Guidance	Guidance Office
Health Records	School Nurse	Nurse's Office
CSE Records	Director of Special Education	Special Education Office
Special Education Provider	Provider	Provider's Office

INSPECTION OF SCHOOL DISTRICT RECORDS

Parent(s), guardians(s) and eligible students may inspect and review the student's official records, files and data directly related to the student upon compliance with the following conditions:

- The parent or eligible student should submit to the student's school principal in the elementary schools or guidance counselor in the secondary schools a written request to see the student's file. If a student's records are maintained in several locations, the school principal will, upon request, collect the records, as described below. Such review will be scheduled promptly after receipt of the written request for access and in no case take place more than forty-five (45) days from the date of that receipt.
- Records in the custody of the Department of Pupil Personnel Services may be obtained upon request to the Director of Pupil Personnel Services. Appointments for review of special education records will be made upon a minimum of three days' notice at the mutual convenience of staff, parent or eligible student.
- Upon request, record review will be arranged prior to any CSE or CPSE meeting or any discussion regarding an Individualized Education Program.

Within five (5) school days of receipt of a written request for a record, the principal or guidance counselor shall make such record available, deny such request in writing, or furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted or denied within ten (10) business days after the principal or guidance counselor acknowledges receipt of the request, failure to respond may be construed as a denial of access that may be appealed.

Any person denied access to a record, within thirty (30) days from receipt of notice of such denial, may appeal the denial in writing, to the Superintendent of Schools or a designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

Appropriate school district personnel will be present during record inspection to interpret and explain records during the school year. Records may be inspected between 9:00 a.m. and 3:00 p.m. Copies of documents will be made available at a cost of \$.25 per page. Parents may be accompanied by any person in reviewing records or may have an appropriately authorized representative inspect and review only the information relating to their child.

Transmittal of Records

To facilitate the transition for a student, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education services to the student, from the previous school in which the student was

enrolled. The previous school in which the student was enrolled will take reasonable steps to promptly respond to this request from the new school.

Release of Student Records to Third Parties

Release with Consent – Except under certain limited circumstances set forth in this policy and permitted by the Family Educational Rights and Privacy Act, education records will be released to third parties only with the prior written consent of the parent or eligible student.

Release without Consent – Records may be released without consent only under the following circumstances:

- “Directory Information” may be disclosed, where appropriate without consent.
- Educational records concerning a particular student may be released only to staff members who have responsibility for the student, and then only if it is educationally necessary to consult the records.
- Records in the custody of the Department of Special Services may be released to school officials and members of the CSE or CPSE only for purposes of the identification of a student’s disability and development of an individualized education program.
- Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school under the circumstances indicated below:
 - If the principal of the school maintaining the record has received written notification of the student’s intent or attempt to enroll there, or
 - If the CSE has recommended placement in such school.

Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Director of Special Services to be essential for the provision of educational services or educational planning. The district will notify parents of eligible students prior to transfer of records. They may request and receive copies of records transferred under this provision. Transcripts will not identify courses as “special education” courses without the written consent of parent or eligible students.

Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs or enforcement of federal requirements. Persons reviewing records under this provision must sign a written form, to be kept in the student’s folder, indicating their interest in the records.

With the approval of the Superintendent of Schools, records may be released without consent to organizations, public and private, conducting studies for or on behalf of educational agencies for institutions. The district shall require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.

Records may be released without consent to accrediting organizations to carry out their accrediting functions.

Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be “lawfully issued” when it is issued by a court, or when counsel to the school has reviewed it and found it to be “lawfully issued”. Before making such a disclosure the district must send written notice to the parent or eligible student.

Records may be released without consent in health or safety emergencies, if such disclosure is deemed by the official making the disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons and if the information is necessary to meet the emergency. Such records will be released without written consent only in the event that the person to whom the information is disclosed, is qualified to deal with the emergency and time is an important factor in dealing with the emergency.

Records of Request for Access to Education Records

Current special education staff and administration have the right to continuous access to the special education student files. In addition, for all others, the district will maintain a record of all requests for disclosure of information from, or permission for access to, a student’s special or general education record and will keep a record of all information disclosed and access permitted. Such record will not include request for access by the parents who have responsibility for the student, the student, persons whose request is accompanied by prior written consent or a party seeking Directory Information. The access record will be kept with the cumulative record, or, in the case of records pertaining to special education, with those records. It will be available only to the record custodian, the eligible student, the parent of the student, or to public officials for the purpose of auditing or enforcing the requirement of federally supported educational programs. The record will include:

- The name of the person or agency that made the request, the interest the person or agency had in the information, the date of the request,
- Whether the request was granted and if so, the date access was permitted,
- Such record will be maintained as long as the student’s education record is maintained.

Procedure for Maintaining Confidentiality of CSE/CPSE Records

Student records and files are kept in locked files in an office that is also locked when left unattended. The CSE/CPSE secretaries monitor access to student files. They acknowledge and are familiar with all staff who have access. Professionals visit the CSE/CPSE office when they need access to a file. The CSE/CPSE secretary obtains

the file and the professional proceeds to a designated area where review can take place. When the professional review is complete, the file is returned to the CSE/CPSE secretary.

Only professionals who are working with the student and parents who are members of the CSE are allowed access to the records. Specified support staff are also allowed access to student files in order to complete tasks such as filing, sending and receiving records, etc. The student's original record is **not** allowed out of the office at any time.

Procedures to Seek to Correct Education Records

Parents and eligible students have a right to seek to change any part of a student's record which they believe to be inaccurate, misleading, or in violation of the student's rights.

The parent or student shall notify the principal or Director of Pupil Personnel Services of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the Superintendent will hold an informal conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the Assistant Superintendent finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.

The Superintendent will also advise the student or parent of the right to place in the education record a statement on the challenged information and/or setting forth any reason for disagreeing with this decision. An explanation placed in an education record under this paragraph shall be maintained by the district as part of the education record as long as the record is maintained by the district. It will be released by the district with the education record whenever such release is authorized by the provisions of this policy.

An appeal from a hearing concerning the educational records of a regular educational student may be made to the FERPA Office of the U.S. Department of Education.

