

**VICTOR CENTRAL SCHOOL  
DISTRICT  
DISTRICT PLAN OF SERVICE FOR  
SPECIAL EDUCATION  
2023-2026**

**DISTRICT POLICIES, PRACTICES AND PROCEDURES FOR  
ASSURING APPROPRIATE  
EDUCATIONAL SERVICES AND DUE PROCESS IN THE EVALUATION  
AND  
PLACEMENT OF STUDENTS WITH DISABILITIES**

APPROVED BY THE BOARD OF EDUCATION ON: July 14, 2022

## **STATEMENT OF ASSURANCES**

*The Board of Education of the Victor Central School District, as part of a longstanding commitment to excellence in education for all students, supports the provision of special education and related services for students with disabilities under the auspices of the Committee on Special Education and the Committee on Preschool Special Education.*

*In full support of State and Federal laws pertaining to students with disabilities, it is the intent of this Board of Education to assure that the educational needs of students are met. To this end, and in full compliance with the Regulations of the Commissioner of Education, the Board has reviewed this District Plan for Special Education.*

*By action of the Board of Education at a regularly scheduled meeting, the Board has adopted the Special Education District Plan.*

ADOPTED: Timothy M. DeLuca 7-14-2022  
President of the Board of Education Date

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# OVERVIEW

## SPECIAL EDUCATION PROGRAM OBJECTIVES

**The Victor Central School District is committed to the development and implementation of an appropriate education for students with disabilities who reside in the district in accordance with the following program objectives:**

1. To ensure the establishment of plans and policies for implementing school-wide approaches and pre-referral interventions in order to remediate a student's performance prior to referral to special education.
2. To provide a free appropriate public education in the least restrictive environment for resident students between the ages of three and twenty-one or until a regular high school diploma has been achieved by the student, whichever shall occur first.
3. To ensure that students with disabilities have the opportunity to participate in school district programs, to the maximum extent appropriate to the needs of each student, including access to general education curriculum, extracurricular programs and activities which are available to other students enrolled in the public schools of the district.
4. To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and appropriate Subcommittees on Special Education or the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and CSE will monitor the progress of all students with disabilities and will report annually to the Board of Education.
5. To ensure effective communication and collaboration between the CPSE, CSE, school staff and school district administrators, parents and community.
6. To ensure that parents are advised of their due process rights and to establish procedures in this regard.
7. To ensure that each preschool student with a disability residing in the district has the opportunity to participate in an appropriate preschool program or services.
8. To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for Prior Written Notice and Consent for Evaluation of a preschool or school age student.

9. To ensure the establishment of administrative policies, practices and procedures to implement the provisions of Section 200.6(a) of the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum.
10. To provide the human and material resources necessary for the implementation of a full continuum or programs and services to meet the academic, social, physical and management needs of students with disabilities.
11. To provide to the greatest extent appropriate adaptation, and/or modification of instruction and materials to enable students with disabilities to benefit from instruction within the general education setting, whenever appropriate.
12. To ensure that students with disabilities have access to the full range of general education programs and services to the extent appropriate to their individual needs and to provide them appropriate opportunities to earn a high school diploma in accordance with Section 100.5 of the Regulations of the Commissioner of Education.
13. To ensure that a Code of Conduct for student behavior is in place while protecting the rights to continuity of appropriate education for students with disabilities.
14. To ensure confidentiality of personally identifiable data, information or records pertaining to the student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
15. To ensure that adequate and appropriate space is made available to meet the needs for preschool and school age students with disabilities.
16. To provide professional development for all personnel who work with students with disabilities in order to assure that they have the knowledge and skills necessary to meet the unique needs of these students.
17. To ensure the establishment of plans and policies for appropriate declassification of students with disabilities.
18. To ensure that all instructional materials will be made available in a useable alternative format for students with disabilities at the same time such instructional materials are available to non-disabled students.
19. To ensure that students receive the protection of all other applicable State and Federal regulations.

## **IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS**

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the District must develop and implement a plan to establish pre-referral interventions to assist a student's educational progress before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the schools' principal and building level teams to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are limited to, Academic Intervention Services, Response to Intervention and Educationally Related Support Services. These services must afford to all students who do not meet the minimum designated standards on State Assessment, and to students who are English Language Learners (ELL) who do not achieve the annual performance standards. A description of these services will be approved by the Board of Education and reviewed periodically. Supplemental instruction in English, language arts, math, social studies and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family, nutrition and transient issues will be afforded to students. All school-wide approach to provide remediation activities for at risk students will be considered prior to making referrals to the CSE. These approaches may also include but are not limited to extra teachers or professional support, student or volunteer tutorial assistance, counseling support, computer assisted programs. The principal or principal's designee shall notify each student's parents whenever Academic Intervention Services (AIS) or Response to Intervention Services are provided and shall ensure that written quarterly progress reports are provided in the native language of the parents. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education program through the Committee on Special Education (CSE).

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

Within 10 days of receipt of a referral to the CSE, the building administrator(s) may request a meeting with the parent or person in parental relationship, the student, and the referring person, to determine whether the student would benefit from additional general education support services to an alternate to special education. These services may include but are not limited to Speech and Language Improvement Services, Occupational Therapy Workshop, Academic Intervention Services, Response to Intervention and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of CSE, the referring person, the parent or person in parental relationship, and the student, if appropriate.



The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timeline of the CSE will be maintained.

These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services, but shall be used to assess the ability of the student to benefit from general education services.

## DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant the provision of special education services in accordance with an Individualized Education Program. Effective October 30, 1990, Congress substituted the term "student with disabilities" for the term "handicapped student" in the Federal Law establishing access to fair procedures and appropriate placements.<sup>1</sup> Hereafter, the terms "students with disabilities" and "students with handicapping conditions" will be used interchangeably.

### *The following statutory and regulatory definitions are controlling:*

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

The term "all students" applies to every student listed on the registry of the District.

- **Special education** means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of Section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.
  - Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
  - Such instruction includes specially designed instruction in physical education, including adapted physical education.
- **Specially-designed instruction** means adapting, as appropriate to the needs of an eligible student under this part, the content, methodology, or delivery of instruction to address the unique

needs that result from the student's disability; and to ensure access of the student to the general education curriculum, so that he or she can meet the educational standards that apply to all students.

The term “**special services or programs**” may include:

- Special classes, transitional support services, resource room, consultant teacher services, integrated co-teaching services and home instruction.
- Contracts with other districts for special services or programs.
- Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES).
- Appointment by the Commissioner to a state or state-supported school in accordance with Article eighty-five, eighty-seven or eighty-eight of New York State law.
- Contracts with private non-residential schools which have been approved by the Commissioner and which are within the state.
- Contracts with private non-residential schools which have been approved by the Commissioner and which are outside of the state.
- Contracts with private residential schools which have been approved by the Commissioner and which are within the state.
- Contracts with private residential schools which have been approved by the Commissioner and which are outside of the state.
- Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the State Department of Education.
- **Related Services** means developmental, corrective and other supportive services as required to assist a student with a disability and include speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services, parent counseling and training, school nurse services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation, including therapeutic recreation, and other appropriate support services and included the early identification and assessment of disabling conditions of students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device or the replacement of such device.
- Contracts for residential or non-residential placements with a special act school district in Chapter 566 of the Laws of 1967.
- Contracts with New York State approved and funded schools (Article 89).

**Additional Definitions:**

- **Change in placement** means a transfer of a student to or from a public school, BOCES, or schools enumerated in Articles 81, 85, 87, 88 or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student from the student's current educational placement under Education Law 3214, change of placement is defined in Part 201 of the Commissioner's Regulations.

- **General Curriculum** means the same general education curriculum as for students without disabilities.
- **Individual Education Program (IEP)** means a written statement developed, reviewed and revised in accordance with Section 200.4 (d)(2) of the Regulations of the Commissioner of Education to be provided to meet the unique needs of a student with a disability.

## **SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW**

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

### **SCHOOL CALENDAR**

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

School days mean calendar days unless otherwise indicated as the school day or business day.

1. School day means any day, including a partial day that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school, including students with disabilities and students without disabilities, except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays.
2. Business day means Monday through Friday, except for Federal and State holidays (unless holiday are specifically included in the designation of business day).

### **LEAST RESTRICTIVE ENVIRONMENT**

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

- Placement shall be based on the student's Individualized Education Program and determined at least annually.
- Placement shall be as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he or she would attend if not disabled.
- In selecting the least restrictive environment, consideration must be given to any potential harmful effect the student or on the quality of services that he or she needs; and
- A student with a disability must not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.

## **PROCEDURES TO IMPLEMENT LRE REQUIREMENTS**

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

student's education cannot be satisfactorily achieved even with the use of supplementary aids and services.

- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities.
- The CPSE/CSE must indicate developmental levels and the corresponding goals and objectives for the student in the areas of academic achievement and functional performance and learning characteristics, social development, physical development and management needs.
- The CPSE/CSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.
- The District is committed to the policy of placing students in the least restrictive environment consistent with their needs. The District provides a full continuum of services as described in 200.6 of the Commissioner's Regulations.

### **SIMILARITY OF NEEDS**

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

**Academic Achievement, Functional Performance and Learning Characteristics**— The levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.

**Social Development**— The degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments.

**Physical Development**— The degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process.

**Management Needs** – The nature of and the degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

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

All students with disabilities who reside in the Victor Central School District shall be provided with an appropriate Individualized Educational Program (IEP) that meets the student's unique educational needs as determined and recommended by the Committee on Special Education (CSE) and reviewed by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CPSE/CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual goals and short-term objectives, for preschool students and students eligible for the New York Alternate Assessment.

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

The Victor Central School District will ensure equal access to a diploma for all students with disabilities through its establishment of Regents classes and special education classes that provide equivalent instruction. Appropriate Academic Intervention Services (AIS) and Response to Intervention Services shall also be considered and determined by the AIS/Instructional Support Building Team to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires Credential program (Career Development and Occupational Studies (CDOS) or Skills and Achievement Commencement Credential (SACC). If the student has the potential to achieve a regular High School diploma but requires a restrictive environment outside the District, the CSE will seek placement in a program that provides equivalent instruction.

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

## **CPSE AND CSE**

### **APPOINTMENT AND TRAINING**

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and Subcommittees on Special Education. The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Section 4410 of the Education Law which established the Committee on Preschool Special Education was signed into Law on July 5, 1989, and the CPSE established for the first time during the 1989/90 school year. Major functions of the CPSE and CSE include:

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

### **RESPONSIBILITIES**

The Committees have the responsibility to insure that all necessary procedures for the identification, diagnosis, placement and annual review of the status and progress of every student with a disability are carried out in accordance with federal and state laws and regulations. Subcommittees are authorized to perform the function of the Committee on Special Education except when a student is considered for a more restrictive environment or initial placement in a:

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

Upon a written request from a parent or person in parental relationship of a student, the subcommittee must immediately refer to the CSE any matter in which the parent disagrees with the recommendation of the subcommittee regarding a modification or change in the identification, evaluation, educational placement or the provision of a free appropriate public education to the student.

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

### **TRAINING CPSE/CSE MEMBERS**

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

- arranging for attendance at meetings of the Special Education Office regarding CPSE/CSE issues;
- conducting district based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- participating in annual CPSE/CSE training provided by the New York State Education Department;
- disseminating the Guidebook for Committees on Special Education in New York State, Part 200 of the Commissioner's Regulations, all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
- scheduling workshops and training sessions in the district;
- inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- utilizing Monroe #1 BOCES RSE-TASC as a training resource;
- utilizing the district's attorney as a resource person, if needed, to interpret specific information for the committee members.

### **PROFESSIONAL DEVELOPMENT**

As part of an ongoing effort to assist special education and general education teachers to better understand the needs of students with special needs, professional development plays a critical role in preparing teachers to work with diverse learners.

At the beginning of each school year, the special education teacher will meet with general education teachers to discuss each student's IEP and review the modifications and adaptations that may need to be made for each particular student. All teachers will be knowledgeable of each student's area of disability, testing modifications, special needs with regard to specialized equipment and any other special accommodations as stipulated in the IEP. Teachers will also have access to the student's Individual Education Program through SchoolTool.



***COMMITTEE ON  
PRESCHOOL SPECIAL  
EDUCATION***

## CPSE MEMBERSHIP

**At its yearly reorganization meeting, the Board of Education shall appoint a Committee on Preschool Special Education comprised of at least the following mandated members:**

- the student's parent;
- not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a representative(s) of the district who is qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- an additional parent member of a preschool or elementary school age student with a disability who resides in the district or neighboring district, provided that such parent is not a required member if the parent(s) of the child requests that the additional parent member not participate;
- for a student in transition from early intervention programs and services, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child;
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee. Written notice of CPSE meetings is provided to parents at least five days in advance of the meeting date. Meetings of the CPSE are held in the Special Education Office on a regular basis to review referrals throughout the school year and during the summer months.

