

Pelham Union Free School District

District Special Education Plan

2016



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District Vision

The Pelham school community, comprising The Board of Education, administrators, teachers, school staff, parents, students and community members, has high expectations and standards for all students.

The Pelham school community challenges and inspires its students to become creative and critical thinkers who make ethical choices, to work both independently and collaboratively to solve problems, to become life-long learners and responsible citizens in a democratic society, and to be prepared for the demands of a highly technological and global community.

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The Pelham school community celebrates diversity, fosters a sense of belonging for all children and emphasizes the importance of contributing to the greater community.

The Board of Education, administrators, teachers, school staff, parents, students and community members all share the responsibility for public education in Pelham.

The Pelham school community is dedicated to continuous improvement and is committed to maintaining the flexibility necessary to anticipate and respond to a changing world.

Introduction

The Pelham Union Free School District is committed to educating students with disabilities within its own schools, whenever appropriate. The Committee on Special Education and the Committee on Preschool Special Education shall recommend programs and/or services which provide for a free and appropriate public education (FAPE) based on the individual learning needs of the student. All school aged students with disabilities shall be provided the opportunity to participate in the curricular and extracurricular programs of the district.

Overview

The Commissioner's regulations Part 200.2 c of the Regulations of the New York State Commissioner of Education require that each school district Board of Education shall prepare biennial special education plans. Each plan shall include, but not be limited to, the following:

- A description of the nature and scope of special education programs and services currently available to students and preschool students residing in the district.
- Identification of the number and age span of school aged students and preschool students to be served by type of disability and recommended setting.
- Methods to be used to evaluate the extent to which the objectives of the program have been achieved.
- The policies and practices of the Board of Education to the continual allocation of appropriate space within the district for special education programs that meet the needs of students with disabilities.
- The policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students in BOCES special education programs.
- The estimated budget to support such a plan.

- The date on which such plan was adopted by the Board of Education.

Guiding Principles

- The District will provide pre-referral strategies and supports, including modification and alternative instructional approaches for all students in order to address the student's needs prior to referral to the Committee on Special Education (CSE).
- Pupil Personnel staff will provide strategies and interventions to support students in the general education learning environment through collaboration, staff development, and consultation.
- The District will provide special education services that meet the individual needs of the child, are developmentally appropriate, and strength based.
- Services are planned in collaboration with all child serving systems involved with the child.
- The child's family is the primary support system for the child and participates in all stages of the decision making and planning process.
- Student data will be used to inform and improve instruction.
- Related services provided to special education students will be educationally relevant, evidence-based, and will support the student's learning while provided in a manner least disruptive to the student's overall progress in his program.
- Administrators, general education teachers, special education teachers, related service providers, and paraprofessional staff are supported in developing the

knowledge, skills, and attitudes to design learning environments and instruction to meet the needs of diverse learners, including students with disabilities.

- The District will encourage involvement and support for parents of students with disabilities.
- The District will facilitate the transition from high school to post secondary education programs or to employment.
- The District will continue to assess the efficacy of our district special education program in meeting the needs of the students.
- The District will assess and implement innovative options for serving student with disabilities, which reflect current research on effective practices.

Description of the Nature and Scope of District Special Education Programs and Services

Overview

The Pelham Public School District is committed to providing special education and related services to students with disabilities through a continuum of service delivery models that offer these services in the least restrictive environment and in an integrated setting with non-disabled peers.

Our district programs stress access to the general education curriculum, improvement in student academic performance, and meeting the individual academic and effective needs of students. Through a strong collaborative relationship among professional staff, administrators, parents, and students, we strive to achieve our goals and provide a well-coordinated learning experience for our students with disabilities.

In District Programs

The school system maintains a core staff in each building to address student needs. Called "Pupil Personnel Services," this support includes areas such as health, speech, special education, guidance and psychological services. The Pelham Schools offer comprehensive special education programs for students who require alternative instructional support, based upon a disability identified by the Committee on Special Education. Our schools offer a continuum of programs including: Resource Room, Consultant Teacher, Special classes, and Inclusion classes.

Related Services

Related services historically provided within the district include speech and language therapy, psychological services, occupational therapy, and physical therapy. Additional related services could include Teacher of the Deaf/Hard of Hearing or Teacher of the

Visually Impaired. The 2016-2017 budget proposal does include 2 part time teachers of the deaf/hard of hearing to meet the IEP mandates of our current students.

These services are provided to students with disabilities in conjunction with their special education and/or general education programs. The related service professionals address knowledge and skills, which are not typically included in subject area curriculum. Most significantly, they provide strategies for the students to employ to best access classroom instruction. The goal of the district is to provide these services through district personnel, whenever practical. Contracted services are employed when services needed are unique in nature or would not necessitate at least a .5 employee.

Consultant Teacher Services

Consultant teachers provide direct and indirect services to students with disabilities who participate in full-time general education programs. Direct consultant teacher services are provided to students in a general education classroom. A special education teacher provides indirect consultant teacher services to general education teachers to assist them in making environmental and/or instructional modifications for students with disabilities in order for these students to be successful learners. They serve as a specialized, highly skilled resource to the general education teacher.

Resource Room Services

A resource room program provides specialized supplementary instruction in a small group setting of up to five students who have similar academic, social, physical, and management needs. The resource room teacher addresses specific academic and organizational difficulties experienced by the students and offers support for students in their general education classes as well as supplemental instruction.