Hearing Process

A hearing pursuant to paragraph 1 will be held upon request and the parents will receive timely notice of the place, date and time. The hearing officer may be the Superintendent or a designated school official having no interest in the hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence.

After taking evidence, the hearing officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the hearing officer

decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the principal or Director of Pupil Personnel Services to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commencing on the challenged information as described in paragraph 2, above.

A parent who disagrees with the findings of the hearing officer may request review by the Board of Education and in the case of special education records, by the Office for Pupil Personnel Services. Thereafter, special education records or entries in the cumulative record may be reviewed, at the federal level by the Family Policy and Regulation Office, U.S. Department of Education, Room 1087 FB 6400 Maryland Avenue, S.W., Washington, D. C. 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office finds the District to be out of compliance with applicable law and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U. S. Department of Education for a formal resolution of the conflict before an administrative law judge.

Special Provisions Relating to Alcohol or Drug Abuse Services & AIDS

Services provided within the school district to diagnose drug or alcohol abuse or to provide treatment or direct referral for treatment will be the subject to Federal Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records. Information verbal or in written form, indicating participation in such program will not be released without the student's written consent.

Effective February 1, 1989, all school personnel are required by law to protect the privacy of students or other people (i.e. family members) identified in student records as having AIDS or having tested positive for exposure to the virus.

Each release of such information requires the express written consent of the parent, or the student, if over the age of 18. A separate consent is required for each disclosure. A consent for release of information which allows a school to receive such information does not authorize disclosure by school personnel.

When the district has received confidential HIV related information regarding a student, the Superintendent shall request a meeting with the student's parent or legal guardian for the purpose of discussing the student's condition, concerns and, should the need arrive, educational alternatives. Such alternatives may include homebound instruction during the periods of short-term illness, as well as provisions of educationally related support services. If a parent or guardian concurs in writing to the provision of educational alternatives, no referral to the CSE will be made. However, where the parent or guardian does not concur, and where a student is suspected of having a disability, the Superintendent shall request the parent or guardian to give informed written consent for disclosure of confidential HIV information to the CSE. If such consent is refused, the Superintendent may request that the Board of Education seek a court order to such disclosure.

In making its determination, the CSE shall consider the following factors:

- the physical condition of the student and any behavior which might increase the risk of transmission of the HIV virus; and
- the expected type of interaction with others in the school setting.

SECTION 7: DISCIPLINE

SCHOOL CONDUCT AND DISCIPLINE

In accordance with Part 201 of the Regulations of the Commissioner of Education, the Plainedge Union Free School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the district.

Students with disabilities who are educated in the schools of the district are generally expected to meet district standards for school conduct and are subject to district-wide policy. However, when a student with a disability repeatedly violates school rules, the student will be re-evaluated by the CSE to determine whether the inappropriate conduct is related to the disability and whether a change in services or placement is appropriate. When the conduct is related to the disability, students with disabilities will be treated in accordance with their individual educational needs.

Disciplinary change in placement means a suspension or removal from a student's current education placement that is either:

1. For more than ten (10) consecutive school days; or
2. For a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The school district determines on a case by case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Authority of School Personnel – School personnel may change the placement of a student with a disability to the extent that such alternatives would be applied to students without disabilities:

- To an appropriate interim alternative educational setting, or suspension for not more than ten (10) consecutive school days; and
- To an appropriate interim alternative education setting (IAES) for not more than 45 days if the child brings a weapon or knowingly possesses/uses, sells or solicits illegal drugs while at school or a school function or inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the education agency.

The Superintendent may order a change in a placement of a student with a disability to an IAES directly or upon recommendation of a hearing officer even when the manifestation team determines that the student's behavior is the manifestation of the

student's disability. The setting shall be determined by the CSE. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the requirements of the Commissioner's regulations is appropriate for a student with a disability who violates a school district's code of conduct.

When a student with a disability is suspended or removed from the student's current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the CSE must either:

1. conduct a functional behavioral assessment and implement a behavioral intervention plan provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change in placement; or
2. if the student already has a behavioral intervention plan, the CSE shall meet to review the plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change of placement.

Provision of Services During Suspensions

During suspensions or removals for periods of up to 10 school days that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

During subsequent suspensions or removal for period of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

During suspensions for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to

enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

SUPERINTENDENT'S HEARING ON DISCIPLINARY CHARGE AGAINST STUDENTS WITH DISABILITIES

Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:

- The Superintendent or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty, the Superintendent or hearing officer shall determine whether a suspension or removal in excess of 10 consecutive school days in a school year or a disciplinary change in placement should be considered. If such a suspension or removal is considered, before the superintendent orders or the hearing officer recommends any such removal, the superintendent's hearing shall be adjourned until a manifestation determination is made by the manifestation team, except in cases where IAES has been ordered. If the superintendent or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
- Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer shall dismiss the superintendent's hearing, except in cases when IAES has been ordered.
- For the penalty phase, the school district will transmit copies of the special education and disciplinary records to the superintendent or hearing officer for consider.

Manifestation Determination Review – If a disciplinary action involving a change in placement for more than 10 school days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the district that applies to all children, a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action was made. This review will take place by a manifestation team in a meeting, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the

parent has the opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if:

- the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- the conduct in question was the direct result of the school district's failure to implement the IEP, in which case, the school district will take immediate steps to remedy these deficiencies.

If the manifestation team determines that the above criteria is applicable to the student, the behavior shall be considered a manifestation of the student's disability. If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall:

- conduct a functional behavioral assessment and implement a behavioral intervention plan for the student and
- return the student to the placement from which he or she was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

A special education student may be suspended by a building principal more than once during a school year, but a series of short-term suspensions adding up to ten (10) days in the same school year may be considered a change in placement, requiring prior evaluation and CSE review. Therefore, building principals, in consultation with the chairperson of the CSE, will monitor the total days and pattern of suspensions with respect to each special education student. If a student has already been suspended on multiple occasions, or if his/her behavior suggests that a "revolving door" pattern of suspensions is developing, the principal is expected to consult with the CSE before again suspending a student for disciplinary reasons.