## DEFINITION "PRESCHOOL STUDENT WITH A DISABILITY"

***"Preschool Student With a Disability"*** refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the district. To be identified as having a disability, a preschool student shall either exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development

which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which is provided in the student's native language, not dependent on a single procedure and administered by a multidisciplinary team. The evaluation includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for student development, indicate:

- A 12-month delay in one or more functional area(s); or,
- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; *or*,
- if appropriate, standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
- meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury or Visually Impaired.

**"First Eligible for Services"** is the earliest date on which a student becomes eligible for services as defined in current regulations.

- A student shall be first eligible for preschool programs and services on January 2<sup>nd</sup> of the calendar year such student becomes three years of age if the student's birthday falls before July 1<sup>st</sup> of the calendar year, otherwise the student shall be first eligible on July 1<sup>st</sup> of the calendar year.
- Students in Early Intervention may, if the parent so chooses, continue to receive such services through August 31<sup>st</sup> of the calendar year in which the student first becomes eligible to receive services under Section 4410.
- A student can be considered a preschool student with a disability through the month of August of the school year in which they first become eligible to attend kindergarten.

## **CPSE PROCEDURES**

### **REFERRAL**

The Committee on Preschool Special Education (CPSE) is responsible for arranging for evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the school district.

The evaluation process begins when a written request for evaluation is made by either:

- the student's parent or person in parental relationship
- a professional staff member of the school district in which the student resides or the public or private school the student legally attends

- a staff member of a preschool program approved pursuant to Section 4410
- a licensed physician or judicial officer
- the commissioner or designee of a public agency with responsibility for the welfare, care or education of students
- a staff member of the Early Childhood Intervention Council of Monroe County (ECICMC)

The referral can be made at any time during the school year. It should specify the extent to which the preschool student has received any services prior to referral. When the CPSE receives a referral, the chairperson will contact the parent, describing the evaluation procedures and requesting parental consent for the evaluation. A list of County approved evaluation sites will be provided to the parent. Translations will be provided as needed. In the event that consent is not provided, the Committee shall implement the district's practices for ensuring that the parents have received and understood the request for consent.

### **EVALUATION AND RECOMMENDATION**

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

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

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- an observation;
- a social history; and
- other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and are administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory and to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the report.

The CPSE will arrange for specialized evaluations where necessary. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time.

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled. The parents will be provided with a copy of the evaluation and summary statement prior to the

meeting. The results of the evaluation will be provided to the parent in their dominant language or other mode of communication. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting. Prior notice means written statements developed in accordance with section 200.5(a) of the Part 200 of the Commissioner's Regulations, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
- The parent and school district may agree to use alternative means of meeting participation such as conference telephone calls

A decision may be made by the CPSE without the involvement of the parent if the school is unable to obtain the parent's participation in the decision. In this case, the school must have a detailed record of its attempts to ensure parental involvement, and the results of those attempts. Prior to making any recommendation in an approved program of the agency that conducted the initial evaluation, the Committee may, at its discretion, obtain a second evaluation from another approved evaluator.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within 30 school days. If the Committee determines the student is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disability, the student's present levels of functioning including how the disability affects the student's participation in age appropriate activities, measurable annual goals, including benchmarks or short term objectives, and the type of special education program and/or services recommended. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reason, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

## **PLACEMENT**

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

review.

## **ANNUAL REVIEW**

An annual review is conducted for every preschool student who has been classified as having a disability. The purpose of the annual review is to determine continued eligibility and appropriateness of special education services being provided. The Committee reviews educational progress and achievement, the student's ability to participate in instructional programs in general education and eligibility for special education programs. The IEP is revised, as needed, to address changes to annual goals and objectives, the results of any reevaluation, information about the student provided to, or by, the parents and the student's anticipated needs. Parents will receive written notice at least five (5) days prior to the meeting that indicate the time, date, location and people expected to attend. The notice will also inform parents that they may invite other persons to attend the meeting who have knowledge or special expertise regarding the child; reasonable measures will be taken to ensure that the parent attends the meeting.

## **WITHDRAWAL OF REFERRAL**

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

## **CONTINUUM OF SERVICES**

The CPSE must consider the appropriateness of services to meet students' needs in the least restrictive environment. The Victor Central School District provides the full continuum of services as defined in the Regulations of the Commissioner of Education, Section 200.6.

## **CONTINUUM OF SERVICES COMMITTEE ON PRESCHOOL SPECIAL EDUCATION**

The Victor Central School District provides the full continuum of services as defined in the Regulations of the Commissioner of Education, Section 200.6.

## **PROGRAM RECOMMENDATIONS**

The Committee on Preschool Education (CPSE) must consider the appropriateness of services to meet students' needs in the least restrictive environment in the following order:

- Related services only
- Special Education Itinerant Services only
- Related services in combination with Special Education Itinerant Services

- An Integrated Special Education Preschool Program
- A Self Contained Special Education Preschool Program

The Committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found.

### **RELATED SERVICES:**

Services are defined in Section 4401 of the Education Law, including speech pathology, audiology, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school nurse services, school social work services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services. Related Services are provided at a site determined by the CPSE and reviewed by the BOE including, but not limited to:

- An approved or licensed pre-kindergarten program
- The work site of the provider
- The student's home
- A hospital
- A state facility
- A child care location as defined in Section 4410

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

### **SPECIAL EDUCATION ITINERANT SERVICES:**

Provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the BOE, including, but not limited to:

- An approved or licensed pre-kindergarten program
- A student's home
- A hospital
- A state facility
- A student care location Changes of location for the provision of services may occur without the review of the CPSE.

### **The purpose of Special Education Itinerant Services is to provide:**

- **Direct Service:** Specialized individual or group instruction to a preschool student to aid such student in benefiting from the Early Childhood Program.
- **Indirect Services:** Consultations provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment and/or modifying instructional methods to meet the individual needs of a preschool student with a disability who attends an Early

Childhood Program. Special Education Itinerant Services are not less than two hours per week, and the total number of students with disabilities assigned to the special education teacher should not exceed twenty (20). Related services shall be provided in addition to SEIT services in accordance with the student's IEP.

#### **SPECIAL CLASS IN AN INTEGRATED SETTING:**

No more than 16 preschool students staffed by at least one special education teacher and one paraprofessional. This class may be provided:

- In a class of no more than 16 preschool students which includes both students without disabilities and students with disabilities.
- In a class of no more than 16 preschool students with disabilities which is located in the same space as a preschool class with non-disabled students taught by another teacher.

#### **SPECIAL CLASS (HALF DAY):**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program in a special class.

- Chronological age range shall not exceed 36 months.
- Maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional.
- Services are provided not less than 2-1/2 hours per day, 2 days per week.

#### **RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES:**

A residential program is defined as a restrictive setting for students with severe needs such that they cannot be met through any combination of the aforementioned services.

#### **PRESCHOOL SPECIAL EDUCATION SERVICES**

The Victor Central School District does not operate any preschool special education programs within the District. Preschool services are provided through outside agencies. Please refer to the attached list of New York State Education Department Approved Preschool Special Education Programs.



***COMMITTEE ON SPECIAL  
EDUCATION***

## **CSE MEMBERSHIP**

**At its yearly reorganization meeting, the Board of Education shall appoint a Committee on Special Education comprised of at least the following mandated members:**

- the parents or persons in parental relationship to the student;
- not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a school psychologist;
- a representative(s) of the district who is qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency, provided that the individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist. The representative of the school district shall serve as the chairperson of the committee.
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- the school physician, if specifically requested in writing by the parent or by a member of the school at least 72 hours prior to the meeting;
- an additional parent member of a student with a disability who resides in the district or a neighboring school district if specifically requested in writing by the parent or member of the school other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE;
- a building administrator from elementary and/or secondary level as appropriate; and whenever appropriate, the student with a disability;

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings are held in the Special Education Office and in the buildings throughout the calendar year.

## **CSE SUBCOMMITTEE MEMBERSHIP**

The Board of Education shall appoint a Subcommittee on Special Education comprised of the following mandated members:

- the parents of the student;
- not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a representative(s) of the district who is qualified to provide, administer, or supervise special education and who is knowledgeable about the general education curriculum and about the availability of the resources of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- the student, if appropriate;
- a school psychologist, whenever a new psychological evaluation is reviewed;
- Such other persons having knowledge or special expertise regarding the student, including related service personnel as appropriate, as the committee or parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE; and
- A parent representative will be appointed annually by the Board of Education. Attendance at subcommittee meetings will be arranged upon parent request.

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings are held in the buildings throughout the calendar year.

## DEFINITIONS OF CLASSIFICATIONS

The term *“student with a disability”* includes the following classifications:<sup>2</sup>

**Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, regularly evident before age 3, that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph 4 of this subdivision. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

**Deafness** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student’s educational performance.

**Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

**Emotional Disturbance** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

- an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- inappropriate types of behavior or feelings under normal circumstances;
- a regularly pervasive mood of unhappiness or depression; or
- a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

**Hearing Impairment** means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of *deafness* in this section.

**Learning Disability** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations as determined in accordance with 200.4 of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

**Intellectual Disability** means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.

**Multiply Disabilities** means concomitant impairments (such as mental retardation-blindness, mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

**Orthopedic Impairment** means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital

anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

**Other Health-Impairment** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance

**Speech or Language Impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance.

**Traumatic Brain Injury** means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

**Visual Impairment Including Blindness** means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

## **CSE PROCEDURES**

### **INITIAL REFERRAL**

In accordance with the New York Education Law Section 4402 and Part 200.2, 200.4 and 200.5 of the Commissioner's Regulations, the CSE is responsible for evaluating all school-age students thought to be disabled, identifying a disabling condition (or determining that no disabling condition exists), and recommending a type of placement. Referrals can be made at any time during the school year. Within 60 days of consent for evaluation, the Board of Education will approve and implement placement. This timeline begins when a written request for evaluation is made.

Any student suspected of having a disability may be referred for initial evaluation to determine if the student is a student with a disability by:

- student's parent or person in parental relationship;

- a designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend
- the commissioner or designee of a public agency with responsibility for the education of the student; and/or
- a designee of an education program affiliated with a child care institution with Committee on Special Education responsibility pursuant to section 4002(3) of the Education Law

**Others who may participate in the child find process and submit a written request for a referral of a student for an initial evaluation include:**

- A professional staff member of the school district in which the student resides or the public or private school the student legally attends;
- Licensed physician or judicial officer;
- Professional staff member of a public agency with responsibility for the welfare, health or education of children;
- The student himself/herself, if such student is 18 years of age or older, or an emancipated minor, who is eligible to attend the schools in the district. All new entrants to the district are screened at the time of enrollment and such screening, if it indicates a possible disability condition, can lead to a CSE referral. All referrals are made to the building principal or the Chairperson of the Committee. The referral must be written and dated.

**Except for requests for referrals submitted by the student or judicial officer, the referral must:**

- State the reason(s) for referral and include any test results, records or reports upon which the referral is based;
- Describe in writing intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral, including any supplementary aides or support services provided, or the reason why no such attempts have been made;
- Describe the extent of parental contact or involvement prior to the referral.

Upon receipt of a referral, the Chairperson of the Committee or a building representative of the public school will contact the parent or guardian and request consent for evaluation. A copy of A Parent's Guide to Special Education and Due Process Rights are given to the parent at this time. Translations are provided to assist parents as needed.

**Referrals may be withdrawn under the following circumstances:**

- The parent and the person submitting the referral agree to the withdrawal.
- The building administrator, upon receipt of a referral or copy of a referral, may request a meeting with the parent or person in parental relationship to the student, and the student, if appropriate, to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of educationally related support

services, speech and language improvement services, and academic intervention services. If the person making the referral is a professional staff member of the school district in which the student resides, that person shall attend such meeting. The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter, if necessary. Any other person making a referral shall have the opportunity to attend such meeting. If at the meeting the parent or person in parental relationship and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator shall provide the Chairperson of the Committee on Special Education, the person who made the referral if a professional staff member of the school district, the parent or person in parental relationship shall be in the native language of such person. Such agreement shall contain a description of the additional general education support services to be provided and the proposed duration of such program. A copy of the agreement shall also be placed in the student's cumulative education record file. The meeting:

- (i) shall be conducted within 10 school days of the building administrator's receipt of the referral; and
  - (ii) shall not impede a Committee on Special Education from continuing its duties and functions under this Part.
- If the parent does not consent to the initial evaluation within thirty (30) days, the Chairperson will offer the parent an opportunity for an informal meeting with the person who made the referral, professionals most familiar with the proposed evaluation and counsel or an advisor of the parent's choice. The reasons for the referral will be discussed and if both the parent and the person submitting the referral agree in writing, the referral will be withdrawn. If the referral is not withdrawn and the parent continues to withhold consent, the chairperson will recommend that the Board appoint an impartial hearing officer to hear evidence and testimony on the need for evaluation.
- In all circumstances, the withdrawal agreement will be in writing and will be placed in the student's cumulative educational file, with copies given to all parties involved. The agreement will specify in writing any alternative methods suggested to resolve the student's difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

## **EVALUATION AND RECOMMENDATION**

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional and developmental information about the student and information related to enabling the student to participate and progress in the general education curriculum. The evaluation will be made by a multidisciplinary team including at least one teacher or specialist with certification or knowledge in the area of suspected disability. The individual evaluation will include the following at no cost to the parent:

- A physical examination;
- An individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which will be reviewed by the Committee;
- An observation of the student in the current educational placement, or in the case of a student out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty;
- A social history;
- Other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The district will ensure that:

- The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- Test will be administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so.
- The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel.
- Tests will be administered so as not to be racially or culturally discriminatory.
- If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the report.
- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient.
- No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student.
- The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified.
- Students age 12 and those referred to special education for the first time that are age 12 and over, shall receive an assessment that includes a review of school records and teacher assessments and parent and student interviews to determine vocational skills, aptitudes and interests.
- No student shall be required to obtain a prescription for a drug or other substance as a condition of receiving an evaluation
- Assessments of students with disabilities who transfer from one school district in the same academic year are coordinated with the student's prior and subsequent schools as necessary and as expeditiously as possible to ensure prompt completion of full evaluations

Existing evaluation data on the student will be reviewed, including evaluations and information provided



by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations.