Resource Room/ Consultant Teacher Services

Beginning with the 2007-2008 school year, the state has allowed districts to offer a combination Resource Room/ Consultant Teacher program to students. The service is ideal for students who do not require the full three-hour per week of pullout service in a Resource Room, but could instead benefit from direct instruction and special teacher support. The program is offered as a combination Resource/ Consultant model for a total of 3 hours in a 6-day cycle.

Integrated Co-Teaching

Districts use the terminology “integrated co-teaching,” consistent with the regulatory requirements, so that the level of services provided to a student is clear and consistent among school districts. Integrated co-taught classes are programs in which the special education teacher co-teaches with the general education or content area teacher in the general education classroom. The special education teacher offers more intensive support than in the consultant teacher model, including developing modified materials, instructional techniques and behavioral strategies.

In several classes at the high school and at the middle school levels, co-taught classes are available and have been particularly effective for students who in the past may have been taught in a separate special class setting. A combination of special class and integrated co-taught classes are available in select elementary schools, which are

offered strictly on facility space availability. The integrated co-teaching model is proving to be effective for many students each year, including students enrolled in Regents level courses in grades 8 through 12.

Special Class Services

A special class provides primary instruction in one or more academic areas. The maximum class size for a special class program ranges from six to fifteen students. Special classes are typically staffed by one teacher and at least one teaching assistant. Students are grouped together for special class instruction based on the similarity of their needs. Grouping by needs is based on present levels of academic achievement and learning rate, levels of physical and social development, and the management needs of students in the classroom. Students are mainstreamed in specials and, when appropriate, specific academic classes at the elementary level. At the middle school level, special classes are offered in several of the core academic areas based on student need. Students are mainstreamed for specials/electives and various academic courses. A variety of special class offerings in the middle and high school has allowed increased numbers of Pelham students to be successfully educated within the district.

Supplemental Services

It is important to note that there are times that students need reteaching of class material, support to remain on task, or organizational assistance for short and long term class assignments. Such students may not require an integrated co-taught class in which a certified special education teacher must be in attendance. Teacher assistants and school monitors are employed to meet these specific student needs at various times during the school day. These staff members may assist in delivering testing and program accommodations for one or more class periods. Recommendations for these positions change each year, based on current student needs.

Elementary “Academic, Communication, Experiential” Class (ACE)

Districts in Westchester County continue to support the early identification of students with communication and learning disorders. Some of our students formally placed in our elementary classes, and out of district placements, have been identified with impairments in social interaction, oral language difficulties, and physical and learning needs. These students require a class with a smaller teacher to student ratio, with specific prescribed methodologies. We began operating our K-2 ACE Class beginning with the 2006-2007 school year and a grade 3-5 class for the 2009-2010 school year. Population trends dictated expanding the scope of the ACE Programs since 2012-2013 to include students with multiple disabilities; a trend that continued through the 2015-2016 school year. Responding to current student needs, only the grade 3-5 ACE program is included in the 2016-2017 school budget, with a projected class placement in the Colonial School.

Therapeutic Support Program (TSP)

Each year students are identified in Pelham at the Middle and High School level who need a more structured, organized form of instruction, with supervised mainstreaming to support their emotional needs. These students are bright, emotionally fragile students without aggressive behaviors. The TSP (Therapeutic Support Program) in the high school was opened in September 2006 to allow Pelham students to remain in PMHS. These students have been successful in Pelham High School, with the support of

additional psychological services, highly trained staff and supportive administration. Students have graduated and are currently attending college programs, as a result of the TSP initiative. The high school program will continue for the 2016-2017 school year. As noted, the Pelham Middle School TSP program was implemented beginning in the 2010-2011 school year. This thriving TSP program is included in the 2016-2017 school budget. Responding to District trends, the elementary TSP program was initially implemented in Prospect Hill School in the 2014-15 school year and is included in the 2016-2017 budget.

Foundations of Learning

The Foundations of Learning is a specialized program which had been historically offered in the Prospect Hill School and Pelham Middle School in past years. It was fully implemented in the Pelham Memorial High School beginning in the 2008-2009 school year. Students are accepted into the program based on educational needs, yet not a specific classification. Students work toward alternative learning standards based upon the Common Core NYS Curriculum and their own individual differences. Students are typically struggling with basic academic or communication skills and may exhibit mild behavioral demands. Opportunities for career exploration, basic occupational education and travel training are available for students in this program. Following our projections and population trends in Pelham, the FOL program will continue to require funding in our Middle and High Schools for the 2016-2017 budget.

Implementation of Response to Intervention (Rtl) Programs

An important educational strategy to close achievement gaps for all students, by preventing smaller learning problems from becoming insurmountable gaps is called Response to Intervention (Rtl). The district is engaged in the implementation of response to intervention (Rtl) programs in its schools. Rtl is a multi-tiered, problem solving approach that identifies general education students struggling in academic and behavioral areas early and provides them with systematically applied strategies and targeted instruction at varying levels of intervention. The district will continue to take appropriate steps through district leadership, staff development efforts, collaboration and course work to ensure that staff has the knowledge and skills necessary to implement an Rtl program consistent with the specific structure and necessary components of the model. Full implementation of Rtl began on July 1, 2012 for grades K-5.