In addition, if a special education student repeatedly violates school rules, any member of the professional staff of a school may ask the CSE to review the student's placement. The parent is invited to the meeting. The Committee, after re-evaluation or review of records, may determine that the student requires a different program, within or outside the district. The CSE may develop a behavioral intervention plan at that time or review the existing plan and its implementation to determine if modifications are necessary. The parent has the right to seek an independent evaluation or to appeal. The student's class setting will not be changed during the course of the review or appeal procedures.

Determination of Setting – Students with disabilities who have been suspended or removed from their current placement for more than 10 school days may be placed in an Interim Alternative Educational Setting. The IAES shall be an educational setting, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward the goals set out in the student's IEP and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Parent Notice of Disciplinary Removal – No later than the date on which a decision is made to change the placement of a student with a disability to an IAES, or a decision is to impose a suspension or removal that constitutes a disciplinary change in placement, the parent shall be notified of the decision and shall be provided the procedural safeguards notice.

Parent Appeal – If the parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement, the parent may request a hearing. The district shall arrange for an expedited hearing in any case described in this section when requested by a parent. In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the student's behavior was not a manifestation of such student's disability consistent with the requirements for a manifestation determination review. In reviewing to place a student in an interim alternative educational setting, the hearing office shall apply the standards indicated in "Determination of Setting".

When a parent requests a hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period discussed in sections "Authority of School Personnel" and "Authority of a Hearing Officer", whichever occurs first, unless the parent and the district agree otherwise.

If the student is placed in an interim alternative educational setting and school personnel propose to change the student's placement after the expiration of the interim alternative educational placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), except where the student is again placed in an IAES by an Impartial Hearing Officer in an expedited hearing described below.

Authority of an Impartial Hearing Officer - An impartial hearing officer, in an expedited due process hearing, may order a change in placement of a student with a disability to an interim appropriate alternative educational setting (IAES) for not more than 45 school days if the impartial hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The procedures established in this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or others.

Expedited Hearing – If school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, the district may request an expedited hearing. An expedited due process hearing shall be conducted in accordance with the procedures for non expedited due process hearings except for the following time periods:

- a resolution meeting shall occur within seven days of receiving notice of the due process complaint, unless the parent and district agree in writing to waive the resolution meeting or agree to use mediation;
- the expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint;
- the expedited due process hearing shall occur within 20 school days of the school date the complaint requesting the hearing is filed;
- the Impartial Hearing Officer shall make a determination within 10 school days after the hearing.

The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, Board of Education within 10 school days after the last hearing date, but in no event later than 45 days after receipt of the request for a hearing, without exceptions or extension. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards indicated in “Authority of a Hearing Officer”.

Notwithstanding anything in this policy, if the Superintendent concludes that the student’s presence in school creates a substantial likelihood of danger to himself or others, the school district will seek injunctive relief in a state or federal court with respect to a change of placement pending the outcome of review proceedings.

Protections for Students Not Yet Eligible for Special Education and Related Services.

A student who has not yet been determined to be eligible for special education under this part and who has engaged in behavior that violated any rule or code of conduct of the district, including any behavior described above, may assert any of the provisions described herein if the district had knowledge that the student was a student with a

disability before the behavior that precipitated the disciplinary action occurred. A district shall be deemed to have knowledge that a student is a student with a disability if:

- the parent of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- the parent of student has requested an evaluation of the student; or
- the teacher of the student or other personnel of the district, has expressed specific concerns about a pattern of demonstrated behavior by the student directly to the director of special education or other supervisory personnel of the school district in accordance with the district's established child find or special education referral system.

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information noted above:

- the parent of the student has not allowed an evaluation of the student; or
- the parent of the student has refused special education services; or
- the CSE determined that the student is not a student with a disability.

If the district determines that there is no basis for knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as students without disabilities who engaged in comparable behaviors. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under section "Authority of School Personnel" or "Authority of Hearing Officer" above, the evaluation shall be conducted in an expedited manner. An expedited evaluation shall be completed no later than fifteen (15) school days after receipt of the request for evaluation. The CSE shall make a determination of eligibility of the student in a meeting held no later than five (5) school days after completion of the expedited evaluation. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the district shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the student shall remain in the education placement determined by school authorities, which can include suspension.

Referral to Law Enforcement Authorities – Nothing prohibits a district from reporting a crime committed by a student with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities. A district reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports a crime.

SECTION 8: ACCESSIBILITY

ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES

It is the policy of the school to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to hearing-impaired parents who require such assistance. Parents requiring this or another accommodation (i.e.; translators, barrier-free site) to participate in meetings of the CSE or Preschool Special Education are requested to notify in writing the Special Education Office and the student's school building administration team at the beginning of the school year, at the time of enrollment, or at least five days prior to the scheduled meeting or activity.

ACCESS TO PROGRAMS AND EXTRA-CURRICULAR ACTIVITIES

Students with disabilities residing in the district have the opportunity to participate in all programs and activities administered by the district and available to the students enrolled in district public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities. These may include regular classroom instruction, occupational education programs, ELL programs, laboratory instruction, support services, extracurricular activities and programs, special assemblies and events and career education programs.

ACCESS TO OCCUPATIONAL EDUCATIONAL OPPORTUNITIES
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Employment and educational opportunities, including vocational educational opportunities, are offered by the Plainedge Union Free School District to boys and girls on an equal basis without discrimination on the basis of sex.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The district official responsible for the coordination of activities relating to non-Discrimination is the Assistant Superintendent of Curriculum and Personnel. She will provide information, including information on complaint procedures, to any student or employee who feels that his/her rights under Title IX may have been violated by the district or its officials. In addition, any student or employee may make an inquiry or a complaint directly to the Federal Office for Civil Rights or New York State Division of Human Rights.

SECTION 9:
MISCELLANEOUS

SCREENING PROCEDURES

A comprehensive program has been developed by the school district to locate, identify and provide programs for those students who need special services, including students who are gifted. Diagnostic screenings are conducted for kindergarten students, new entrants into the district, and students scoring below reference points on State examinations. The diagnostic screening includes a health examination, review of immunization records, and a determination of receptive and expressive language development, motor development, articulation skills and cognitive development. A report is prepared containing the results of the diagnostic screening conducted on each student.