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

### **ELIGIBILITY DETERMINATION**

When an evaluation is completed, a CSE meeting is scheduled. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice will be sent to the parent at least five days prior advising them of the meeting.
- At least one additional attempt is made to notify the parents. This may be in the form of an additional written notice or telephone call.

A decision may be made by the CSE without the involvement of the parent if the school is unable to obtain the parent's participation in the decision. In this case, the school must have a detailed record of its attempts to ensure parental involvement, and the results of those attempts.

Parents are provided with copies of the evaluation reports and documentation of eligibility at the CSE meeting. The results of the evaluation will be provided to the parent in their native language or other mode of communication. The CSE reviews the results to determine eligibility. A student may not be determined to be eligible for special education if the determinant factor for the eligibility determination is lack of instruction in reading or math or limited English proficiency. In determining whether a student has a learning disability, the district may use a process that determines if the student responds to scientific, research based intervention as part of the evaluation procedures. The district is not prohibited from considering whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression basic reading skills reading comprehension, mathematical calculation or mathematical reasoning. Effective July 1, 2012, a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

If the Committee determines the student is **ineligible** for special education;

- Written notification including documentation of determination for ineligibility, procedural safeguards and a copy of the evaluation reports will be provided to the parent/guardian
- The Committee will provide a copy of the recommendation and appropriate evaluation information to the building administrator for consideration of educationally related support services to address the student's needs
- The Committee will submit a recommendation to the Board of Education.

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

- Identify the Declassification Support Services as identified in Section 100.1(q), if any, to be provided to the student and/or the student's teachers .
- Indicate the projected date of initiation of the services, frequency of provision of services, provided that these services shall not continue for more than one year after the student enters the full-time general education program.

If the Committee determines that a student is **eligible** for special education an IEP (Individualized Education Program) will be developed with consideration of the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents, the results of the student's performance on any regular, State or district-wide tests; and other factors unique to the student's disability. The IEP will specify the classification of the disability, recommended placement, class size and include:

- The student's present levels of performance and individual needs in the following areas: academic achievement and functional performance and learning characteristics, social development, physical development and management needs including how the disability affects student involvement and progress in the general education curriculum;
- Measurable annual goals, including academic and functional goals, related to enabling the student to be involved in and progress in the general education curriculum and meeting each of the student's other educational needs that result from the student's disability;
- Each annual goal shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress during the period beginning with placement and ending with the next scheduled review.
- The IEP shall identify when periodic reports on the progress the student is making toward the annual goals (such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards) will be provided to the student's parents.
- For a student eligible for the New York State Alternate Assessment the IEP will include a description of the short term instructional objectives and/or benchmarks that are measurable immediate steps between the student's present level of performance and the measurable annual goal.
- Special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel in order for the student to advance appropriately toward attaining annual goals, to be involved and progress in general education curriculum, and to be educated and participate in activities with other students with and without disabilities;
- The extent, if any, to which the student will not participate with non-disabled students in the general education class and in other activities;
- If a student is not participating in a general physical education program, the extent to which the student will participate in specially designed instruction in physical education including adapted physical education;
- Any individual testing accommodations to be used consistently by the student in the administration

of State or district-wide assessments of student achievement and in accordance with the State Education Department policy, that are needed in order for the student to participate;

- If the Committee determines that the student will not participate in a particular State or district-wide assessment or part of such assessment, a statement of why the assessment is not appropriate and how the student will be assessed;
- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- How the student's progress towards the annual goals will be measured, how the student's parents will be regularly informed of their student's progress towards annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- Indicate the general education classes in which the student will receive consultant services; and
- A description of assistive technology devices or services needed for the student to benefit from education.

Beginning at age 15 (or younger, if determined appropriate by the Committee) the IEP must include;

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

### ***Consideration of Special Factors:***

- In the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive interventions, and supports to address that behavior;
- In the case of a student who is an English Language Learner (ELL), consider the language needs of the student as such needs relate to the student's IEP;
- In the case of a student who is blind or visually impaired, provide for instruction in Braille and
- The use of Braille unless the CSE determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

- Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- Consider whether the student requires assistive technology devices and services, including whether the use of school purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education; and
- Include a statement in the IEP if, in considering the special factors listed above, the Committee has determined a student needs a particular device or service (including an intervention, accommodation or other program modification) in order for a student to receive a free appropriate public education.

### **IEP IMPLEMENTATION**

Upon review of the Committee recommendations by the Board of Education, the parents will be notified of the decision. Placement of the student in the appropriate special education program or provision of appropriate services will take place within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or 60 school days of referral for review. If the recommendation is for placement in an approved in-state or out-of-state private school, programs and services shall be provided within 30 school days of the BOE receipt of the CSE recommendation. Initial placements require the written consent of the student's parent/guardian. The CSE ensures that each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP shall have a copy of the IEP; and each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. A copy of the IEP shall be provided to the student's parents at no cost to the student's parents.

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

If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

### **IEP DISTRIBUTION**

The Victor Central School District shall ensure that the recommendations on a student's IEP, including changes to the IEP are implemented. The District will provide a paper or electronic copy of the IEP to each general education teacher, special education teacher, related services provider and/or other service provider who is responsible for the implementation of the IEP prior to the implementation of the IEP. The

student's case manager will provide supplementary school personnel and each other provider responsible for assisting in the implementation of the student's IEP with the opportunity to review a copy of the student's IEP prior to the implementation of the program, ongoing access to a copy of the IEP. This may be the copy provided to the student's special education teacher or the teacher or related services provider under whose direction such personnel works. Each general education teacher, special education teacher, related services provider, other service provider and supplementary school personnel will be informed of his/her responsibilities to implement the recommendations, specific accommodations, program modifications, supports and/or other services in accordance with the IEP. A copy of the IEP will be provided to the student's parents, including a revised copy at the parent's request when amended, at no cost to the parent.

## **TRANSFER STUDENTS**

**Transfer within New York State.** In the case of a student with a disability who had an IEP that was in effect in NYS and who transfers from one school district and enrolls in the Victor Central School District within the same academic year, the new school district shall provide such student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district adopts the previously held IEP or develops, adopts and implements a new IEP.

**Transfer from outside New York State.** In the case of a student with a disability who transfers school districts within the same academic year, who enrolls in the Victor Central School district and who had an IEP that was in effect in another State, the district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation if determined to be necessary by the district, and develops a new IEP.

To facilitate the transition for a transfer student, the Victor Central School District shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education services to the student, from the previous school in which the student was enrolled.

## **ANNUAL REVIEW, REEVALUATION AND DECLASSIFICATION**

The IEP of each student with a disability shall be reviewed, and if appropriate, revised periodically but not less than annually to determine if the annual goals for the student are being achieved. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. The review is conducted to determine the student's present levels of performance and educational needs, continued eligibility and need for special education services and whether any modification or additions to the special education and related services are needed to enable the student to meet the measurable annual goals of the IEP and to participate, as appropriate, in general education. The annual review will consider: the strengths of the students; the concerns of the parents for enhancing the education of the child; the results of the most recent evaluations including, as appropriate the results of any general State or district

wide assessment; the students academic, developmental and functional needs; and the educational progress in instructional programs in general education and in the least restrictive environment.

The CSE must obtain informed parental consent prior to conducting any new test or assessment as part of a reevaluation of a student with a disability, except that informed parent consent need not be obtained if the district can demonstrate that it took reasonable measures to obtain consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home via mail or with the student. The school district must have a detailed record of its attempts to obtain consent

If a revision of the IEP is recommended it must address:

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- the results of any reevaluation and any information about the student provided to, or by, the parent;
- the student's anticipated needs;
- or other matters, including a student's need for test accommodations and/or modifications.

As part of any reevaluation, a review of existing evaluation data, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, teacher and related service provider's observations, is conducted to determine what additional data, if any, is needed. The group may conduct its review without a meeting. If no additional data is needed to determine whether the student continues to be a student with a disability, the parents are notified of the determination and the reasons for it. Should a question arise regarding the eligibility of a student to receive special education services, the parent has the right to request an assessment.

A comprehensive reevaluation is conducted at least once every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the ability to participate in instructional programs in general education, the student's continued eligibility for special education, and to assess the appropriateness of classification, program and placement.

Amendments to an IEP made after annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP. The parents shall receive prior written notice of any changes to the IEP as well as a copy of the document that amend or modify the IEP. Upon request, that parent will be provided with a revised copy of the IEP with the amendments incorporated.

Before determining that a student is no longer eligible to receive special education services, existing evaluation data, information provided by parents, current classroom based assessments, observations, related service provider assessments, and additional objective information will be considered. When the CSE determines that a student no longer needs special education services, the Committee may recommend declassification support services for no more than the first year in general education. Continuation of test

accommodations upon declassification is based upon student need. The CSE may determine that test accommodations previously documented in a student's IEP must continue to be consistently provided to the student for the balance of his or her public school education. A school district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education but is required to provide the student with a summary of his or her academic achievement and functional performance that includes recommendations on how to assist the student in meeting his or her post secondary goals.

## **CONTINUUM OF SERVICES**

### **COMMITTEE ON SPECIAL EDUCATION**

The Committee on Special Education (CSE) must consider the appropriateness of services to meet students' needs in the least restrictive environment. The Victor Central School District provides the full continuum of services as defined in the Regulations of the Commissioner of Education, Section 200.6.

### **TRANSITIONAL SUPPORT SERVICES**

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

### **CONSULTANT TEACHER SERVICE**

Consultant teacher services will be for the purpose of providing direct and/or indirect services to students with disabilities enrolled full-time in general education classes including career and technical education. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and shall be included in the student's individualized educational program (IEP).

Consultant teacher services shall be provided in accordance with the following provision:

- Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week.
- The total number of students with disabilities assigned to a consultant teacher shall not exceed 20

### **Program Goals:**

- To assist school staff in understanding different learning styles and modifying and adapting the general education curriculum as necessary to meet the needs of individual students.
- To strengthen students' organization and study skill application within the general education setting.
- To teach students techniques needed to compensate for areas of weakness.
- To introduce and strengthen student self-advocacy behaviors and independent functioning skills.
- To increase self-awareness and self-acceptance of students with disabilities and general education students through their understanding that all individuals benefit from additional assistance at times.
- To provide remedial instruction in math, reading, writing or other academic need areas specified on the IEP without removing the student from the general education setting.
- To provide testing modifications as needed.
- To assist parents in understanding their child's learning needs and to provide home support.

### **RELATED SERVICES**

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech and language pathology, audiology, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulations, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

- The frequency, duration and location of each service shall be in the IEP, based on the individual student's need for the service.
- When the related service is provided to a number of students at the same time, the number of students in the groups shall not exceed five.
- For students with disabilities determined to need speech and language services such services shall be provided for a minimum of two thirty minute sessions each week.
- A student with a disability may be provided with more than one such service in accordance with the need of the student
- Related services may be provided in conjunction with general education program or with other special education programs and services.

### **RESOURCE ROOM**

The Resource Room program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental programs. Resource room services shall be provided in accordance with the following provisions.



- The instructional group in each Resource Room period does not exceed five students. Each resource room period is instructed by a certified special education teacher.
- Students shall spend a minimum of 3 hours per week and not more than 50 percent of the day in the Resource Room program.
- The total number of students assigned to a Resource Room teacher will not exceed 20 at the elementary level and 25 at the middle and high school levels.
- The composition of instructional groups shall be based on similarity of the individual needs of the students according to academic levels and learning characteristics, levels of social development, levels of physical development and the management needs of the students in the classroom.

### **INTEGRATED CO-TEACHING SERVICES**

Integrated Co-Teaching Services provide specially designed instruction and academic instruction to a group of students with disabilities and non disabled students.