Committee on Preschool Special Education (CPSE)

The District is interested in locating local preschool children who may require planning for special education services. If a parent or guardian suspects his or her child has a disability or delay, they should contact the office of their neighborhood elementary school to register the child. Once registered, the parent may send a letter to the Office of Pupil Personnel Services, 18 Franklin Place, Pelham, NY 10803 to request that the child is evaluated by the Committee on Preschool Special Education. The Chairperson of this committee is Lauren Ribeiro. She may be reached at (914)738-3434, ext 1152 for further information.

Committee on Special Education (CSE)

When a student is suspected of having a disability, a referral is made to the Committee on Special Education (CSE). A referral may be made by a parent or guardian, a teacher, physician, judicial officer or designee of a public agency with responsibility for the welfare, health, or education of the child, or by the student who is 18 years or older. The student is evaluated by a multidisciplinary team to determine eligibility as a student with

a disability. Parents are members of the Committee that makes recommendations regarding their child. Referrals can be made in writing to the Office of Pupil Personnel Services, 18 Franklin Place, Pelham, NY 10803. For further information contact Rosemary Matthews, Assistant Superintendent for Pupil Personnel services or Lauren Ribeiro, CPSE/CSE Chairperson at (914)738-3434, ext. 1152.

Psychology Services

School psychologists assist the educational staff in evaluating student learning and related problems. The psychologists work with students and parents and refer them to appropriate counseling agencies as needed.

Speech and Language Services

The Pelham Schools offer speech and language services to students who have significant receptive or expressive language delays. Therapists assist in the identification and instruction of children requiring these services.

School Counseling Services

The counseling programs for middle and high school students are proactive. Small group outreach programs target both social and academic concerns. Post secondary goals also are a major focus for PMHS counselors.

Counselors work with families, administration, outside agencies, the District Special Education Office and Section 504 Committee to ensure that students' needs are met. Students and parents may contact counselors at any time by making an appointment with the Counseling Office.

Response to Intervention Teams

Individuals participating in an instructional decision-making team have a broad understanding of interventions and are highly skilled in data analysis, problem solving and decision making in support of improving instructional programs for students. The Response to Intervention Team is a collaborative building-based team which may include the principal, school psychologist, a regular education teacher, a special education teacher, speech and language therapist, reading teacher and other support staff. Using a problem solving approach, the team will create effective intervention plans for students who are not meeting learning standards and/or are exhibiting learning or behavioral differences. If the proposed interventions do not work, the child may then be referred for testing and special education services. Parents and family members are an essential part of an effective RtI model. The Response to Intervention (RtI) process and team can be used as part of the process to determining a learning disability; however, the process does not preclude parents from referring their child to the Committee on Special Education (CSE) at any point.

Special Public and Private Day or Residential Schools

The majority of students with disabilities are educated in Pelham special education programs; however, students with more intensive specialized needs may require a different educational setting. Pelham utilizes the Board of Cooperative Educational Services (BOCES) special education programs as well as other public school districts' special education programs. A relatively small number of children are also educated in

private day or residential schools. The actual number of students placed out of district for the 2015-2016 school year is 9 students.

BOCES Programs

Project AIIM – Applied Intensive Intervention Model

Project AIIM (8:1:2) provides a highly structured, district-based or site based program designed primarily for students with autistic spectrum disorders. Structured teaching and behavioral interventions are used in school and home settings. Related services include speech, both individual and group, and a parent trainer, as needed. Consultant speech therapist, psychologists and psychiatrists are provided at all levels

Gifted Special Education

District-based classes are designed to meet the academic and emotional needs of students who are cognitively gifted, as well as learning disabled or mildly to moderately emotionally disabled. This is a mainstream educational program providing support to students to maximize their ability to earn a Regents Diploma.

Communication Development

This comprehensive program concentrates on the acquisition and development of language, communication, social and academic skills, using a multi-disciplinary approach. Related services include speech and psychology.

Multiply Disabled Students

A comprehensive educational team existing within a highly structured environment addresses the communication, sensory-motor needs and social skills of student with multiple disabilities. Student-Teacher ratio is 12:1:4.

Therapeutic Support

These programs are offered at elementary, middle school and high school levels. These 8:1:1 programs enable students with a range of academic abilities and severe emotional/behavioral challenges to develop the necessary skills to function successfully in home, school and community environments. Programs are offered in district-based, community-based and center-based settings.