Screenings Are Conducted As follows:

- Kindergarten Screening – all pre-kindergarten students are screened prior to the start of Kindergarten classes in the fall, if possible. All students are screened within 30 days of entrance into kindergarten.
- New Entrant Screening – all new entrants are screened no later than December 1st of the school year of entry or within fifteen (15) days of transfer should the entry occur after December 1st.

Students suspected of having a disability as a result of diagnostic screening must be referred to the CSE within fifteen (15) days after completion of the screening. Parents of any student suspected of having a disability which indicates the possible need for special education services will be notified.

PROVISION OF SERVICES TO SCHOOL AGE STUDENTS
WITH DISABILITIES NOT SUBJECT TO COMPULSORY
ATTENDANCE REQUIREMENTS AND NOT ENROLLED IN SCHOOL

The CSE is responsible to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register for school-age children. These are children with disabilities determined by the CSE to be eligible for school-age special education services who are no longer eligible for preschool special education services, are not parentally placed in a nonpublic elementary school and are not being home schooled.

If a parent of a child who meets the above criteria elects not to enroll his/her child with a disability in the public school until the child is of compulsory school age, the CSE of the child's school district of residence is responsible to develop an individualized education program and offer special education services to the child. The site where the services are to be provided would be determined by the Board of Education. These children are "deemed enrolled" for the purpose of claiming State aid for the provision of special education and related services.

GUIDELINES FOR PROVIDING PUBLIC SCHOOL SERVICES TO
STUDENTS IN NON-PUBLIC SCHOOLS

The procedures to locate, identify, and evaluate all nonpublic school students with disabilities, including students attending religiously-affiliated schools, residing in the district, must be comparable to activities undertaken for students with disabilities in public schools. The school district where the nonpublic elementary or secondary school is located will be responsible for the equitable provision of services, child find and consultation requirements in IDEA 2004. If the school district where the nonpublic school is located determines through its child find process that a student is suspected of having a disability, it must immediately refer the student to the CSE for evaluation and possible identification as a student with a disability.

The school district of location must conduct the evaluation and eligibility determination and, for a student determined eligible for special education services, develop the IESP. The school district of location must provide the services as recommended in the IESP. The school district where the nonpublic school is located must expend a proportionate amount of its federal funds made available under Part B of IDEA for the provision of services to students with disabilities attending nonpublic schools in the jurisdiction of its public school. Such federal funds may not be used for child find purposes.

The school district where the nonpublic school is located can recover tuition from the district of residence for special education services provided to nonresidential students. Such tuition must exclude costs paid with federal or State funds by the school district where the nonpublic school is located who provided the special education services. State and local funds provided by the school district of residence must supplement and in no case supplant the proportionate amount of federal funds required to be expended by the school district in which the nonpublic school attended by the student is located.

SERVICES TO HOME SCHOOLED STUDENTS
WITH DISABILITIES

Section 3602-C of the Education Law deems home-schooled students with disabilities and students suspected of having a disability to be nonpublic school students solely for the purpose of receiving special education services during the regular school year. To be eligible for special education services, a home-schooled student must be a district resident entitled to attend public schools. In addition, the student would be required to have an individualized home instruction plan (IHIP) that the superintendent of schools has determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at home, the school district of location is the same as the student's school district of residence.

The district will notify all parents of students with disabilities who are in home school programs that:

- the CSE should develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an IEP. An IESP is developed in consideration of the parents' decision to home school their child;
- the parent must request special education services in writing to the board of education by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first of April of the current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may also be submitted within 30 days of a change in the student's school district of residence;
- special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district;
- parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process just as parents of nonpublic students are;
- a board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.

REIMBURSEMENT FOR UNILATERAL PLACEMENT IN PRIVATE SCHOOL

A school district is not required to pay for the tuition for a student with a disability placed in a private school or facility by a parent if that school district made a free appropriate public education available to the student and the parents, instead, elected to place the student in the private school or facility.

If the parents of a student with a disability enroll the student in a private elementary or secondary school without the consent of or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made a free appropriate public education available to the student in a timely manner prior to that enrollment.

The cost of reimbursement may be reduced or denied:

- If, at the most recent IEP meeting that the parents attended prior to the removal of the student from the public school, the parents did not inform the Committee that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense, or
- 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school the parents did not give written notice to the school district of the information described in the preceding paragraph.
- If, prior to parental removal of the student from the public school, the school district informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or
- Upon a judicial finding of unreasonableness with respect to actions taken by the parent.

The cost of reimbursement may not be reduced or denied for the parents' failure to provide written notice if:

- The parent is illiterate and cannot write in English;
- Compliance would likely result in physical or serious emotional harm to the student;
- The school prevented the parent from providing such notice; or
- The parents did not receive notice, pursuant to section 615, of their obligation to provide the written notice described above.

CENSUS PROCEDURES

The District is authorized, though not required, to take a census of all children residing in the district from birth to 18 years of age. However, the district is required to conduct a census to identify, locate and evaluate all children with disabilities residing in its district including homeless children, wards of the state and children who attend nonpublic schools, and must establish a register of such students entitled to attend school or receive preschool services. The register of such students and others referred to the CSE or CPSE as possibly having a disability, shall be maintained and revised annually by the CSE or CPSE, as appropriate. The District shall implement procedures to assure the availability of statistical data to readily determine the status of each student with a disability in the identification, location, evaluation, placement and review process.

The register will include:

- the student's name, address and birthdate;
- the student's parent's name, address(es), and the native language of the student's home;
- the student's known or suspected disability;
- dates of referral, evaluations, recommendations of the CSE or CPSE, actual placement, and annual program reviews;
- the site where the student is currently receiving an educational program;
- the other student information required by IDEA and federal regulations including but not limited to the race, ethnicity, limited English proficiency status, gender and disability category;
- if the student is not receiving an appropriate education, the reason shall be described; and
- other information as the Board of Education shall determine.

All individuals involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in the collection of data. In connection with the reporting of the data, the District shall prepare, and keep on file, summary reports of the student data, including the number of students who are unserved and the reasons they are unserved and those students served. A summary report of the students served shall be submitted by the District to the State Education Department in a manner prescribed by the Commissioner, and the register should be made available to the District Superintendent as well. Census data shall be reported to the CSE or CPSE by October 1 of each year. A copy of the census must also be filed with the Superintendent of the BOCES of which the District may be a part.