- The maximum number of students with disabilities receiving Integrated Co-Taught Service in class shall not exceed 12 students.
- Each class shall minimally include a special education teacher and a general education teacher
- Additional personnel including supplementary school personnel assigned to such classes by the district may not serve as the special education teacher.

### **SPECIAL CLASS: (15:1:1, 12:1:1, 8:1:1, 6:1:1, and 12:1:3 class size)**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than 16 years of age will not exceed 36 months. A student with a disability shall be placed in a special class to the extent indicated in his/her IEP.

### **OUT-OF-DISTRICT PLACEMENT**

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

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

## **HOME AND HOSPITAL INSTRUCTION**

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

- Instruction for elementary school students will be provided a minimum of 5 hours per week;
- Secondary school students will receive a minimum of 10 hours of instruction per week, preferably 2 hours daily.
- Students who are awaiting placement may be assigned, on an interim basis and with their parent's consent, to alternate-site instruction. This instruction is identical to home teaching except that the actual instruction takes place outside the home.

## **DECLASSIFICATION SUPPORT SERVICES**

Students exiting special education may be considered for declassification services. Declassification support services are defined in Part 100 Regulations. Testing modifications may be continued as recommended by the CSE.

If a student has been receiving special education services but the Committee on Special Education determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the recommendation shall:

- Identify the declassification support services,
- Indicate the projected date of initiation, and
- Indicate the frequency and duration of such services, not to be continued for more than one year.

***ADDITIONAL EVALUATION,  
IEP AND PLACEMENT  
CONSIDERATION***

## **ARRANGEMENT OF SPECIAL EDUCATION PLACEMENTS CPSE AND CSE**

The Board of Education shall upon receipt of the Committee recommendations, arrange for programs and services to be provided to a student with a disability. Parent notification will occur once the Board of Education reviews the Committee recommendations.

For CPSE the Board shall arrange for the services commencing with the July, September or January starting date, unless such services are recommended by the CPSE less than 30 days prior to, or after, such appropriate starting date, in which case the services shall be provided no later than 30 days from the recommendation of the Committee.

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

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

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

## **DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

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

In order to determine the nature of this reevaluation, the school staff including members of the CPSE and CSE and other qualified professionals may review the existing evaluation data on the student

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

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

## **PROCEDURES FOR ASSESSING STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS**

### **SCREENING**

As part of the Kindergarten screening, students who appear to be English Language Learners (ELL) are screened by the English for Speakers of Other Languages (ESOL) teacher. Upon registering in the district, all parents or guardians must fill out the Home Language Questionnaire. This questionnaire is used to determine if any other languages other than English are spoken in the home. If the Home Language Questionnaire indicates that there is more than one language spoken in the home, an individual interview is conducted by the ESOL teacher or district designee. If there are multiple languages spoken in the home, then the student may be an English Language Learner. In that case, a qualified personnel will administer the statewide English Language Learner Proficiency Identification Assessment, the New York State Identification Test for English Language Learners (NYSITELL). If the student scores at or below the cut-off point, the student is determined to be limited in oral proficiency and ESOL services are provided.

Students who are English Language Learners (ELL) who are referred for an assessment have usually been in the ESOL program for at least two-three years. The ESOL teacher is involved in the referral

process. The building team, guidance counselor, and/or the school psychologist are consulted with regarding the possibility of a disability interfering with acquisition of academic and/or language skills.

Prior to referral, general education supports are attempted to determine if the student can make progress through these interventions. In all cases, the student's educational, cultural and experiential background will be considered by the Committee to determine if these factors are contributing to the student's learning or behavioral problems. In making a determination of eligibility for special education and related services, a child may not be identified as a child with a disability if the determinant factor for such determination is limited English proficiency.

### **CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR ENGLISH LANGUAGE LEARNER (ELL) STUDENTS**

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

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

- The CSE referral will indicate the student's native language, as determined by the Home Language Survey and other assessments.
- If the student's English proficiency is determined to be insufficient to obtain valid results in English and the home language is not English, the evaluation shall be bilingual. If the home language is English but the student is considered limited English proficient, an evaluation will be conducted by a professional familiar with the culture and language dialect of the student.
- If the student is from a culturally and linguistically diverse background and English is the home language and the student is considered to be proficient in English, as determined by the Language Assessment Scales (LAS), the evaluation may be conducted in English; however, the culture and linguistic background of the student will be taken into consideration.
- If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the Parent's Guide to Special Education in their native language. Upon receipt of a referral that indicates that the home language is not English, due process notices will be mailed to parents in the dominant language. At the CPSE/CSE meeting, an interpreter will be present to explain the results of the evaluations and the proposed recommendations.

#### **The bilingual evaluation will include the following considerations / evaluations:**

- The length of time the student has been in the United States.

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

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

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

## **EXTENDED SCHOOL YEAR (CPSE/CSE)**

The Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE) will determine whether a student requires a structured learning environment of up to 12 months to prevent substantial regression. "*Substantial regression*," as defined in Section 200.1 (aaa) of the Commissioner's Regulations, would be indicated by a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity so as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. A special program or service shall operate for at least 30 days during the months of July and August. In accordance with Section 200.6(k) and 200.16(v) of the Commissioner's Regulations, students will be considered for twelve-month special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes;
- Students who are recommended for home and hospital instruction or students/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;
- Students whose needs are so severe that they can be met only in a seven-day residential program;
- Students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or program provided in a structured learning environment in order to prevent substantial regression. Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and programs. A student is eligible for a twelve-month 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. The typical period of review or reteaching ranges between 20 and 40 school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight weeks or more would indicate that substantial regression has occurred.

Parent consent is required for initial placement in a 12-month program or service.

## **ASSISTIVE TECHNOLOGY DEVICES AND SERVICES**

The school district is committed to ensuring that assistive technology devices and/or services are



made available to a student with a disability, when appropriate, as part of the student's Individualized Education Program (IEP).

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

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

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

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

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

Since assistive technology services are provided as part of the student's special education instruction, related service and/or other supplementary aids and services, they must be provided by an appropriately licensed or certified individual in accordance with Section 200.6 of the Regulations of the Commissioner of Education.

## **EXEMPTION FROM LANGUAGE OTHER THAN ENGLISH (LOTE)**

Students are required to complete one credit of study in a language other than English (LOTE) prior to

completing ninth grade. This requirement may be met with more than one language but at least one-half of the required units must be in a single language. This requirement is established for all schools in New York State by the Regulations of the Commissioner of Education.

Students identified as disabled may be exempt from the language other than English (LOTE) requirement if the individualized educational program identifies a disability that adversely affects the student's ability to learn a language other than English. The decision to exempt a student from a LOTE requirement should be carefully considered as it may have long-range implications for the student. Once exempt, it is unlikely that the student will have any systematic exposure to a language other than English. Such exemption, once initiated, applies to all additional second language sequence requirements at the high school level as well.

The CSE will take the following steps:

1. Curriculum will be reviewed to determine whether the language requirement has been completed.
2. If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional/behavioral factors which impact the student's ability to benefit from language instruction.
3. If the CSE concludes that, on the basis of the information provided, an exemption is warranted, reasons will be provided in a statement on the IEP.

## **TRANSITIONAL PLANNING FOR STUDENTS WITH DISABILITIES**

**Definition** "*Transition Services*" are defined in the IDEA and Article 89 as a coordinated set of activities for a student with a disability designed within a results- oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include needed activities in the areas of instruction, related services, community experiences, the development of employment, and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation (20 U.S.C. (1401 (a) (19)).

### **INDIVIDUALIZED TRANSITION PLAN**

Transition Services planning for secondary students with disabilities is outcome oriented and looks toward adult life. Professionals, students, and parents or other guardians work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes.

The student's interests and needs are kept foremost in the decision-making process.

For students age 14 and older, the IEP as a whole must demonstrate the use of a coordinated set of activities as the means by which the student can achieve the long-term adult outcomes. Beginning at age 14, the focus of activity is on instruction, such as courses of study such as participation in advanced placement courses or vocational education programs. At age 15 and older, the coordinated set of activities must address instruction, related services, community experiences, and the development of employment or other post-school adult living objectives. Activities of daily living and functional vocational evaluation activities should also be included when appropriate to the student's needs.

At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel (e.g., administrators, psychologist, related service provider, general education teacher) may be asked to participate in the process.

The Coordinated Set of Activities are:

**Instruction** - The IEP must identify any instruction and/or specific courses that the student might need to prepare the student for post-school living. Instruction could include specific general and/or special education course instruction, career and technical education, or advanced placement course(s); and/or instruction to learn a particular skill (e.g., instruction in problem solving skills, how to use public transportation, how to use a particular assistive technology device, how to balance a checkbook, etc.).

**Related services** - The IEP must identify any related services (e.g., rehabilitation counseling services; job coach; school social work; orientation and mobility services) the student may need as a transition service to support the student in attaining the projected post-school outcomes. (Related services recommended as a transition activity must also be documented under the IEP section "Special Education Program/Services").

**Employment and other post-school adult living objectives** - The IEP must identify what services or activities the student needs to prepare him or her for employment and to assist the student in meeting other post-school adult living objectives (e.g., participation in a work experience program; assistance with completing college or employment applications; practice in interviewing skills; travel training).

**Community experiences**- The IEP must indicate if a student needs to participate in community-based experiences or learn to access community resources (e.g., after school jobs, use of public library, community recreational activities) to achieve his or her projected post-school outcomes.

**Activities of daily living** - If appropriate to the needs of the student, the IEP must indicate the services or activities that will assist the student in activities of daily living skills (e.g., dressing, hygiene, self-care skills, and self-medication).

**Functional vocational assessment** - The IEP must indicate if the student will need a functional vocational assessment as a transition service or activity. A functional vocational assessment is an

assessment to determine a student's strengths, abilities and needs in an actual or simulated work setting or in real work sample experiences.

## **VOCATIONAL ASSESSMENTS**

### **GOAL OF THE VOCATIONAL ASSESSMENT PROCESS**

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

Vocational assessment is an ongoing process involving the systematic collection of information about a student's vocational aptitudes, abilities, expressed interest, and occupational awareness. Based on the age, abilities, interests and needs of each student, an appropriate vocational assessment may include the following:

- review of existing school information
- the completion of informal interviews
- parent questionnaires
- one or more formal vocational evaluations
- job and student performance analysis made in real and/or simulated work settings.

Though the amount and type of information collected on each student may vary, it must be sufficient for the Committee on Special Education to make and substantiate appropriate occupational education program decisions.

### **LEVELS OF VOCATIONAL ASSESSMENT**

Vocational assessment is conducted for students starting at age 12 and those referred to special education for the first time who are age 12 or older.

The Level I vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the student, the student's parent(s) or guardian(s), a special education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment.

When a vocational/career assessment raises issues that need clarification or does not provide adequate information for decision making, additional assessments may be recommended by the CSE. The additional assessments are not necessarily given in hierarchical order and a student can be recommended for a more formalized testing from a specialist in vocational assessment and/or a

situational work assignment.

Level II vocational assessments are more focused and involve administration of standardized tests which look in further detail at interests, vocational skills, and specific aptitudes and abilities. It builds upon information that was recorded in the Level I assessment. Specialized vocational evaluation instruments, such as a vocational interest inventory, vocational aptitude battery and selected work samples, may be introduced at this level.

The Level III vocational assessment is a situational assessment conducted while a student is actually engaged in real or simulated work related or vocational activities. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting.

In all cases, the assessments keep the student's unique interests, needs and desires in the forefront during the evaluation and decision making process.

## **AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES**

Students with disabilities are no longer eligible for a free appropriate public education once they reach the age of 21 or attain a high school diploma. The district has a mandated responsibility to implement an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning services previously discussed in this plan.

Aging-out is specifically designed to meet the needs of three groups of students with severe disabilities:

1. Chapter 544 Students: Students attending residential out-of-state schools that have attained or will attain the age of 18 prior to June 30 of the current school year.
2. Chapter 570 Students: Students attending residential in-state schools that have attained or will attain the age of 18 by June 30 of the current school year.
3. Chapter 462 Students: Students attending non-residential, in-state programs 100% of the time, who have intensive management needs and who are likely to require adult services: The process for eligible students begins at the first annual review after the student reaches the age of 15.

**Although the procedures for referral of students in these three groups are not identical, there are certain common overriding steps:**

- Identification of students likely to need adult service based on criteria noted above
- Notification to parents or students
- Obtaining consent to release information
- Referral to agency(ies)

- Submission of reports to the State Education Department

## **DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

1. The school district is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a Regents or Local Diploma or other exiting Commencement Credential in accordance with the Commissioner's Regulations. To this end, graduation and transition plans will take into account the various pathways available to these students.
2. In addition to all graduation options afforded to general education students, including the Regents Diploma and various honors and/or designations, the following diploma and/or credentials are also available for students with disabilities: (1) Local Diploma, (2) Local Diploma Compensatory Option (Safety Net), (3) Career Development and Occupational Studies (CDOS) Commencement Credential and (4) Skills and Achievement Commencement Credential. The Career Development and Occupational Studies (CDOS) Commencement Credential may be earned by a student with a disability to document his or her preparation for entry-level employment after high school. This credential can be awarded in conjunction with a Regents or Local Diploma or may be issued by itself. The Skills and Achievement Commencement Credential (SACC) is awarded to students with severe disabilities who qualify for the New York State Alternate Assessment. These students will be given the opportunity to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment.
3. To assure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:
  - a. The Committee on Special Education (CSE) will annually review the educational needs of each student with a disability. Where appropriate, the student will participate in this decision-making process.
  - b. The CSE will consider the following factors:
    - i. current levels of achievement;
    - ii. instructional accommodations and modifications;
    - iii. learning rate; and
    - iv. preference of student and family.
4. The CSE will consider whether the student's disability is such that s/he is entitled to testing accommodations, which will be specified on the IEP.