Estimated Budget Used to Support Special Education Services

CODE	DESCRIPTION	BUDGET 2012/13	PROPOSED STAFFING	ADMIN 2012/13	ED PROGRAM 2012/13
SPECIAL EDUCATION					
2250.100.	Personnel Services, Salaries				
2250.150.	Asst. Sup. PPS	175,640	1.00		175,640
2250.150.	SPED Supv(K-5)CSE/CPSE Chr	120,330	1.00		120,330
2250.151.	Teacher Sal. (Elemen.)	879,352	8.00		879,352
2250.152.	Teacher Sal. (Sec.) 6th pd-4	2,254,974	21.60		2,254,974
2250.153.	CSE Meetings support	1,800			1,800
2250.155.	Testing Modification	0			0
2250.131.	Teaching Assts. Salaries	432,983	10.00		432,983
2250.160.	Clerical Ass't. Salary/OT	97,762	2.00		97,762
2250.163.	Lunch&Health Supervision	133,000			133,000
2250.110.160	Personnel Services, Salaries	4,095,841	43.60		4,095,841
Equipment					
2250.200.	Equipment	1,000			1,000
2250.200.00.5	Technology - Equipment	0			0
2250.200.	TOTAL - Equipment	1,000			1,000
2250.400.	Contractual	66,800			66,800
2250.407.	Home/Hospital Instr.	5,000			5,000
2250.408.	Committee on Special Ed.	4,000			4,000
2250.450.	Supplies & Materials	0			0
2250.457.	Audio Visual Supplies	0			0
2250.471.	Tuition Other Dists/Public	73,000			73,000
2250.472.	Tuition Other Dists/Other	485,900			485,900
2250.480.	Textbooks	0			0
2250.490.	BOCES Services	1,113,813			1,113,813
2250.400.	TOTAL -Contractual	1,748,513			1,748,513
TOTAL - SPECIAL EDUCATION		\$5,845,354	43.60	\$0	\$5,845,354

Methods Used to Evaluate Program Objectives

The methods to be used to evaluate the extent to which the objectives of the district programs and services for the disabled have been achieved include:

- a. Utilization of the Annual Review process to establish that individual goals and objectives are met.
- b. Review of Annual Review testing to evaluate growth over time for the student.
- c. Yearly review of District report of school age students with disabilities exiting special education.
- d. Yearly review of State Education Department reports to monitor emerging trends and areas for possible improvement.
- e. Assessment of the education and/or vocational outcomes of student with disabilities who have graduated.
- f. Yearly review of standardized testing results and the results of State mandated test of achievement, as available.

Appendix A. PUFSD Board of Education Policies and Procedures

2012
1 of 2
7222
Students

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Commissioner's Regulations Section 100.5. However, when necessary, the District may award high school individualized education program diplomas to students with disabilities.

High School Diplomas

Students pursuing either a Regents or a local high school diploma shall acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. Students with disabilities shall be provided access to the required courses and testing programs needed for graduation with these awards.

Regents Diploma Requirements

To earn a high school Regents diploma, all students need to take and pass five (5) specific Regents examinations with a score of 65 or higher and earn twenty-two (22) units of credit. The required Regents Examinations are English, Mathematics, Science, Global History and Geography, and U.S. History and Government.

High School Individualized Program Diplomas

Each individualized education program diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21st) birthday, whichever is earlier.

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded individualized education program diplomas that school year.

Students with Disabilities Entering Grade 9 Prior to September 2011

Student with disabilities who first enter grade 9 prior to September 2011 may earn credit toward a Local Diploma by:

- a) Achieving a score of 55-64 on any or all Regents Examinations required for graduation (English, Mathematics, Science, Global History and Geography, and/or U.S. History and Government); or

(Continued)

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

b) Passing the corresponding Regents Competency Test (RCT) of a failed required Regents Examination.

The District may administer the Regents Competency Test before or after the Regents examination, but in all cases the student SHALL take the required Regents examination in order to earn the local diploma.

The Regents Competency Test exam shall remain available until the student graduates or reaches the age of twenty-one (21). This provision of law applies only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

Students with Disabilities Entering Grade 9 After September 2011

The option to take the Regents Competency Test shall not be available for any students entering grade 9 beginning in September 2011 and thereafter. The student's grade level is based on the grade in which the student was enrolled during the school year (September to June) prior to September 2011. While the RCT safety net ends with the class of students that entered grade 9 during the 2010-2011 school year, the local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one (1) or more required Regents examinations.

Information regarding graduation requirements, including the local diploma option and the appeals process, may be found at: <http://www.p12.nysed.gov/part100/pages/1005.html>

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5(a-f) and 100.9

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated Programs

Adopted: 6/19/12

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

The District shall develop the Special Education plan which shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board to ensure that appropriate space shall be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services (BOCES).

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District shall be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format shall meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board.

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) Section 1474(e)(3)(B)

8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c)

Adopted: 6/19/12

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his or her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities in accordance with the following:

a) No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education shall be provided as appropriate in regular classes with or without support services, in a resource room, for part of the day in a special class, full time in a special class, home hospital or in a residential setting.

c) Students with disabilities shall be provided education with non-disabled peers to the extent appropriate.

d) Highly qualified personnel shall be recruited, hired, trained and retained to provide special education programs and services in accordance with the following measurable steps as appropriate:

1. The District shall utilize established procedures for publication of all potential job openings;

2. The District shall check credentials and requirements listed on applications;

3. The District shall provide preparation sessions for the interview committee;

4. The District shall recruit and hire special education teachers with subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher shall meet the requirements of "highly qualified" under the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught in accordance with Commissioner's regulations.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

e) The District shall use the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Any necessary accommodations for a student shall be specified on the student's individualized education program;

2. The need for accommodations for a student shall be reviewed during Committee on Special Education evaluations/re-evaluations.

f) The District shall to the extent feasible, use universal design principles (defined below) in developing and administering District-wide instructional and assessment programs in accordance with the following:

1. Each student's individualized education program shall be based on appropriate universal design principles;

2. The Special Education Curriculum Coordinator shall keep Committee on Special Education/Committee on Preschool Special Education apprised of available products and services utilizing universal design principles;

3. Instructional materials and activities shall allow learning goals to be achievable by individuals with wide differences in abilities;

4. Flexible curricular materials and activities shall be built into the instructional design and operating systems;

5. Instruction shall be diversified to deliver general education curriculum to every student and diversify ways students may respond to that curriculum;

6. Assessment materials shall incorporate appropriate universal design principles.

g) The District shall consider the location of a school program(s) in relation to a student's residence, before placing a student into an educational program.

h) The District shall adopt procedures designed so that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

i) The District shall allocate appropriate space within the District for special education programs that meet the needs of students with disabilities.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

j) The District shall cooperate with BOCES and share relevant information to ensure that BOCES shall have appropriate space available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Universal Design Principles are a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies.

