

SUBJECT: CHILDREN WITH DISABILITIES

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

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

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

- a) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.
- d) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- e) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- f) Allocation of appropriate space within the District for special education programs that meet the needs of resident students with disabilities; who attend special education programs provided by BOCES.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (CONT'D.)

Consultation Requirements with Nonpublic Schools

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE. The consultation process must be timely and meaningful.

New York State Resident Students Attending Out-of-State Schools

The parents of a New York State resident student who place their child in a non-public school in another state must contact the school district in the other state where the school is located to determine their child's eligibility for services. The out-of-state district is responsible for developing a Services Plan which will indicate the services to which the child is entitled.

Individuals with Disabilities Education Act (IDEA)
20 USC §1400 - 1485
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401- 4407
8 NYCRR §§ 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v), and 200.6(a)(1)

NOTE: Refer also to Policy #7615 – Temporary Placement of Students with Disabilities

#7616 - Least Restrictive Environment

#7670 – Impartial Due Process Hearings/Selection of Impartial Hearing Officers

Adopted: 7/10/ 2001

Revised: 6/14/ 2011, 1/28/2020