5. The District will offer appropriate remedial instruction for all students.
6. The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
7. If the student's special education needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the district in special classes. In any such case, instruction in subjects granting credit toward graduation will be provided in accordance with curriculum objectives and minimum required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught. Evaluation of student work will be completed in accordance with the individual educational needs of the student.

#### **GUIDELINES FOR ISSUANCE OF A CAREER DEVELOPMENT AND OCCUPATIONAL STUDIES (CDOS) CREDENTIAL**

The Board of Education and district staff shall comply with all federal and state requirements concerning the education of children with disabilities.

The district subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. In accordance with this, it is expected that students with disabilities will be guided toward a course of study which will lead to the achievement of a high school diploma. It is recognized however that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. The awarding of an CDOS Credential is authorized for such students under the following conditions:

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma which achievement of the goals specified therein will lead.
- Such credential shall be awarded at the end of the school year in which the student reaches age 21 or sooner based on the completion of requirements to attain a CDOS credential.
- Any student under age 21 who is awarded such credential shall receive written notice of his entitlement to attend the district school tuition free until the end of the school year in which that age is reached or a high school diploma is earned.
- Prior receipt of a CDOS Credential does not preclude subsequent granting of a regular diploma if appropriate assessments and necessary credits are achieved before the end of the school year in which a student reaches his/her twenty-first (21st) birthday. In all cases, parents will receive written notice that a student is entitled to receive a free, appropriate public education until the end of the school year in which he/she reaches his/her twenty-first (21st) birthday or obtains a high school diploma.

# ***PROCEDURAL SAFEGUARDS***



## **INFORMED CONSENT (CSE AND CPSE)**

### **DUE PROCESS PROCEDURES**

A mandatory procedural safeguards notice has been provided to school districts by the State Education Department.

The Procedural Safeguards Notice **must** be provided to parents upon:

- Initial referral or parental request for evaluation.
- The first filing of a due process complaint notice to request mediation and impartial hearing
- Upon request of a parent.
- A decision to suspend or remove a child/student for discipline reasons that would result in a disciplinary change in placement.
- Upon first receipt of a State complaint.
- Once per year.

***“Consent” means:***

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

**Written parental consent is required prior to:**

### **Initial Evaluation**

Upon receipt of a referral to the CPSE/CSE of a student who is suspected of having a disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CPSE/CSE. The reason for the referral and the evaluation process are explained. The notice will include a description of the evaluation procedures. The parent is also provided with a copy of their due process rights, and information describing the components of a comprehensive evaluation. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to a conference to discuss the evaluation process. Outreach efforts will be made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a school age child for an initial evaluation does not provide consent within 30 days of the date of receipt of referral, the Chairperson will document attempts to obtain parental consent and request the Board initiate an impartial hearing. If the parent of a preschool

child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained.

### **Initial Provision of Special Education Services**

If the CPSE/CSE determines the student has a disability and recommends special education services, parent consent to initial placement is requested and the parent is provided with a copy of their due process rights. If a parent refuses to give written consent, the district may not deny the parent or child any other services, benefit or activity of the school district, except for the recommended special education services. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CPSE/CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement.

### **Initial Provision of an Extended School Year (12 Month) Program or Services**

The procedures detailed above apply.

### **Reevaluation**

Parental consent will be requested prior to conducting a reevaluation of the student; however, the district may proceed with the reevaluation if the parent/guardian does not respond and reasonable measures have been taken to obtain their consent. Reasonable measures are interpreted as:

- A written notice is sent to the parent requesting their consent for the reevaluation.
- At least three additional attempts are made to notify the parents; this may mean additional written notice(s) or telephone call(s). The school will keep a record of its attempts to obtain consent, and the results of those attempts.

### **Requests for Records / Other Communications with Non-District Personnel**

Parent consent is requested for the following:

- Release of CPSE/CSE records to another agency / individual
- Request for copies of reports / evaluations from another agency / individual
- Request for verbal communications with another agency / individual (i.e., private therapists)
- See section on Records Access and Accessibility for further information in this regard.

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

## **Revocation of Parental Consent**

If, at any time, subsequent to the initial provision of special education programs and services, the parent of a student revokes consent in writing for the continued provision of special education and related services to the student, the school district:

- Will not continue to provide any special education and related services to the student, but must provide prior written notice to the parent before ceasing the provision of special education and related services;
- Will not use due process procedures, such as mediation, resolution meeting, and/or an impartial due process hearing, in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;
- Will 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;
- Is not required to convene a meeting of the CSE or develop an IEP for the student for the further provision of special education and related services; and
- 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.

## **INDEPENDENT EVALUATIONS**

At the time of CSE initial or reevaluation, the Special Education Office will inform parents regarding their right to an independent evaluation by providing them with a copy of the Procedural Safeguards Notice. If parents disagree with the evaluation conducted by the CSE, parents may request an independent evaluation at district expense. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained will be provided upon request. The school district has a right to initiate an impartial hearing to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent does not meet school district's criteria. If a hearing officer determines that the district's evaluation was appropriate, or the evaluation obtained by the parent did not meet the school district's criteria, the parent is not entitled to reimbursement at district's expense. Any independent evaluation, whether paid for by the parent or by the school district, will be reviewed by the CSE and taken into consideration in its final placement determination.

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

1. An evaluation must be conducted within 50 miles of the District.

2. The cost of an independent evaluation requested by a hearing officer shall be at district expense.
3. The qualifications of the evaluator and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation. This includes, but is not limited to, the following:
  - Psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
  - Other evaluators should be appropriately certified in the area of their specialty by the State Education Department; and
  - The tests performed must be norm referenced for individual evaluation, appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests.

Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances, costs will be deemed reasonable and allowable in accordance with the fee schedules noted below:

## **INDEPENDENT EDUCATIONAL EVALUATORS**

### **Achievement Evaluations**

- Achievement in Reading, Writing and Math

Monroe #1 BOCES  
Shannon Duserick, Asst. Director, Special Education  
2596 Baird Rd.  
Penfield, NY 14526  
(585) 383-6669

Monroe #2 BOCES  
Barbara Martorana, Director of Exceptional Children/Special Education  
3599 Big Ridge Rd.  
Spencerport, NY 14559  
(585) 352-2448

The District will reimburse to a maximum of \$600.00 for an achievement evaluation. Reimbursement will be made by the District to the examiner only, upon receipt of bill for services and the completed evaluation report.

### **Assistive Technology Evaluations**

Clinical Associates of the Finger Lakes  
590 Fishers Station Dr. Ste. 130  
Victor, NY 14564  
(585) 924-7207

CARAT Consulting  
Christie Rochester  
(585) 727-7995

Wayne Finger Lakes BOCES  
Molly Campbell Ellis  
Maple Ave.  
Newark, NY 14513  
(315) 332-7315

The District will reimburse to a maximum of \$350.00 for an assistive technology evaluation. Reimbursement will be made to the examiner only, upon receipt of bill for services and the completed evaluation report.

### **Functional Behavior Assessment**

Please note that a Behavioral Intervention Plan is not included in a functional behavior assessment and will not be reimbursed.

#### **Evaluators:**

Wayne – Finger Lakes BOCES Clinical Support Services  
Contact: Ms. Mary Fabrizio  
(315) 332-7533

Monroe 1 BOCES  
Contact: Mr. Shannon Duserick  
(585) 383-2216

The District will reimburse to a maximum of \$1,500.00 for a functional behavior assessment, which may include a classroom observation. Reimbursement will be made to the examiner only, upon receipt of the bill for services and the completed evaluation report.

### **Occupational Therapy Evaluation**

- Fine motor, visual motor, sensorimotor skills

Clinical Associates of the Finger Lakes  
590 Fishers Station Dr. Ste. 130  
Victor, NY 14564  
(585) 924-7207

Finger Lakes Therapy Works  
210 Clifton Springs Professional Park  
Clifton Springs, NY 14432  
(315) 906-0051

Monroe #1 BOCES  
Shannon Duserick, Asst. Director, Special Education  
2596 Baird Rd.  
Penfield, NY 14526  
(585) 383-6669

Monroe #2 BOCES  
Barbara Martorana, Director of Exceptional Children/Special Education  
3599 Big Ridge Rd.  
Spencerport, NY 14559  
(585) 352-2448

The District will reimburse to a maximum of \$350.00 for an occupational therapy evaluation. Reimbursement will be made to the examiner only, upon receipt of bill for services and the completed evaluation report.

### **Psychological Evaluations**

- Cognitive functioning, processing, social-emotional, behavior, and achievement

P. Richard Fauth, PhD.  
920 Winton Rd  
Rochester, NY 14618  
(585) 256-3050

Dr. Rafael Klorman, University of Rochester  
RC Box 270266  
Rochester, NY 14627  
(585) 275-2595

Peter Mackenzie, PhD  
85 S. Union St., Suite 206  
Spencerport, NY 14559  
(585) 349-2656

Monroe #1 BOCES  
Shannon Duserick, Asst. Director, Special Education  
2596 Baird Rd.  
Penfield, NY 14526  
(585) 383-6669

The District will reimburse to a maximum of \$1,000.00 for a psychological evaluation. Reimbursement will be made by the District to the examiner only, upon receipt of bill for services and the completed evaluation report.

### **Physical Therapy Evaluations**

- Evaluation of Gross Motor skill development

Clinical Associates of the Finger Lakes  
590 Fishers Station Dr. Ste. 130  
Victor, NY 14564  
(585) 924-7207

Finger Lakes Therapy Works  
210 Clifton Springs Professional Park  
Clifton Springs, NY 14432  
(315) 906-0051

Monroe #1 BOCES  
Shannon Duserick, Asst. Director, Special Education  
2596 Baird Rd.  
Penfield, NY 14526

(585) 383-6669

Monroe #2 BOCES  
Barbara Martorana, Director of Exceptional Children/Special Education  
3599 Big Ridge Rd.  
Spencerport, NY 14559  
(585) 352-2448

The District will reimburse to a maximum of \$350.00 for a physical therapy evaluation. Reimbursement will be made to the examiner only, upon receipt of bill for services and the completed evaluation report.

### **Speech Evaluations**

- Receptive/expressive language, articulation, fluency and/or pragmatics

Clinical Associates of the Finger Lakes  
590 Fishers Station Dr. Ste. 130  
Victor, NY 14564  
(585) 924-7207

Rochester Hearing and Speech  
1000 Elmwood Avenue  
Rochester, NY 14620  
(585) 271-0680

Monroe #1 BOCES  
Shannon Duserick, Asst. Director, Special Education  
2596 Baird Rd.  
Penfield, NY 14526  
(585) 383-6669

Monroe #2 BOCES  
Barbara Martorana, Director of Exceptional Children/Special Education  
3599 Big Ridge Rd.  
Spencerport, NY 14559  
(585) 352-2448

The District will reimburse to a maximum of \$350.00 for a speech/language evaluation, which may include a classroom observation. Reimbursement will be made to the examiner only, upon receipt of bill for services and the completed evaluation report.

## **SURROGATE PARENTS**

**“Surrogate parent”** means a person appointed to act in place of parents or guardians when a student’s parents or guardians are not known, or when after reasonable efforts, the Board of Education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth or, the student is a ward of the State. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. The list is approved at the annual reorganization meeting of the Board.

**QUALIFICATIONS.** Persons selected as surrogate parents cannot be officers, employees or agents of

the school district or State Education Department or other agency involved in the education or care of the student and, to the extent possible, shall:

- have no other interest which could conflict with their primary allegiance to the student they would represent; and
- shall have knowledge and skills that ensure adequate representation of the student.

### **PROCEDURES FOR ASSIGNING SURROGATES:**

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

1. Any person whose work involves education or treatment of students who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent, with the Committee on Special Education.
2. The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents or guardians at their last known address.
3. The Committee on Special Education shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education or other body responsible for the provision of special education programming and services within ten (10) days of the date of determination by the Committee.
4. Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
5. The foster parent of the student, who otherwise meets the qualifications of a surrogate parent, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.
6. May alternately be appointed by the judge overseeing the child's case, provided the surrogate parent meets the qualifications.
7. In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may be appointed as temporary surrogate parents.