In addition to the foregoing, procedures to locate, identify and evaluate all elementary and secondary school students with disabilities attending private school, including religious school children as required by the Education Law, must be established to ensure the equitable participation of parentally placed private school students with disabilities and obtain an accurate count of such students. The District must maintain a record of the number of students enrolled in private schools by their parents who are

evaluated to determine if they are students with disabilities, the number of such students determined to have a disability, and the number of students who receive special education services. The District must also report this to the State Education Department in a manner prescribed by the Commissioner.

The Plainedge Union Free School District will ensure that students with disabilities are located through the following procedures:

- A statement will be included in the school calendar and/or the first district newsletter sent to all families who reside within the district, asking if any student is known who might require special education services.
- If a student is identified who might require special education services, the parents or guardians will be directed to contact the Pupil Personnel Services Office of the Plainedge Schools;
- All new entrants will be asked, through registration procedures, if a student has been receiving special education services in a previous district or if a preschool youngster, through Early Intervention Services. If services have been received, the Registrar will refer the student to the Special Education Department immediately. This will enable these new entrants to be scheduled for New Entrant Screening, which may determine the need for an in-depth evaluation for a youngster with a suspected disability.
- All private schools and preschools located within the Plainedge district will be made aware of the special education process through the Nassau County Department of Health procedures, as well as contact with the Special Education Department within the district.
- The district calendar, which is emailed to each home annually, serves as part of the "Child Find" by encouraging parents to access the CPSE/CSE if they feel their child may have special needs.

A register of all students identified as having a disability will be maintained in the Special Education Office.

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

It is the policy and practice of the Board of Education of the district to ensure, to the fullest extent possible, that students with disabilities residing in the district shall be educated within the school district. It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space.

The Plainedge Union Free School District will consider organizing new or additional special education classes whenever five (5) eligible students with similar educational needs who are not already placed in such a program (based upon CSE identification, classification and recommendation) are located in the district. When a present class exceeds the legal limit of either twelve (12) or fifteen (15) students permitted by education law, a variance from the State Education Department will be obtained or a new class will be formed.

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the BOCES. At least once per year, a staff member from the District's Special Education Department will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement. The District will continue to provide space, to the extent available, for school-age students from other school districts who need self-contained classes not available in their home schools.

METHODS FOR EVALUATING PROGRAM OBJECTIVES

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, etc., formative data will be gathered relative to the success of the program. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications for programs, services and procedures. The goal of the special education program in the district are to provide each student with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential. The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

- Ongoing evaluation of student achievement using various standardized diagnostic tests, state assessments and other teacher made assessments;
- Annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- Qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summary;
- Re-evaluations of each student with a disability;
- Triennial review of the district plan

PLAN TO ENSURE AVAILABILITY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS

Section 200.2 (b) (10) of the Regulations of the Commissioner requires the Board of Education to establish a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students. "Alternative format" is defined to mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district. It would include but not be limited to, Braille, large print, open and closed caption, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

Identification of the Needs of Students Residing in the District

Advance planning in the selection and ordering of books will help ensure that students with disabilities attending their classes receive their instructional materials at the same time as other students in the classes. If the CSE determines that a student needs his or her instructional materials in an alternative format, the IEP will specify the accommodations for the individual student and any related instruction and/or assistive technology devices needed for the student to access the alternative format materials. If the student needs instructional and assessment materials in alternative formats, the CSE should review the following considerations:

- What alternative format is needed?
- What instruction is needed for the student to use the alternative format materials?
- What assessment technology devices or services are needed for the student to access the alternative format materials?
- What supports for school personnel may be needed related to the alternative format(s) recommended?
- What assistance do the parents need to help them acquire skills necessary to support the child's use of the instructional materials and/or related assistive technology devices?
- What testing accommodations a student might need related to the alternative formats?

Access to and Conversion of Electronic Files

Instructional materials provided in electronic files can offer many flexible options for a student with a disability to access the curriculum when the files are used with a variety of technology and tools such as computer screens using highlighted or enlarged text, screen readers or Braille printers. Students will have access to appropriate software and hardware in order to provide these materials in an alternative format. This would include, but not be limited to computers, printers, scanners, alternative keyboards,

Braille note takers, tape recorders, screen readers, speaking browsers, screen magnification devices, scan and read, and Braille translation. The district will also access appropriate agencies and resource centers to assist in the conversion of materials into Braille format.

Ordering Timelines

Braille and large-type test booklets will be obtained from the State Education Department for the Elementary and Intermediate State assessments and each Regents and Regents Competency Examination. The Braille and large-type test booklets requested will be included in the regular shipment to the school. These tests will be ordered at the same time that tests are ordered for non-disabled students. If reproduction and/or reformatting of test booklets is required, written advance permission of the State Education Department will be obtained in sufficient time as to administer the test at the same time as administered to non-disabled students. If Braille or large print conversions are requested, the district will request this conversion at least three months in advance of the exam.

The district will inquire of publisher sales representatives about available formats. If the instructional materials needed by the student cannot be purchased in alternative formats, the district will make reasonable efforts to adapt or convert the materials or provide substantially equivalent materials to the student in a format he or she can access. Consideration will be given as to sufficient time to convert these materials so that the student will be able to participate and progress in the general curriculum.

Selection and Procurement of Instructional Materials

The district utilizes a textbook selection committee when considering the purchase of new textbooks or materials. The committee will be informed of the need to give preference to those vendors who agree to provide materials in alternative formats. When the district selects any new instructional materials for a course, consideration will be given, as one factor, if such materials are available from the vendor in the alternative format(s) needed by the student. Where different textbooks meet the district's criteria for a particular subject matter, the district will give preference to the vendor that agrees to provide materials in alternative formats. If competitive bidding is required for the purchase of instructional material, bid specifications will be drafted to allow the district to select the bidder who can provide materials in alternative formats in a timely fashion by making alternative format availability a specification of the bid.