Provision of Special Education Services to Parentally Placed Nonpublic School Students with Disabilities

The school **district of location** (and not the school district of residence) is responsible for identifying, locating and evaluating parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district. This includes individual evaluations, Committee on Special Education meetings, provision of special education services, and due process.

These requirements pertain only to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; and not to Committee on Special Education placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to charter schools.

Parental consent shall be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location shall consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district of location shall engage in consultation regarding the Child Find process and services generally; consultation is not specific to individual students. Individual services are determined by the Committee on Special Education.

The consultation process shall be timely and meaningful and include discussion of:

- a) "Child Find" (identifying, locating and evaluating students with potential disabilities)
- b) Provision of special education services
- c) Use of Federal funds

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

The school district of location shall provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students shall be documented in a services plan that is developed by the Committee on Special Education of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location shall provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v),
200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education shall provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

a) Each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education.

b) The Committee on Special Education shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.

c) The Committee on Special Education shall recommend to the Board appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The Committee on Special Education shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

1. Academic achievement, functional performance and learning characteristics;
2. Social needs;
3. Physical development; and
4. Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

Adopted: 6/19/12

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board shall, upon completion of its review of the recommendations of the Committee on Special Education, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the Committee on Special Education shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the Committee on Special Education is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the Committee on Special Education.

If on review of the recommendation of the Committee on Special Education, the Board disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the Committee on Special Education with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The Committee on Special Education shall consider the Board's objections or concerns, revise the individualized education program where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the Committee on Special Education, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second Committee on Special Education to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's individualized education program within the timelines as outlined above; or, in the alternative,

(Continued)

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

b) The Board may establish a second Committee on Special Education to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second Committee on Special Education with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second Committee on Special Education shall consider the Board's objections or concerns, revise the individualized education program where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second Committee on Special Education, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second Committee on Special Education, provided that the Board arranges for the programs and services in accordance with the student's individualized education program, as developed by the second Committee on Special Education, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original Committee on Special Education once it has established a second Committee on Special Education.

The Board shall provide the student's parents or guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of Commissioner's Regulations.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education, the Board shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's individualized education program, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the Committee on Special Education and one Committee on Preschool Special Education less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the Committee on Special Education and one Committee on Preschool Special Education.

If the Board disagrees with the recommendation of the Committee on Special Education and one Committee on Preschool Special Education, the Board shall send the recommendation back to the Committee on Special Education and one Committee on Preschool Special Education with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the individualized education program as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

(Continued)

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

Subcommittee on Special Education

The number of Subcommittees on Special Education shall be determined by the Committee on Special Education and the Committee on Special Education shall be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the Committee on Special Education is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the Committee on Special Education regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the Committee on Special Education any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 6/19/12

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board of Education recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District is required to collect entry assessment data in the three (3) outcome areas described below on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent shall be fully informed about the proposed initial evaluation and shall provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The Committee on Preschool Special Education shall receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations of all preschool children suspected of having disabilities. The Committee on Preschool Special Education shall then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is kept in the student's record until exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department.

Annually, one-sixth of the school districts in the State shall be required to submit exit data on the progress that preschool children have made between entry into and exit from preschool special education programs and services in the three (3) outcome areas after having received preschool special education services for at least six (6) months. For each outcome area, schools shall be reporting data that shall enable the State to determine:

- a) The number of children at exit who reach or maintain functioning at a level comparable to same-aged nondisabled peers;
- b) The number of children who improve functioning; and

(Continued)

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)

- c) The number of children who do not improve functioning.

In accordance with New York State Education Law Section 4410, State Education Department approved preschool evaluators of three and four year old children suspected of having disabilities shall include evaluation information relating to such children in the three (3) outcome areas described below:

- a) Positive social-emotional skills (including social relationships):
1. Relating to adults;
 2. Relating to other children; and
 3. Following rules related to groups or interacting with others (if older than eighteen (18) months.
- b) Acquisition and use of knowledge and skills (including early language/communication and early literacy):
1. Thinking, reasoning, remembering and problem solving;
 2. Understanding symbols; and
 3. Understanding the physical and social worlds.
- c) Use of appropriate behaviors to meet their needs:
1. Taking care of basic needs (e.g., showing hunger, dressing, toileting, etc.);
 2. Contributing to their own health and safety (e.g., follows rules, assists with hand washing, avoids inedible objects, if older than twenty-four [24] months); and
 3. Getting from place to place (mobility) and using tools (e.g., forks, pencils, strings attached to objects).