## **SPECIAL EDUCATION MEDIATION**

Special Education mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator to resolve disputes including matters arising prior to filing of a due process complaint. By asking questions and discussing all information with both parties, the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive. Mediation is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial have been trained in effective mediation techniques and is knowledgeable in the law and regulations relating to the provision of special education services. A mediator may not have a personal or professional interest which would conflict with his or her objectivity in the mediation process and may not be an employee of a school district or program serving students with disabilities. Mediation will be scheduled in a timely manner and held in a location convenient to the parties. Mediation occurs at no cost to either the parents or the school district.

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

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. At the end of the mediation session, whatever the parents and the school district representative agree should be done is written down. The mediation agreement will be implemented as written. Agreement may be reached on any or all of the concerns or issues which were discussed during the mediation session. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. Discussions during the mediation session are confidential and may not be used as evidence in any subsequent hearings or proceedings.

Special education mediation will be conducted by the Center for Dispute Settlement in Monroe County. Each center is staffed by a number of highly qualified mediators who are not employed by the school district and who are not selected to be mediators by the school district.

## **RESOLUTION SESSION**

Prior to the opportunity for an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting with the parents of the student discuss their complaint and the facts that form the basis of the complaint, and the school district has the opportunity to resolve the complaint. The participants of the meeting shall include the parents of the student and the relevant member or members of the CSE who have specific knowledge of the facts identified in the complaint, a representative of the school district who has decision-making authority on behalf of the school district. The meeting may not include an attorney of the school district unless the

parent is accompanied by an attorney. The parent and the school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.

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

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

If the school district has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint notice, the impartial due process hearing may occur, and all the applicable timelines for an impartial due process hearing shall commence.

## **APPOINTMENT OF IMPARTIAL HEARING OFFICERS**

The Board of Education annually establishes and maintains a list of names and qualifications of all Impartial Hearing Officers available to serve in the school district.

### **A certified impartial hearing officer shall be:**

- An individual admitted to the practice of law in the State of New York, who is currently in good standing and has a minimum of two years practice and/or experience in the areas of education, special education, disability rights or civil rights; or be an individual certified by the State of New York as an impartial hearing officer on September 1, 2001;
- Have access to the support and equipment necessary to perform the duties of an impartial hearing officer;
- Be independent, shall not be an officer, employee or agent of the school district or of the Board of Cooperative Educational Services (BOCES) of which such school district is a component, or an employee of the Education Department, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall not have participated in any manner in the formulation of the recommendation sought to be reviewed; and
- Be certified by the commissioner as an impartial hearing officer eligible to conduct hearings pursuant to Education Law, section 4404(1) and subject to suspension or revocation of such certification by the commissioner for good cause in accordance with provisions of section 200.21 of the Regulations of the Commissioner of Education. In order to obtain and retain such a certificate, an individual shall:
  - successfully complete a training program, conducted by the department, which program provides information regarding State and Federal laws and regulations relating to the education of students with disabilities, the needs of such students, and the procedures involved in conducting a hearing, and in reaching and writing a decision;
  - attend such periodic update programs as may be scheduled by the Commissioner; and

- commencing July 1, 2002, annually submit, in a format and by a date prescribed by the commissioner, a certification that the impartial hearing officer meets the above requirements.

### **Procedures**

- The selection of an impartial hearing officer must be made from a list of all hearing officers who are certified and available to serve in the school district.
- The list must be established and maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.
- Selection must be made on a rotational basis, beginning with the first name after the hearing officer who last served. If no hearing officer on the list has served, selection must be made beginning with the first name on the list.
- If a hearing officer declines appointment, or if within 24 hours the Impartial Hearing Officer fails to respond or is unreachable after reasonable efforts by the school district, each successive Impartial Hearing Officers whose name next appears on the list shall be offered appointment until such appointment is accepted. These attempts will be documented.

*For further information concerning the impartial hearing process, refer to the New York State Procedural Safeguards Notice: Rights for Parents and Children with Disabilities Ages 3-21.*

### **COMPENSATION**

The impartial hearing officer shall be compensated at the maximum rate established for such purposes by the Director of the Division of Budget. There is no maximum per diem number of hours for which a hearing officer can be compensated. In addition hearing officers may be reimbursed for reasonable actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current reimbursement rate set for employees. Mailing costs associated with the hearing will also be reimbursed.

### **GUARDIAN AD LITEM**

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

A "*guardian ad litem*" is defined as a person familiar with the provisions of the Part 200 Regulations who is appointed from the list of surrogate parents or who is a pro-bono attorney appointed to represent the interests of a student in an impartial hearing and, where appropriate, to join in an appeal to the State

Review Officer initiated by the parent or Board of Education. A *guardian ad litem* shall have the right to fully participate in the impartial hearing to the extent indicated in the Regulations.

# ***RECORDS ACCESS AND CONFIDENTIALITY***

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974**

The Federal Family Educational Rights and Privacy Act of 1974 establishes requirements to protect the privacy of parents and students with respect to District educational records. The Victor Board of Education Policy #5500 further outlines the District's procedures pertaining to all student records.

# ***DISCIPLINE***

## **SCHOOL CONDUCT AND DISCIPLINE**

In accordance with subpart 100.2 of the Regulations of the Commissioner of Education, the Victor Central School District has adopted and implemented a policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the district.

Students with disabilities who are educated in the schools of the district are expected to meet district standards for school conduct and are subject to the district-wide policy. In some instances, the Committee on Special Education may be convened to determine whether the inappropriate conduct is related to the disability (manifestation determination) and to review the appropriateness of the Individualized Education Program. When the conduct is determined to be a manifestation of the disability, students with disabilities will be treated in accordance with their individual educational needs.

“Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:

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

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

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

The Superintendent may order such change in placement of a student with a disability to an IAES, directly or upon recommendation of a hearing officer in the superintendent’s hearing, even where the Manifestation Team determines that the student’s behavior is a manifestation of the student’s disability for up to 45 days but not to exceed the period of suspension ordered by the superintendent. The setting shall be determined by the CSE.



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

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

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

### **SUPERINTENDENT'S HEARINGS ON DISCIPLINARY CHARGES AGAINST STUDENTS WITH DISABILITIES**

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

The Superintendent of Schools or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty, the superintendent of schools or hearing officer shall determine whether a suspension or removal in excess of 10 consecutive school days in a school year or a disciplinary change in placement should be considered. If such a suspension or removal is considered, before the superintendent orders or the hearing officer recommends any such removal, the superintendent's hearing shall be adjourned until a manifestation determination is made by the Manifestation Team, except in cases where an IAES has been ordered. If the superintendent or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.

Upon a determination by the Manifestation Team that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the Manifestation Team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer shall dismiss the superintendent's hearing, except in case where an IAES has been ordered. For the penalty phase, the school district will transmit copies of the special education and disciplinary records to the superintendent or hearing officer for consideration.

**Manifestation Determination Review** - If any of the disciplinary actions above are contemplated or if a disciplinary action involving a change in placement for more than 10 days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the district that applies to all students: (1) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and (2) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take, a meeting of the Manifestation Team and other qualified personnel will be scheduled to determine the relationship between the student's disability and the behavior subject to disciplinary action.

In carrying out the review, the Manifestation Team may determine that the behavior of the student was not a manifestation of such student's disability only if the Manifestation Team first considers, in terms of the behavior subject to disciplinary action, all relevant information, including: evaluation and diagnostic results, including such results and other relevant information supplied by the parents of the student; observations of the student; and the student's IEP and placement; and *then determines that:*

- In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the student's IEP and placement;
- The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
- The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action. A special education student may be suspended by a building principal more than once during a school year, but a series of short-term suspensions adding up to ten (10) days in the same school year may be considered a change in placement, requiring evaluation and CSE review. Therefore, building principals, in consultation with the chairperson of the CSE, will monitor the total days and pattern of suspensions with respect to each special education student. If a student has already been suspended on multiple occasions, or if his/her behavior suggests that a "revolving door" pattern of suspensions is developing, the principal or his or her designee is expected to consult with the Special Education Office before again suspending a student for disciplinary reasons.

In addition, if a special education student repeatedly violates school rules, any member of the professional staff of a school may request that the CSE review the student's Individualized Education Program. The parent is invited to the meeting. The Committee, after reevaluation or review of records, may authorize modifications to the Individualized Education Program. The CSE may develop a behavior intervention plan at that time or review the existing plan and its implementation to determine if modifications are necessary.

**Determination of Setting** - An interim educational setting in which a student is placed by either school personnel or a hearing officer shall: (1) be selected to enable the student to continue to participate in the general education curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the IEP, that will enable the student to meet the IEP goals; and (2) include services and modifications designed to address the behavior described above so that it

does not recur.

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

**Parent Appeal** - If the parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding the Individualized Education Program, the parent may request a hearing. The district shall arrange for an expedited hearing in any case described in this section when requested by a parent.

In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the student's behavior was not a manifestation of such student's disability consistent with the requirements of a manifestation determination review. In reviewing to place a student in an IAES, the hearing office shall apply the standards indicated in "Determination of Setting".

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

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

**Authority of an Impartial Hearing Officer**- An impartial hearing officer may order a change in placement of a student with a disability to an appropriate IAES in a dangerous situation for not more than 45 school days if the hearing officer:

1. Determines that the district has demonstrated substantial evidence that maintaining the current placement is likely to result in injury to the student or to others;
2. Considers the appropriateness of the student's current placement;
3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
4. Determines that the IAES meets the requirements.

**Expedited Due Process Hearing** - An expedited hearing shall be conducted when requested by the district if school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, or when requested by a parent of a student for whom the determination was made that the behavior was not a manifestation of his disability or related to the student's placement in an IAES. An expedited due process hearing shall be completed according to the following timeline unless the parent and the school district agree in writing to waive the resolution meeting or agree to use mediation:

1. A resolution meeting shall occur within 7 days of receiving notice of due process complaint;
2. The due process hearing may proceed unless the matter had been resolved to the satisfaction of both parties within 15 business days of receipt of the request for a hearing;
3. The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed;
4. The impartial hearing officer shall make a determination within 10 school days after the hearing. No extension to an expedited impartial hearing timeline shall be granted.

The impartial hearing officer shall mail a copy of the written, or at the option of the parents, an electronic finding of the facts to the parents, Board of Education, and VESID within 10 school days after the last hearing date. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards indicated in "Authority of a Hearing Officer".

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

### **Protections for Students Not Yet Eligible for Special Education and Related Services**

A student who has not yet been determined to be eligible for special education under this part and who has engaged in behavior that violated any rule or code of conduct of the district, including any behavior described above, may assert any of the provisions described herein if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. A district shall be deemed to have knowledge that a student is a student with a disability if:

1. The parent of the student has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirement contained in this clause) to personnel of the district that the student is in need of special education or related services;
2. The parent of the student has requested an evaluation of the student; or
3. The teacher of the student or other personnel of the district has expressed concern about behavior or performance of the student to the CSE or other personnel of the district.

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

- The parent of the student has not allowed an evaluation;
- The parent refuses services; or
- It was determined by the CSE that this student was not a student with a disability.

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

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

# ***ACCESSIBILITY***

## **ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES**

It is the policy of the school district to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Parents requiring accommodations (i.e.; translators, barrier-free site) to participate in these meetings and/or meetings of the Committee on Special Education are requested to notify the building administrator. Parents requiring this or other accommodations such as a translator or barrier-free site, to participate in meetings of the Committee on Special Education or Preschool Special Education are requested to notify in writing the Special Education Office at the beginning of the school year, at the time of enrollment, or at least five days prior to the scheduled meeting or activity.

## **ACCESS TO PROGRAMS AND EXTRA-CURRICULAR ACTIVITIES**

Students with disabilities residing and enrolled in the Victor Central School District have the opportunity to participate in all programs and activities administered by the district, providing that the students seeking to participate meet all qualifications necessary to participate in such programs and activities.

## **ACCESS TO OCCUPATIONAL EDUCATIONAL OPPORTUNITIES**

### **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

Employment and educational opportunities, including vocational educational opportunities, are offered by the Victor Central School District to males and females on an equal basis without discrimination on the basis of gender.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The District official responsible for the coordination of activities relating to non-discrimination is Barbara Gregory, Assistant Superintendent for Human Resources, who serves as the Title IX Coordinator. The Coordinator will provide information, including information on complaint procedures, to any student or employee who feels that the District or its officials may have violated her or his rights under Title IX. The office is at the Administration Building of the Victor Central School District at 953 High Street, Victor, NY 14564 and the telephone number is (585) 924-3252. In addition, any student or employee may make an inquiry or a complaint directly to the Federal Office for Civil Rights or New York State Division for Human Rights.

# *MISCELLANEOUS*



## SCREENING PROCEDURES

A comprehensive program has been developed by the school district to locate, identify and provide programs for those students who need special services, including students who are gifted. Diagnostic screenings are conducted for kindergarten students, new entrants into the district, and students scoring below reference points on State examinations.

The diagnostic screening includes a health examination, review of immunization records, and a determination of receptive and expressive language development, motor development, articulation skills and cognitive development. A report is prepared containing the results of the diagnostic screening conducted on each student.