Procedures for Entry of New Students During the School Year

When a new student enters the district, the CSE will review the student's previous IEP to determine if the IEP has specified the need for materials to be provided in an alternative format. If the IEP indicates that the student requires an alternative format, the district will immediately either provide the necessary software or hardware necessary for the conversion or contact the appropriate agency to either purchase or

convert the materials. If a student requires additional materials in an alternative format, the special education teacher or school psychologist will be responsible to provide this information to the Director of Special Education. The Director will be responsible for arranging the provision of materials in an alternative format.

PLAN TO NOTIFY THE PARENT OF STUDENT WITH A DISABILITY WHEN
PHYSICAL RESTRAINT IS USED (CHAPTER 516)

District staff have been trained and certified in Nonviolent Crisis Intervention through the Crisis Prevention Institute (CPI). In the event that a physical restraint is utilized, the parent of the students with a disability will be notified that day by the building support team, including, but not limited to: the school psychologist, special education teacher, and/or building administrator. In the event that the parent cannot be contacted after reasonable attempts, the principal shall record and report the attempts to the CSE/Special Education Department administrator. Written documentation will be submitted kept on file by the Special Education Department.

SECTION 10: DISTRICT PROGRAMS

SCHOOL-AGED SPECIAL EDUCATION

The Plainedge Union Free School District operates a variety of programs and services for students who possess disabilities. These services are provided to district residents at no cost and in the LRE upon the recommendation of the Plainedge CSE and with the approval of the Plainedge Board of Education. These services are available to pupils with disabilities through the end of the school year during which their 21st birthday occurs, or until a regular high school diploma has been attained, whichever shall occur first. A description of each of the Special Education Program options prioritized from least restrictive to more restrictive follows.

TRANSITIONAL SUPPORT SERVICES

When specified in a student's Individualized Education Program, transitional support services are provided to a teacher on a temporary basis to aid in the provision of an appropriate educational program to the student with a disability who is transferring to a general education program or to a less restrictive program or service. These services may be provided by the building psychologist, a special education teacher, a speech/language therapist, physical therapist, occupational therapist or other appropriate professional who understands the specific needs of the student with a disability and is qualified in the area of service.

CONSULTANT TEACHER SERVICES

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes and/or to such students' general education teachers. Such services shall be recommended by the CSE to meet the specific needs of a student with a disability. The student's IEP shall indicate the general education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

- The total number of students with disabilities assigned to a consultant teacher shall not exceed 20.
- Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week, except that the CSE may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week.

RELATED SERVICES

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students. The CSE recommends any related service that is appropriate to a youngster's individual needs.

Speech and Language Therapy

The goal of speech and language therapy is early identification of communication disorders and therapeutic remediation of articulation and phonological deficits, stuttering, voice disorders, and receptive and expressive language problems, which adversely affect a youngster's educational performance. Services are rendered either individually or in small groups of two to five students. The services are provided on a push-in or pull-out basis and the location of the service is indicated on each student's IEP. The extent and duration of the services are prescribed by the CSE and are reviewed at least on an annual basis.

School Psychological Services

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in the CSE, referral, evaluation and placement; monitoring of student progress; pre-referral intervention; consultation with teachers; student and parent counseling; and liaison activities with community agencies and other professionals. Additional functions relating to special education students include: assisting teachers in the development of interventions to help students in achieving IEP goals; performing Functional Behavioral Assessments and developing, monitoring and updating Behavior Intervention Plans; coordinating CSE annual review meetings; conducting re-evaluations and exploring out-of-district educational alternatives when necessary.

Counseling

Counseling as a related service is provided to those students whose psychosocial needs interfere with their benefiting from education. The focus of school-based counseling must be on the school-related difficulties of the youngster with a disability, and is designed to assist the youngster in overcoming social, emotional or learning difficulties that interfere with the educational process. Counseling services improve communication and interaction between the youngster and school personnel in order to

enable the youngster to be more productive. Counseling also addresses those social skills that students need to function appropriately. Counseling services are provided district-wide by the school psychologists; at the middle and high school, the school social worker shares in the provision of mandated school counseling. The extent and duration of the services are prescribed by the CSE and are reviewed at least once annually.

Physical and Occupational Therapy

Physical Therapy as a related service is directed towards developing and maintaining the student's physical potential for independence in all education-related activities. A major focus of physical therapy is to develop the youngster's ability to safely negotiate the school environment. Physical therapy may be provided individually, in a small group, or a consult to the classroom teacher, based on the recommendation of the CSE. Occupational Therapy is concerned with the impact of a student's disability on his or her learning performance and ability to independently execute the functional tasks required in the school environment. Occupational therapy focuses on how the student receives and interprets the sensory information that is used in coordination with the motor control needed to meet the demands of the environment. The occupational therapist assesses skill levels and provides remediation in the areas of deficit such as postural control, motor planning, visual perceptual skills, hand skill development and sensory processing. The therapist may also provide alternative materials and environmental modifications to facilitate independence and generalization of those skills. Occupational therapy may be provided individually, in a small group, or a consult to the classroom teacher, based on the recommendation of the CSE.

Itinerant Services for Students with Hearing Impairments

Hearing Itinerant Services are designed to provide direct specialized instruction to students, ages five (5) to twenty one (21) years of age, with hearing impairments who are enrolled in a general or special education program. Specialized instruction in speech, reading and auditory training are provided by a teacher of the deaf and hard of hearing. These services are necessary in order for students to benefit from their primary educational program.

Due to the low incidence of students with hearing impairments that require this specialized service, the district generally contracts with Nassau BOCES to provide this service when needed.

Itinerant Services for Students with Visual Impairments

Vision Itinerant Services are designed to provide direct, specialized instruction to students, ages five (5) to twenty one (21) years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. The teacher of the vision impaired (TVI) meets individually with the student and trains the youngster in the use of residual vision, and the listening, organizational and tactual

skills that are specific to the youngster's individual situation. This related service includes direct instruction in the use of various optical aids, large print books, worksheets, orientation and mobility services, tactile and recorded material and current technology. Depending on the needs of the student, the TVI may teach the student to read Braille and write using a Braillewriter. Teachers may also assist students in acclimating themselves to new instructional environments and may assist other teachers in meeting the student's educational needs.