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 6/19/12

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Students with disabilities shall be provided with education in the "least restrictive environment." *Least restrictive environment* means that 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 use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, shall be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

(Continued)

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b),
200.4 and 200.6

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Students

SUBJECT: PRE-REFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)

The District shall establish a plan for implementing schoolwide approaches and pre-referral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing pre-referral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Pre-referral/Intervention Instructional Support Plans. The District shall ensure that there is a system in place, with appropriate personnel, for developing, implementing and evaluating pre-referral intervention strategies.

The District shall provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education. Formal Response to Intervention (RTI) teams shall be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The Response to Intervention (RTI) teams shall include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students shall be involved in developing pre-referral strategies

to address the educational needs of their child. Additionally, the District shall seek collaboration between outside agencies and the school prior to a referral of the student to the Committee on Special Education in order to address necessary student support services.

The District shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other District personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and pre-referral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator shall further ensure that all staff is familiar with intervention procedures and procedures for operating a Response to Intervention (RTI) teams.

Response to Intervention Plans shall be developed. These plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Pre-referral/Intervention strategies and/or Response to Intervention/Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. The District shall maintain appropriate documentation of the prevention and/or intervention strategies implemented.

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Students

**SUBJECT: PRE-REFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)
(Cont'd.)**

If a referral be made to the Committee on Special Education during the course of implementing Pre-referral/Intervention Instructional Support Services, the Committee on Special Education is obligated in accordance with law to continue its duties and functions, and shall meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

Educational related support services may be utilized as a component of any Pre-referral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any pre-referral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

Academic intervention services means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students

(Continued)

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Students	

SUBJECT: PRE-REFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)

who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K through 12 students in need of such services. The District shall review and revise this description every two (2) years based on student performance results.

Parental notification of students who have been determined to need academic intervention services shall be provided as per Commissioner's Regulations.

In implementing prevention and/or pre-referral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Pre-referral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t),
100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

Adopted: 6/19/12

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The District shall establish and implement a plan for the appropriate declassification of students with disabilities which shall include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The District shall evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent or guardian. The results of any reevaluations shall be addressed by the Committee on Special Education in a meeting to review and, as appropriate, revise the student's individualized education program.

Prior to the reevaluation, the District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District shall have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the Committee on Special Education, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The 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 Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District shall provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post secondary goals. Although not required to do so, the District shall also provide this Student Exit

Summary (www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

In addition, the parent or guardian shall receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he or she receives an individualized education program diploma. If the student shall be graduating with an individualized education program diploma, this prior written notice shall indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

Recommendation for Declassification

If a student has been receiving special education services, but it is determined by Committee on Special Education that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the Committee on Special Education.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District shall further ensure that the procedural safeguards notice is provided in the

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Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4),
200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 -- Transition Services

Adopted: 6/19/12

2012 7620

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents or guardians of students with disabilities, including those students placed in out-of-District programs, shall have timely access to information about of such District programs and activities through District websites, community mailings, televised Board of Education meetings and other publicly available media.

Community Resources

The District may compile a list of community resources (appropriate and/or helpful services that may be available outside of the school setting) and provide this information to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the District and shall not be paid for by the District. Any member of the District's committees or subcommittees on special education, or the District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Section 4402(1)(b)(3-a) and 4410(5)(b)(IV)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 6/19/12

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Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The District shall make its program and facilities accessible to all students with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination against

qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability.

Individuals protected by Section 504 are those individuals who have a physical or mental impairment which substantially limits one (1) or more major life activities; have a record or history of such impairment; or are regarded as having such an impairment.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The Assistant Superintendent of Pupil Personnel shall be the coordinator of Section 504 activities and shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

The Board shall adopt a grievance procedure to resolve Section 504 complaints. Such complaints shall be directed to the Superintendent.

The parents of students with disabilities shall be notified annually of the Board's responsibilities under Section 504.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his or her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an individualized education program or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

(Continued)

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973 (Cont'd.)

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
28 Code of Federal Regulations (CFR) Part 35
34 Code of Federal Regulations (CFR) Parts 104 and 300

NOTE: Refer also to Policy #7550 -- Complaints and Grievances by Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION**

Development of Individualized Education Program

The Committee on Special Education or Committee on Preschool Special Education shall prepare a written statement (program) for each child with a disability.

Such an individualized education program shall be developed by the Committee on Special Education or Committee on Preschool Special Education upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an individualized education program in effect at the beginning of each school year.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's individualized education program when the student's behavior impedes learning of the child or others. The functional behavioral assessment is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment. A functional behavioral assessment for a student with a disability is an evaluation requiring parental consent, pursuant to Commissioner's Regulation 200.5(b).

The functional behavioral assessment provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The functional behavioral assessment shall, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments and checklists. It shall include, but is not limited to:

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) Information obtained from direct observation of the student;
- b) Information from the student, the student's teacher(s) and/or related service providers; and
- c) A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent.

The functional behavioral assessment cannot be based solely on the student's history of presenting problem behavior.

The Committee on Special Education/Committee on Preschool Special Education shall ensure that functional behavioral assessments, when appropriate, are conducted and reviewed.

In the case of a student whose behavior impedes his or her learning or that of others, the Committee on Special Education/Committee on Preschool Special Education shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan shall be documented on the individualized education program and such plan shall be reviewed at least annually by the Committee on Special Education/Committee on Preschool Special Education. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and Committee on Special Education/Committee on Preschool Special Education.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Any use of time out rooms shall be in accordance with Policy #7619 -- Use of Time Out Rooms.