### ***Screenings are conducted as follows:***

Kindergarten screening - all pre-kindergarten students are screened in the spring prior to scheduled entrance into kindergarten. New Entrant Screening - all new entrants are screened no later than December 1 of the school year of entry or within 15 days of transfer should the entry occur after December 1. Students suspected of potential learning delays as a result of diagnostic screening must be referred to the building Student Support Team. The building Student Support Team will review diagnostic screening results and develop a plan to address the concerns. Parents will be kept fully informed throughout the process.

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

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

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

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

Under the provisions of Education Law section 3602-c, students with disabilities placed by their parents in nonpublic schools are entitled to receive special education services in accordance with an IEP from the public school district in which the nonpublic school is located while they receive general education from the nonpublic school. The "District of Location" means the school district within whose boundaries a nonpublic elementary or secondary school is located. "District of Residence" means the school district where the student legally resides.

**Consultation Requirements:** The district of location must consult with nonpublic school representatives and representative of the parents of parentally placed nonpublic school students with disabilities throughout the school year to regarding the child find process, provision of special education services and use of federal funds. Consultation is not specific to individual students, Individual services are determined by the CSE. Discussions shall include the following:

- To determine an accurate count of students with disabilities attending and receiving special education services.
- Child find process and how PPNS suspected of having a disability can participate in the same manner as public school students.
- How, when and by whom special education and related services will be provided to PPNS including a discussion of types of services, such as direct services and alternate service delivery mechanisms.
- For students who reside out of state but are parentally placed in nonpublic schools located in the geographic boundaries of the public schools, how a proportionate share of federal DEA Part B funds will be spent on special education services.
- How if a school district disagrees with the nonpublic school representative's views on the provision of services, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide the services directly or through a contract,

The nonpublic schools representatives must provide written affirmation of their participation in the consultation process to the public school district of location.

### **Referrals for Evaluation of Students Thought to be Disabled**

- Resident students who attend non-public schools within the district may be referred to the Committee on Special Education of the school district in the same manner as students who attend public schools.
- In the case of the non-resident student, the district of location (DOL) is responsible for conducting the evaluation and conducting a CSE meeting to determine the student's eligibility for special education, and if determined eligible, to recommend the special education services and

document such recommendations on an IESP. The District of Location is responsible for obtaining the informed written consent of the parent to conduct the initial evaluation or reevaluation.

If the parent does not provide written consent the District of Location is not required to consider the student as eligible for special education services.

- Parent Consent must be obtained before any personally identifiable information is shared between the district of residence and the district of location.

### **Provision for Special Education Services**

The District of Location (DOL) must develop an IESP for students with disabilities who are NYS residents and who are parentally placed in a nonpublic school located in the geographic boundaries of the public school. The IESP must be developed in the same manner and with the same contents as the IEP. The CSE must ensure that a representative of the nonpublic school is included in the meeting where the IESP is developed. If the nonpublic school representative cannot attend the school district must use other methods to ensure participation. The IESP must be reviewed periodically but not less than annually.

### **Parent Request for Special Education Services**

The parent must request special education services in writing to the school district of location by June 1 preceding the school year for which the request for services is made, except that when a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified.

### **Provision of Special Education Services**

- The school district of location is responsible to provide special education services as outlined on the IESP developed for each eligible student. Services must be provided on an equitable basis as compared to other students with disabilities attending public or nonpublic schools located within the school district.
- The manner (how, where and by whom) special education and related services will be provided to students is determined by the district of location based on the consultation process and in consideration of the individual needs of the student. The final decision with respect to services provided to individual students is made by the CSE of the district of location.
- If a student is identified by the Committee on Special Education as being in need of special education, the Committee must notify the parent that the student is entitled to an appropriate education at public expense. However, if the parent wishes to continue the student in non public school, the District may offer group tutoring in a format similar to Consultant Teacher Services or Resource Room.

- Related services will be provided within the Fairport Central School District. Examples of related services include counseling, speech and language therapy, occupational therapy, physical therapy, and any other health or welfare services.
- If a parent of a child enrolled in a non-public school disagrees with the decision of the Committee on Special Education (CSE) in the areas of individual evaluation, eligibility determination recommendations of the CSE on the IESP and/or provision of special education services the parent may submit a Due Process Complaint Notice to the school district of location

#### **Process for the School District of Location to Recover its Costs from the School District of Residence for NYS Resident Students**

The actual cost for CSE administration, evaluations and special education services provided to a student with a disability who is a resident of NYS but a nonresident to the district of location may be recovered from the student's school district of residence as follows:

If the district of location has parent consent to share personally identifiable special education information about the student with the district of residence, the district of location is entitled to bill the district of residence for the costs of evaluation, CSE administration and providing services. The amount charged by the school district of location cannot exceed the actual cost to the school district of location, after deducting any costs paid with federal or State funds.

#### **OR**

In the event the parent has not provided consent to release personally identifiable information concerning their child, the school district of location must submit to the Commissioner, a claim for costs of services, evaluation costs, and CSE administrative costs.

Parental consent must be obtained before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence. Therefore, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

### **REIMBURSEMENT FOR UNILATERAL PLACEMENT IN A PRIVATE SCHOOL**

A school district is not required to pay for the cost of education of a child at a private school or facility if the school district has made a free and appropriate public education (FAPE) available to the child. However, if a parent places the child in a private school because the parent and school district disagree that an appropriate program has been made available to the child, the parent has the right to request an impartial hearing to seek reimbursement for the private school.

1. If the parent of a child who has previously received a special education program and/or services through the district places the child in a private school without the consent or referral of the school

district, the parent may be entitled to reimbursement for the cost of the private placement if they can prove at an impartial hearing or State-level or court appeal that:

- The school district did not provide the child with a free appropriate public education in a timely manner prior to that enrollment in private school; and
- The private placement is appropriate to meet the child's educational needs. A hearing officer or court may find that a parental placement is appropriate even if it does not meet the State standards that apply to education programs provided by the school district or the State.

2. Reimbursement to the parent may be denied or reduced if the parent does not:

- Inform the school district at the most recent CSE or CPSE meeting that the parent attends that the parent rejects the placement proposed by the school district and states concerns and that the parent will be placing the child at a private school at public expense, or
- Provide the school district with written notice at least 10 business days prior to placing the child in the private school. However, if the parent is unable to read and cannot write in English; or if providing notice would likely result in physical or serious emotional harm to the child; or if the school prevented the parent from providing the notice; or if the parent did not receive the procedural safeguards notice that tells the parent about this requirement, then the cost of the reimbursement may not be reduced or denied because the parent did not give this notice.

3. If the school district gave the parent written notice prior to the parent removing the child from public school that it wants to evaluate the child, the parent must make the child available for the evaluation. If the parent refuses to make the child available, any request for tuition reimbursement may be reduced or denied.

4. If the parent does not inform the school district or make the child available for the evaluation, or if there are other unreasonable actions on the part of the parent, an impartial hearing officer or court may reduce or deny the reimbursement of costs of the private school for the child.

## **SERVICES TO HOME-SCHOOLED STUDENTS WITH DISABILITIES**

Section 3602-c of the Education Law deems home-schooled students with disabilities and students suspected of having a disability to be non-public school students solely for the purpose of receiving special education services during the regular school year.

To be eligible for special education services, a home-schooled student must be a district resident entitled to attend public school. In addition the student would be required to have an individualized home instruction plan (IHIP) that the superintendent of schools has determined to be in compliance with Section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at

home, the school district of location is the same as the student's school district of residence.

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

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

## CENSUS

The District maintains census information and a register of students with disabilities in accordance with the Regulations of the Commissioner of Education, Section 200.2.

The Pupil Registration Office notifies the CSE or CPSE of any students who are new to the district and have been previously identified as "disabled." All new entrants will be required to have a census/registration for completed. Official notification to CSE/CPSE is on the district Pupil Registration Form.

A register of students with disabilities is maintained through the Victor Special Programs and Compliance Office.

## SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

It is the policy and practice of the Board of Education of the district to ensure, to the fullest extent possible, that students with disabilities residing in the District shall be educated within the school district.



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

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services (BOCES).

## **PROCEDURES FOR EVALUATING PROGRAM OBJECTIVES**

The goal of the Victor Special Education Program is to provide students with individualized instruction in the least restrictive environment. The individualized instruction is designed to help each student compensate for his or her disability in order to more fully reach his or her potential. Formative and summative data will be gathered relative to the success of the delineated objectives. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications of programs, services and procedures.

The District Plan contains Board of Education Program Objectives. The methods used to evaluate the extent to which the objectives of the Fairport special education program have been achieved are:

1. Ongoing evaluation of student achievement using various standardized diagnostic tests and other teacher made assessments;
2. Annual reviews of students' progress and programs, resulting in revised, comprehensive Individualized Education Programs (IEPs);
3. Qualitative techniques such as teacher observations, teacher/parent conferences, classroom observations, anecdotal reports, and end-of-the year student summaries;
4. Three-year reevaluations of each student with a disability as outlined by the New York State Regulations of the Commissioner of Education 200.4 (f) (4);
5. Periodic review of the District Plan and Board of Education policies pertaining to special education students; and
6. Mandated reports to the New York State Education Department, including:
  - special education child count
  - least restrictive environment
  - exiting and post-school outcomes
  - special education personnel
  - preschool placement, and
  - suspensions and expulsions.

## **ALTERNATIVE FORMATS**

In compliance with the New York State Regulations of the Commissioner of Education, Section 200.2, the Victor Central School District ensures that instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students.

"Alternative format" is defined as any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with a least one alternative format conversion software program that is appropriate to meet the needs of the individual student.

### **The Victor Central School District will:**

1. Give preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;
2. Specify, when an electronic file is provided, how the format will be accessed by the students and/or how the district will convert to an accessible format;
3. Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the district for alternative format materials;
4. Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
5. Include procedures so that when students with disabilities move into the school district during the school year, the process to obtain needed materials in alternative formats for such students is initiated without delay.

## **THE USE OF UNIVERSAL DESIGN PRINCIPLES IN DISTRICT ASSESSMENTS**

The Board of Education acknowledges its goal and its obligations to include the widest range of students, including students with disabilities and students with limited English proficiency, in standardized assessments. To further this goal of ensuring equal access to district wide assessments and to ensure that assessments provide the most accurate measure of student performance of all students, the district, to the extent feasible, will use universal design principles in developing and administering any district wide assessment program.

"Universal design" is an approach to designing and delivering course instruction and materials to be usable to students of all learning styles without adaptation or retrofitting. The Board of Education shall



incorporate the following universal design principles into the development and administration of district-wide assessments:

1. Inclusive assessment population – tests designed for state, district or school accountability shall include every student, except those in alternate assessments, and be designed to meet the demands of increased diversity among students.
2. Precisely defined constructs - the specific constructs tested must be clearly defined so that all non-construct cognitive, sensory, emotional and physical barriers are removed.
3. Accessible, non-biased items - accessibility will be built into items from the start, and bias review procedures will ensure that quality is retained in all items and that a lack of sensitivity to disability or cultural differences does not influence results;
4. Amenable to accommodations – the test design shall be compatible with and facilitate the use of needed accommodations.
5. Simple and clear instructions and procedures – all instructions and procedures will be simple, clear and presented in understandable language;
6. Maximum readability and comprehensibility - a variety of readability and plain language guidelines will be followed (e.g. sentence length and number of difficult words are kept to a minimum) to produce readable and comprehensible text;
7. Maximum legibility-characteristics such as type, space, font and paper size will be, to the extent practicable, easy to decipher in text, tables, figures, illustrations and response formats.

## **PROCEDURES FOR DISTRIBUTION OF INDIVIDUAL EDUCATION PLANS (IEP) TO STUDENT SERVICE PROVIDERS**

- All students with disabilities will be assigned a case manager when referred to the Committee on Special Education.
- If possible, the case manager will attend the initial CSE meeting.
- The Special Education secretary will identify the student as a student with a disability on School Tool.
- The case manager will be responsible for ensuring general education and special area teachers are aware of the Individual Education Program for each of their students and the instructional implications to ensure compliance.
- The case manager will be responsible for maintaining documentation that the teachers have received the electronic copy of the student's Individual Education Program (IEP).
- Notify teachers to sign off on the IEP within two weeks of the beginning of school.
- Provide a list of teachers who have not complied to the Director of Special Education. The Director of Special Education will follow up with the teacher.
- The case manager will be responsible for informing other service providers who did not receive a copy of the IEP (i.e. paraprofessionals, school bus driver, cafeteria personnel, etc.) of any specific responsibility they have for providing supports and accommodations in accordance with the IEP.

- These same service providers will be provided the opportunity to review a copy of the IEP and on-going access to a copy of the IEP.