Due to the low incidence of students with visual impairments that require this specialized service, the district generally contracts with Nassau BOCES to provide this service when needed.

Orientation and Mobility Services

Orientation and mobility training provides sequential instruction to students with visual impairment or those who are blind in the use of their remaining senses to determine their position within the environment and in techniques for safe movement from one place to another. Orientation is the process of using sensory information to establish and maintain one's position in the environment; mobility is the process of moving safely and efficiently within one's environment. The goal of orientation and mobility service is to train students to travel safely and independently in a variety of environments.

Due to the low incidence of students with visual impairments that require this specialized service, the district generally contracts with Nassau BOCES to provide this service when needed.

Skilled Nursing

Skilled Nursing services include health assessments and evaluations; medical treatments and procedures; administering and/or monitoring medication needed by the student during school hours; and consultation with licensed physicians, parents and staff regarding the effects of the medication.

KINDERGARTEN & ELEMENTARY LEVEL SPECIAL EDUCATION

There are three elementary schools within Plainedge Union Free School District:

- Eastplain School – Kindergarten to 5
- John H. West School – Kindergarten to 5
- Charles E. Schwarting School – Kindergarten to 5

Integrated Co-Teaching Services

The continuum of special education services may include integrated co-teaching services in its continuum of services for special education students. Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, and shall not exceed 12 students. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher. Additional personnel assigned to such classes by the district may not serve as the special education teacher.

An important component of this program is the ongoing collaboration between the general and special education teacher. Modifications in curriculum, methodologies, assessments, assignments and environment are assessed and individualized for each student, in accordance with the needs specified in the each child's IEP. The speech therapists, as well as the remedial reading and math teachers, also provide supportive and/or consultative services to these students.

The district provides ongoing support to the professional and paraprofessional staff associated with the inclusion program through staff development opportunities, and common planning time.

The district currently offers a co-teaching model in Charles E. Schwarting School and John H. West School. This model pairs a special education teacher and a content area teacher to team-teach curriculum to students with disabilities. In the elementary schools integrated co-teaching services are offered during the core curriculum subjects including ELA, Math, Science and Social Studies.

Resource Room

Resource room services are supplemental in nature and are designed to assist students in remediating skill deficits and in dealing more effectively with assignments from their general education classes. These services consist of identification and diagnostic assessment and small group and/or individualized instruction in basic academic skills, oral and written language, study and organizational skills. Encouragement and emotional support are also provided. Ongoing consultation with general education

classroom teachers is an integral part of these services in both meeting educational needs as well as in helping students develop basic skills and competency in content areas.

The instructional group in each resource room period does not exceed five students, who are grouped according to their similarity of need. Each resource room period is instructed by a special education teacher. Students shall spend a minimum of three hours per week receiving resource room services and shall not spend more than 50 percent of their time during the day in the resource room program. The CSE may recommend that a student with a disability who also needs consultant teacher services in addition to resource room services may receive a combination of such services for not less than three hours per week. The total number of students assigned to a resource room teacher will not exceed 20 at the elementary level and 25 at the middle and high school levels. The service may be provided using both a pull-out and push-in model. Resource room services are available at all of the elementary schools.

Special Class (9:1:3)

A 9:1:3 special class program is available in John H. West School. The classes are staffed by one certified special education teacher and two teaching assistants/aides. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than nine students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. An ABA methodology will be employed for direct instruction. In addition, small and large group instruction will also be utilized. The students spend as up to the maximum of five and a half hours daily in their special education class, according to their individual needs. Therefore, although the class roster may have a maximum of nine children listed, there are many opportunities for smaller group and individualized instruction. In order to support ongoing integration during the school day, the special education students attend the mainstream art, music, library, and physical education classes (when appropriate), as well as eat lunch and go to recess with their non-disabled peers.

Special Class (12:1:2)

A 12:1:2 special class program is available in Charles E. Schwarting School. The classes are staffed by one certified special education teacher and two teaching assistants/aides. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than twelve students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. The program in this class utilizes a language-based multisensory approach to reinforce and strengthen decoding skills, comprehension skills, reading fluency, vocabulary, writing, math and language skills at the appropriate level for each child. Social and behavioral goals are addressed and

age-appropriate social interactions through both individual and group experiences are emphasized. The students spend up to the maximum of five and a half hours daily in their special education class, according to their individual needs. Therefore, although the class roster may have a maximum of twelve children listed, there are many opportunities for smaller group and individualized instruction. In order to support ongoing integration during the school day, the special education students attend the mainstream art, music, library, and physical education classes, as well as eat lunch and go to recess with their non-disabled peers.

SECONDARY SPECIAL EDUCATION

There is one middle school (Plainedge Middle School) in the district, which consists of grades 6 through 8. There is one high school (Plainedge High School) in the district which consists of grade 9 through 12.

All middle and high school students participate in general education classes, to the maximum extent appropriate, in the academic areas and have the opportunity to participate in courses in the foreign language, physical education, fine arts, music, and practical arts departments. Many students with disabilities in Plainedge High School opt for a vocational sequence and avail themselves of the offering of BOCES Barry Tech or other vocational programs during their Junior and Senior years.

At both the Middle School and the High School, each student has a special education teacher assigned as his or her contact teacher. This teacher is personally responsible for the student's integration into the school. This teacher, through ongoing communication with the mainstream teachers, the student's parents, and the other special education department members, provides a source of support for the student. This teacher attends all meetings of their assigned student as well as all CSE meetings.

Integrated Co-Teaching – Middle School & High School

The continuum of special education programs may include integrated co-teaching in its services for special education students. Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, and shall not exceed 12 students. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher. Additional personnel assigned to such classes by the district may not serve as the special education teacher.

An important component of this program is the ongoing collaboration between the general and special education teacher. Modifications in curriculum, methodologies, assessments, assignments and environment are assessed and individualized for each student, in accordance with the needs specified in the each student's IEP. The speech teachers, as well as the AIS reading and math teachers, also provide supportive and/or consultative services to these students.

The district provides ongoing support to the professional and paraprofessional staff associated with the inclusion program through staff development opportunities, and common planning time.