Individual Evaluations

Parental consent shall be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the Committee on Special Education/Committee on Preschool Special Education Chairperson shall document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent shall be completed by the Committee on Special Education/Committee on Preschool Special Education within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

a) An extension is mutually agreed to by the parent and the Committee on Special Education/Committee on Preschool Special Education for the following situations:

1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or

2. Students suspected of having learning disabilities; or

b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation shall include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's individualized education program. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the Committee on Special Education/Committee on Preschool Special Education and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group shall consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

a) Whether the student has or continues to have a disability;

b) The present levels of academic achievement and related developmental needs of the student, including:

1. Academic achievement, functional performance, and learning characteristics;

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

2. Social development;
3. Physical development; and
4. Management needs;

c) In the case of a reevaluation of a student, whether the student continues to need special education; and

d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the Individual Education Program of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District shall notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability shall be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A Committee on Special Education/Committee on Preschool Special Education shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the Committee on Special Education/Committee on Preschool Special Education agree otherwise.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

The re-evaluation shall be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation 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 re-evaluations shall be addressed by the Committee on Special Education/Committee on Preschool Special Education in reviewing, and as appropriate, revising the student's individualized education program.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other Committee on Special Education/Committee on Preschool Special Education meetings for the student.

Amendments to the Individualized Education Program

Amendments to the individualized education program made after the annual review by the Committee on Special Education/Committee on Preschool Special Education may be made by reconvening the Committee on Special Education/Committee on Preschool Special Education and rewriting the individualized education program or by developing a written document to amend or modify the student's current individualized education program, provided that:

- a) The parents/persons in parental relation request an amendment to the individualized education program and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the individualized education program conveyed in language understandable to the parents/persons in parental relation in their native language or other dominate mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agrees to amend the individualized education program without a meeting, they shall be provided prior written notice of the changes to the individualized education program and the Committee shall be notified of the changes. If the changes are made by rewriting the entire individualized education program, the District shall provide the parents/persons in parental relation a copy of the rewritten individualized education program. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the individualized education program or upon request, a revised copy of the entire individualized education program with the amendments incorporated.

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Use of Recording Equipment at Individualized Education Program Meetings

The District shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Copies of Individualized Education Program

The Superintendent and his or her designee(s) shall establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's individualized education program is *provided a paper or electronic copy of such student's individualized education program (including amendments to the individualized education program) prior to the implementation of such program*. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or shall receive individualized education program services. Further, the District shall designate at least one District official who shall be responsible for maintaining a record of the personnel who have received individualized education program copies for each student.

The District shall also ensure that all teaching assistants, teacher aides and other providers responsible for assisting in the implementation of a student's individualized education program has *the opportunity to review* a copy of the student's individualized education program (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's individualized education program shall have *ongoing access* to a copy of the individualized education program, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the individualized education program to teaching assistants and/or teacher aides.

Any copy of a student's individualized education program shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, and appropriate District professionals identified in the preceding two (2) paragraphs except in accordance with federal and state laws and/or regulations. Appropriate training and information shall be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures shall be established to ensure that copies of students' individualized education programs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's individualized education program.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

The Chairperson of the Committee on Special Education, Committee on Special Education subcommittee, or Committee on Preschool Special Education *shall designate* for each student one or, as appropriate, more than one professional employee of the District with knowledge of the student's disability and education program *who shall be responsible to, prior to the implementation of the individualized education program, inform* each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his or her responsibility to implement the recommendations on a student's individualized education program, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the individualized education program. In selecting the professional staff person(s), the Chairperson could select him or herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

A copy of a student's individualized education program shall be provided to the student's parents, and the student when appropriate, at no cost to the student's parents.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(1)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4),
200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7619 -- Use of Time Out Rooms

Adopted: 6/19/12

SUBJECT: TRANSITION SERVICES FOR STUDENTS WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Beginning with the first individualized education program to be in effect when the student is age fifteen (15) (and at a younger age, if determined appropriate), and updated annually, the student's individualized education program shall include:

- a) 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;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) 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
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

In accordance with Federal Regulations, the District shall invite a child with a disability to attend the child's Committee on Special Education meeting if a purpose of the meeting shall be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the Committee on Special Education meeting, the District shall take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the District shall also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

As defined by Commissioner's Regulations, transition services means 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 movement from school to post-school activities. Post-school activities include, but are 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 on the student's strengths, preferences and interests and shall include needed activities in the following areas:

(Continued)

SUBJECT: TRANSITION SERVICES FOR STUDENTS WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP) (Cont'd.)

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
34 Code of Federal Regulations (CFR) Sections 300.321, 300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and
200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Adopted: 6/19/12

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS FOR CERTAIN CHILDREN WITH DISABILITIES

The District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to each child whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education/Committee on Preschool Special Education. Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The Committee on Special Education/Committee on Preschool Special Education shall determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression 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.

Both quantitative and qualitative information shall be reviewed by the Committee on Special Education to substantiate the need for providing such services and programs. A student is eligible for a twelve-month service or program when the period of review or reteaching 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. As a guideline for determining eligibility of an extended school year program, a review period of eight (8) weeks or more would indicate that substantial regression has occurred.