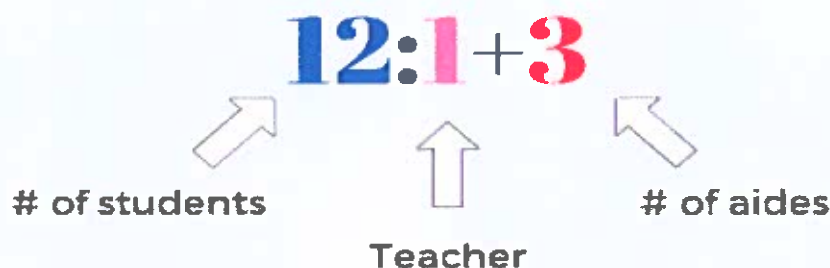
***DISTRICT PROGRAMS,  
SERVICES, AND SPECIAL  
EDUCATION DATA***

# VCSD Special Education Continuum Defined

## SPECIAL CLASS

- Class consisting of students with disabilities who have been grouped together because of similarity of individual needs for the purpose of receiving specially designed instruction in a self-contained setting.
- Special class size is defined as the maximum number of students who can receive instruction together in a special class and the number of teachers and paraprofessionals assigned to the special class. If the student's IEP indicates special class, the IEP must describe the special class size.

### Example:



Number of students is the max amount of students. Even under 12:1+3, if student requiring this program are under 12, aides can be reduced based on ratio (eg. 8:1+2 or 4:1+1)

## CT VS. ICT

### Consultant Teacher Service

- **Direct consultant teacher services** means **specially designed individualized or group instruction** provided by a certified **special education teacher** to a **student with a disability** to aid such student to benefit from the student's regular education classes.
- **Indirect consultant teacher services** means consultation provided by a certified **special education teacher** to **regular education teachers** to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a **student with a disability** who attends their classes.

### Co-Teaching Service

- means the provision of **specially designed instruction** and academic instruction provided to a **group of students with disabilities** and nondisabled students provided by a **special education teacher** and a **general education teacher** to meet the diverse learning needs of all students in a class.
- The maximum number of **students with disabilities** receiving integrated co-teaching services in a class shall not exceed 12 students. There is no regulatory maximum number of nondisabled students in an integrated co-teaching class. However, the number of **nondisabled students** should be more than or equal to the number of **students with disabilities** in the class in order to ensure the level of integration intended by this program option.

## SPECIALLY DESIGNED INSTRUCTION

- Adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

# VCSD SPECIAL EDUCATION CONTINUUM

## 12:1+3

- **Special class:** students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, supplementary school personnel and/or related service providers

## 8:1+1

- **Special class:** 8 students, 1 teacher, and 1 teaching assistant for students with mild to severe emotional disabilities. These children have borderline to above average cognitive ability. They may have a mental health diagnosis and display challenging behaviors that interfere with learning.

## 12:1+1

- **Special class:** students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, cannot exceed 12 students, with one or more supplementary school personnel assigned to each class during periods of instruction.

## 6:1:1

- Special class students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, cannot exceed 6 students, with one or more supplementary school personnel assigned to each class during periods of instruction.

## **15:1+1**

- **Special class:** students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting cannot exceed 15 students.

## **RESOURCE ROOM**

- **For a student with a disability registered in either a special class or general education class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. May not exceed 5 students.**

## **CONSULTANT TEACHING- DIRECT**

- **Specially designed instruction provided to an individual student with a disability or to a group of students with disabilities by a certified special education teacher to aid the student(s) to benefit from the general education class instruction.**

## **CONSULTANT TEACHING- INDIRECT**

- **Specially designed instruction provided to an individual student with a disability or to a group of students with disabilities by a certified special education teacher to aid the student(s) to benefit from the general education class instruction. Direct CT can be combined with indirect CT services.**



<b>SCHOOL AGE STUDENTS WITH DISABILITIES RECEIVING SPECIAL EDUCATION SERVICES</b>
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**AS OF OCTOBER 6, 2021**

<b>SCHOOL AGE STUDENTS BY DISABILITY</b>	<b># OF STUDENTS</b>
Autism	66
Emotional Disturbance	23
Learning Disability	182
Intellectual Disability	15
Deafness	0
Hearing Impairment	3
Speech or Language Impairment	29
Visual Impairment (includes Blindness)	1
Orthopedic Impairment	4
Other Health Impairment	160
Multiple Disabilities	17
Deaf-Blindness	0
Traumatic Brain Injury	0
<b>TOTAL</b>	<b>500</b>

**Source:** 2021-22 VR 2, School Age Child County by Age and Disability October 2021 Snapshot  
(Students receiving special education services on October 6, 2021)

***School Age Students by  
Disability, Age and  
Recommended Setting  
As of October 6, 2021***

***School Age Students by Disability, Age and Recommended Setting  
As of October 6, 2021***

<b><i>Recommended Setting</i></b>	<b><i>Disability</i></b>	<b><i>Ages 4-5</i></b>
Attended a regular early childhood program for 10 or more hours a week and <b><u>received a majority of hours of special education and related services in the regular early childhood program.</u></b>	SI	1
Attended a regular early childhood program for 10 hours or more/week and <b><u>received the majority of special education and related services in another location.</u></b>	SI	1
Attending a regular early childhood program for less than 10 hours/week and received the majority of special education and related services in the regular early childhood program		0

**Source:** 2021-22 VR 5 – School age LRE Setting Report October 2021 Snapshot (Students receiving special education services on October 6, 2021)

<b><i>Recommended Setting</i></b>	<b><i>Ages 6-21 Disabilities</i></b>													<b><i>Total</i></b>
	<b><i>AU</i></b>	<b><i>ED</i></b>	<b><i>LD</i></b>	<b><i>ID</i></b>	<b><i>D</i></b>	<b><i>HI</i></b>	<b><i>SI</i></b>	<b><i>VI</i></b>	<b><i>OI</i></b>	<b><i>OHI</i></b>	<b><i>MD</i></b>	<b><i>D-B</i></b>	<b><i>TBI</i></b>	
Inside Regular Classrooms 80% or more of the school day	19	8	151			3	13		1	111				306
Inside Regular Classrooms 40-79% of the school day	15	1	28	13			13	1	1	35	4			111
Inside Regular Classrooms less than 40% of the school day	25	12	2	1			1			11	8			60
Separate School	6	1	1	1						3	4			16
Home Placement by CSE		1									1			2
Home Placement by Parent Choice									2					2

**Source:** 2021-22 VR 5 – School age LRE Setting Report October 2021 Snapshot (Students receiving special education services on October 6, 2021)

***Preschool Students with a Disability by Age and Recommended Setting  
As of October 6, 2021***

<b><i>Recommended Setting</i></b>	<b><i>Age 3</i></b>	<b><i>Age 4</i></b>
Attending a regular early childhood program for <b><u>10 or more hours/week</u></b> and receiving the majority of hours of <u>special education and related services in the regular early childhood program</u>	<b>7</b>	<b>20</b>
Attending a regular early childhood program for <b><u>10 or more hours/week</u></b> and receiving the majority of hours of <u>special education and related services in some other location</u>	<b>3</b>	<b>8</b>
Attending a regular early childhood program for <b><u>less than 10 hours a week</u></b> and receiving the majority of special education and related services in the <u>regular early childhood program</u>	<b>0</b>	<b>1</b>
Attending a regular early childhood program for <b><u>less than 10 hours/week</u></b> and receiving the majority of <u>special education and related services in some other location</u>	<b>0</b>	<b>0</b>
Separate Class	<b>0</b>	<b>0</b>
Separate School	<b>0</b>	<b>0</b>
Residential Facility	<b>0</b>	<b>0</b>
Home	<b>9</b>	<b>2</b>
Service Providers Location	<b>0</b>	<b>0</b>
<b>Total</b>	<b>19</b>	<b>31</b>
<b>Total PSWD Enrollment</b>	<b>50</b>	

**Source:** 2021-22 VR 4 – Preschool LRE Setting Report October 2021 Snapshot (Students receiving special education services on October 6, 2021)

***Distribution of Students in Out of District Placements  
As of October 6, 2021***

<b><i>BOCES</i></b>	<b><i>25</i></b>
<b><i>Private Schools-Day</i></b>	<b><i>11</i></b>
<b><i>Private Schools-Residential Out of State</i></b>	<b><i>0</i></b>
<b><i>4201 Schools- State Operated/Supported</i></b>	<b><i>1</i></b>
	<b><i>37</i></b>

**Source:** Pupil Services Office Data Collection

## **OTHER SUPPORT SERVICES**

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

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

## **SCHOOL PSYCHOLOGICAL SERVICES**

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation, participation in Committee on Special Education (CSE) referrals, evaluation and placement; monitoring of student progress; consultation with teachers, student and parent counseling; and acting as a liaison between the school, parents, and other professionals. Additional areas of responsibility include assisting teachers in the development of interventions and Individualized Education Programs (IEPs); coordinating subcommittee annual review meetings, conducting three-year reevaluations; exploring out-of-district educational alternatives, when necessary, conducting functional behavior assessments and developing behavior intervention plans, and training teachers in the implementation of new regulations and procedures.

## **SOCIAL WORK SERVICES**

The following major areas of responsibility are assigned to social workers: monitoring students' progress; consultation with teachers, providing transitional support services, parent education, student and parent counseling, intervening during crisis situations, conducting functional behavior assessments and developing behavior intervention plans; and acting as a liaison between school and home and community agencies.

## **SPEECH, LANGUAGE AND HEARING SERVICES**

Specialists in speech and language assist school staff with the identification and instruction of students

with speech, language and hearing disorders. They provide diagnostic and remedial services for students with articulation disorders, stuttering and voice disorders, expressive and receptive language problems, hearing deficits, cerebral dysfunction, oral-motor disorders and cleft palate. Much of the activity of these specialists involves observation, individual testing, direct service, conferencing with parents, and consultation with teachers regarding instructional methods.

### **PHYSICAL THERAPY SERVICES**

Physical therapy is provided in order for a physically disabled student to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive needs of the student; program planning and treatment program when indicated; consultation with general education teachers; and supervision and instruction of nonprofessional personnel in dealing with the physical needs of the students.

### **OCCUPATIONAL THERAPY**

The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper extremities necessary for handwriting and other classroom fine motor tasks, modulating a student's sensory responses that interfere with everyday activities, developing the activities of daily living, providing adaptive equipment as necessary and counseling students with disabilities around their participation in activities.

### **DEAF AND HARD OF HEARING SERVICES**

Deaf and hard of hearing services are designed to provide consultant services and direct specialized instruction to students, ages 5 to 21 years of age, with hearing disabilities that are enrolled in a general education or special education program. Specialized instruction in speech, reading and auditory training is provided by a teacher of the deaf and hard of hearing.

### **VISION SERVICES**

Vision services are designed to provide consultant services and direct specialized instruction to students, ages 5 to 21 years of age, with visual impairments who are enrolled in a general education or special education program. This related service includes instruction in the use of various optical aids, use of large print books and worksheets, tactile and recorded material and current technology. A teacher of the visually impaired may also assist students in acclimating themselves to new instructional environments.

### **ORIENTATION AND MOBILITY SERVICES**

Students who are visually impaired may receive orientation and mobility training in order to assist the student in traveling safely in a variety of environments and further develop their independence.

# ***BUDGET***



<b>SPECIAL EDUCATION BUDGET</b> <b>2022-2023</b>
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*The budget to support special education programs and services in the Victor Central School District is as follows:*

<i>DESCRIPTION</i>	<i>AMOUNT</i>
<i>Tuition &amp; Tutoring Services</i>	<i>\$729,000</i>
<i>Other Contractual Expenses</i>	<i>\$224,860</i>
<i>BOCES Special Education</i>	<i>\$3,500,000</i>
<i>Supplies/Material</i>	<i>\$40,000</i>
	<i>\$4,493,860</i>

## **FUTURE PROGRAM CONSIDERATIONS**

The Victor Central School District is committed to the development of programs within the district to meet the needs of students with disabilities. At the present time the following program enhancements are being considered:

- A kindergarten through 12th grade special education program that offers all continuum services within every general education school building.
- A kindergarten through 12th grade special education program continuum within general education school buildings tailored to address students' significant behavioral concerns while maintaining high academic standards. These programs will also provide students with the opportunity to interact with typically developing peers as appropriate.
- Exploration of additional post-secondary school options for students with significant developmental delays who are not candidates for LifePrep@Naz, but will require post-secondary programming until the age of 21.
- Exploration of additional continuum services for school-age students with disabilities within the District.

The Victor Central School District will continually evaluate existing Special Education Programs and Services to ensure student achievement and fulfillment of post-secondary outcomes in order to accommodate the unique learning needs of students with disabilities, while promoting College and Career Readiness.

## **AVAILABILITY OF COPIES OF THE SPECIAL EDUCATION DISTRICT PLAN**

The current Special Education District Plan is on file and available for review in the Office of Superintendent of Schools, the Special Education Office and at each of the district's public school buildings. The Special Education District Plan may also be viewed on the district's website at [www.victorschools.org](http://www.victorschools.org). A parent may request and receive a copy of the policy from the school district at any time. Requests should be made through the Pupil Services Office.