The district offers a co-teaching model in the middle school and high school. This model pairs a special education teacher and a content area teacher to team-teach

curriculum to students with disabilities. In the middle school, integrated co-teaching services are offered in English, Math, Science and Social Studies. In the high school, integrated co-teaching classes are offered in the Regents curriculum courses.

Resource Room – Middle School & High School

Resource room services are supplemental in nature and are designed to assist students in remediating skill deficits and in dealing more effectively with assignments from their general education classes. These services consist of identification and diagnostic assessment and small group and/or individualized instruction in basic academic skills, oral and written language, study and organizational skills. Ongoing consultation with general education classroom teachers is an integral part of these services in both meeting educational needs as well as in helping students develop basic skills and competency in content areas.

The instructional group in each resource room period does not exceed five students, who are grouped according to their similarity of need. Each resource room period is instructed by a special education teacher. Students shall spend a minimum of three hours per week receiving resource room services and shall not spend more than 50 percent of their time during the day in the resource room program. The CSE may recommend that a student with a disability who also needs consultant teacher services in addition to resource room services may receive a combination of such services for not less than three hours per week. The service may be provided using both a pull-out and push-in model.

Resource Room Services on the middle and high school level consists of identification and diagnostic assessment, and direct individualized, small group instruction in strategic behaviors that students need to master concepts and information. These include time management skills, organization skills, priority goal setting, appropriate study skills, academic reinforcement, and communication skills. Transfer of the skills or strategies acquired to the academic demands of general education setting is provided. Students are prepared to become self-advocates in expressing academic needs and are aided in identifying and utilizing services to support academic needs. Ongoing consultation with general education teachers is an integral part of these services.

It should be noted that some students receive a combination of services (e.g., integrated and self-contained) based on their needs and learning difficulties.

Special Class (9:1:3) – Middle School

A 9:1:3 special class program is available in the middle school. The class is staffed by one certified special education teacher and two teaching assistants/aides. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than nine students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. An ABA methodology will be employed for direct instruction. In

addition, small and large group instruction will also be utilized. Students will be mainstreamed as appropriate for special areas and lunch.

Special Class (15:1:1) – Middle School

A 15:1:1 special class program is available in the middle school. The class is staffed by one certified special education teacher and one teaching assistant/aide. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than fifteen students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. The students may receive all primary instruction in the special class, or be integrated into general education classes for specific subjects per the IEP. The student in need of a special class requires a small class structure and a consistent environment designed to meet their needs. The special class teachers utilize a prioritized curriculum to teach the general education curriculum. Any modifications are noted on the child's IEP. Students are engaged in grade level curriculum to the fullest extent possible.

Special Class (9:1:3) – High School

A 9:1:3 special class program is available in the high school. The class is staffed by one certified special education teacher and two teaching assistants/aides. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than nine students per class roster. The program in this class utilizes a language-based multisensory approach to reinforce and strengthen functional life skills. Work-based learning opportunities (Vocational Counseling) and daily living skill development are main components of the program. Social and behavioral goals are addressed and age-appropriate social interactions through both individual and group experiences are emphasized. Students will be mainstreamed as appropriate for special areas and lunch.

Special Class (15:1:1) – High School

A 15:1:1 special class program is available in the high school. The class is staffed by one certified special education teacher and one teaching assistant/aide. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3). There are no more than fifteen students per class roster. The students may receive all primary instruction in the special class, or be integrated into general education classes for specific subjects per the IEP. The student in need of a special class requires a small class structure and a consistent environment designed to meet their needs. The special class teachers utilize a prioritized curriculum to teach the general education curriculum. Any modifications are noted on the child's

IEP. Students are engaged in grade level curriculum to the fullest extent possible and prepare to take corresponding Regents exams upon conclusion of the course.

AVAILABILITY OF COPIES OF THIS POLICY

The current district special education plan is on file and available for review in the office of the Superintendent of Schools, Special Education Office, and all Plainedge Public Schools. A parent may request and receive a copy of this policy from the Special Education Office. Requests should be made in writing. The plan is also available online and can be accessed from the Plainedge Union Free School District webpage.

APPENDIX

SPECIAL EDUCATION SYNOPSIS FOR THE 2022-23 SCHOOL YEAR

2022-23 Special Education Enrollment & Distribution

Plainedge UFSD
 Special Education Synopsis
 for the 2022-23 School Year as of November 30, 2022

2022-23 Special Education Enrollment	
In District School Age Special Education	366
Pre-School Special Education	81
BOCES Special Education	6
NYSED Approved Private Schools	9
Other Public Schools Special Education	0
Other District Student Placed in Plainedge	18
Non-Public Schools/Parentally Placed	24
Home Instruction - Special Education	2
Hospital or Other Non-school	1
Residential	3
Total	510

Special Class & Elementary ICT Enrollment				
West:			Middle School:	
K-2 9:1:3	18		5-6 9:1:3	7
3-5 9:1:3	5		6-5 9:1:3	5
ICT	31		6 15:1:1	5
Schwarting:			7 15:1:1	9
K-1 12:1:2	8		8 15:1:1	4
2-3 12:1:2	10		High School:	
4-5 12:1:2	8		Lower 9:1:3	6
ICT	40		Middle 9:1:3	5
Current Referrals:			Upper 9:1:3	9
Pending CPSE	25			
Pending CSE	28			

2022-23 Distribution of CSE Students															
Disability	Ung	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
Learning Disability	0	1	1	8	7	6	7	9	19	14	7	16	9	9	113
Emotional Disturbance	0	0	0	0	0	0	0	2	2	4	3	0	0	1	12
Speech or Language Impairment	1	20	14	21	15	7	5	8	3	1	3	3	2	4	107
Intellectual Disabilities	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Multiple Disabilities	12	0	0	0	1	0	0	0	0	0	1	0	0	0	14
Visual Impairment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hearing Impairment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deafness	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deaf-Blindness	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orthopedic Impairment	0	1	0	0	0	0	0	0	0	1	8	0	0	0	10
Other Health Impairment	1	5	7	4	6	9	6	12	12	14	0	11	10	3	100
Autism	31	5	11	5	4	0	4	1	1	1	2	3	2	1	71
Traumatic Brain Injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	46	32	34	38	33	22	22	32	37	35	24	33	23	18	429

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