In accordance with Commissioner's Regulations, the following students shall be considered for twelve (12) month special services and/or programs to prevent substantial regression:

- a) 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; or,
- b) Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;
- c) Students with severe multiple disabilities, whose special education needs are determined to consist primarily of habilitation and treatment and are placed in special classes; or
- d) Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- e) Students who are recommended for home and/or 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; or

(Continued)

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS FOR CERTAIN CHILDREN WITH DISABILITIES (Cont'd.)

f) Preschool students 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 in the home; or

g) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

h) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education; or

i) Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Committee on Preschool Special Education.

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's individualized education program shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the Committee on Preschool Special Education to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The individualized education program shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the District plans to operate a July/August program, the District shall first apply to State Education Department for approval in accordance with State Education Department guidelines and procedures.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4408
8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x),
200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adopted: 6/19/12

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents or guardians and children in Commissioner's Regulations shall be observed by the District.

Definition of Parent

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless he or she does not have the legal authority to do so.

Surrogate Parents

It is the duty of the District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

The Board shall assign an individual to act as a surrogate for the parents or guardians in the event that no parent or guardian for a child with a disability can be identified; or if after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or if the student is an unaccompanied homeless youth; or if the child with a disability is a ward of the State and does not have a "parent" as defined above; or if the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Alternatively, a surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

The person selected as a surrogate parent shall have no interest that conflicts with the interest of the child he or she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice shall be given to parents of a student with a disability a reasonable time before the 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 notice shall also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District shall give notice at the same time it requests parental consent. The prior written notice shall contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (email) communication if the District makes this option available.

Parent Participation in Meetings

The District shall take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education/Committee on Preschool Special Education meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The District shall document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend.

The District shall take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability shall provide informed consent before the District can take certain actions. The District shall make reasonable efforts to obtain written informed consent and shall maintain a detailed record of its attempts and the results of the attempts.

In New York State, a noncustodial parent does not have the right to control educational decisions for his or her child. However, a noncustodial parent is afforded this right if, and only if, this right is expressly included in a custody order.

Additionally, absent supporting language in a custody order, a non-custodial parent lacks standing under IDEA to bring a claim to assert control over his or her child's educational program. Until recent revisions to New York law, consent for an initial evaluation, reevaluation, or the provision of special education services needed to be provided by a parent (i.e., the custodial or noncustodial parent). As it now stands, the decision to provide consent for a Committee on Special Education or Committee on Preschool Special Education-related activity is considered an education-related decision designated exclusively to custodial parents unless a court order specifically states the contrary.

Consent for Evaluations

The parent or guardian shall provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The District shall not be considered to be in violation of the requirements to provide a free and appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Consent for Other Actions

Prior written consent shall also be obtained from the parent or guardian:

- a) Prior to the District releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private or public insurance. A Medicaid application does not meet the IDEA parent consent requirements. The District shall obtain an annual parental consent to request Medicaid reimbursement.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by his or her parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services shall be in writing. When the parent revokes such consent, the District still shall provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his or her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

a) Shall not continue to provide special education and related services to the student, but shall provide prior written notice to the parent before ceasing the provisions of special education and related services;

b) Shall not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Shall not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services following revocation of consent; and

d) Is not required to convene a meeting of the Committee on Special Education or develop an individualized education program for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

e) 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.

Procedural Safeguards Notice

The District shall provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing; and
- c) Upon request by a parent.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted: 6/19/12

Students

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education or the Committee on Preschool Special Education.

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents shall be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

Parents or guardians should file a written request within ninety (90) days from the date of the Committee on Special Education or the Committee on Preschool Special Education evaluation. The District has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the District's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Superintendent shall develop regulations and procedures, as appropriate, and shall establish maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests; and a reasonable timeline for seeking reimbursement.

34 Code of Federal Regulations (CFR) Sections 300.12 and 300.502

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)

Adopted: 6/19/12

Appendix B PUFSD Pupil Personnel Services Staff Contact Information

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Appendix C: Associated Reports

Report 14B: Summary Report of All Students with Disabilities
Receiving Services on October 7, 2015

1) Number of Pelham Students Aligned to Disability (Ages 4-21)

<u>Disability Classification</u>	<u>Total Pelham Students Aligned with Disability</u>
Autism	16
Emotional Disturbance	3
Learning Disability	130
Intellectual Disability	3
Deafness	2
Hearing Impairment	0
Speech or Language Impairment	80
Visual Impairment	0
Orthopedic Impairment	0
Other Health Impairment	78
Multiple Disabilities	8
Deaf-Blindness	0
Traumatic Brain Injury	1

Table 1: Data Source- 2015/2016 VR5 Report 14B

2) Number of Classified Students: Time Inside Regular Education Classroom (Ages 6-21)

<u>Time Spent Inside Regular Education Classroom</u>	<u>Number of Classified Students</u>
80% or More	191
40%-79%	87
Less than 40%	21
<i>Total</i>	<i>299</i>

Table 2: Data Source- 2015/2016 VR5 Report 14B

3) School Aged Students with Disabilities-Separate Setting
(Ages 6-21)

Setting Description	Number of Students
Separate School	3
Residential Facility	1
Hospital (in patient)	0
Home Placement by CSE	0
Total	4

Table 3: Data Source- 2015/2016 VR5 Report 14B