



WESTBURY UNION FREE SCHOOL DISTRICT

THREE YEAR PLAN

SEPTEMBER, 2022 – AUGUST, 2025

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

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STATEMENT OF ASSURANCES

The Board of Education of the Westbury Union Free School District as a part of a long standing 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 special education students are met. To this end, and in full compliance with the Regulations of the Commissioner of Education, the Board has reviewed this Three-Year District Plan for Special Education.

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

Adopted: Mr. Robert Troiano Jr.
 President, Board of Education

_____ Date

SECTION 1: INTRODUCTION

SPECIAL EDUCATION PHILOSOPHY & GOALS

The Westbury Union Free School District (UFSD) Board of Education subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. Recognizing its responsibilities towards students with disabilities, the Westbury Union Free School District Board of Education has adopted the following Statement of Philosophy of Special Education which is the cornerstone of its programs.

- To the extent dictated by the child's disability, the student will be educated within the local school wherever possible.
- The District is committed to the concept of the least restrictive environment which allows for maximum contact and participation with non-disabled peers.
- Where special education services are provided within or out-of-district, the services will be limited to those specifically dictated by the nature and need of the disability.
- The goal of special education in the Westbury Union Free School District is to provide each child with individualized instruction which will allow the student to compensate for his or her disability, to overcome the disability where possible, and to maximize the student's functioning toward realization of full potential.
- This District recognizes that in the development of all human beings, there are personal obstacles to be overcome as growth evolves. This is true for all students. Students with disabilities will be seen by the general education staff as having particular obstacles to overcome and shall be helped accordingly.
- This District is committed to help develop constructive attitudes, respect and understanding towards individuals with disabilities in order to promote independence of functioning to the greatest possible degree.
- In recognition of the necessity for parental support and involvement in the education of each child with a disability, total, open and fully available communication with parents is seen as desirable and essential.

The Board of Education recognizes that an essential aspect of a successful special education program is the orientation and in-service training of the faculty. Professional development for all personnel who work with students with disabilities is necessary to assure that they have the skills and knowledge necessary to meet the unique needs of these students.

It is the goal of the District to integrate into the school curriculum a program to elicit understanding and acceptance of individual differences. This will foster the acceptance of people with disabilities.

GENERAL BOARD OF EDUCATION POLICIES

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

- to provide a free appropriate education in the least restrictive environment for resident children between the ages of three (3) and twenty-one (21) or until a regular high school diploma has been achieved by the student, whichever shall occur first;
- 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 non-academic curriculum and extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District;
- to ensure that each preschool student with a disability residing in the District has the opportunity to participate in preschool programs, including a timely evaluation and placement;
- to appoint and train appropriately qualified personnel including the members and chairpersons of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE), to carry out the functions required by law and regulations related to the education of students with disabilities;

- to implement the provisions of Section 200.6 (a) of the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum;
- to ensure that parents receive and understand the request for a consent for evaluation of a preschool student;
- to ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations;
- to implement school-wide approaches, which may include a Response to Intervention (RtI) process, and pre-referral strategies and/or interventions in order to remediate a student's performance prior to referral to special education;
- to ensure the establishment of plans and policies for the appropriate declassification of students with disabilities;
- to ensure the selection and Board appointment of Impartial Hearing Officers consistent with the Regulations;
- to ensure that all 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 nondisabled students;
- to ensure that each general education teacher, special education teacher and related service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy, including amendments to the IEP, prior to its implementation;
- to ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services;
- to ensure the establishment of guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of students with disabilities in the administration of District-wide assessments;
- to ensure that universal design principles are used, to the extent feasible, in developing and administering any District-wide assessment programs;
- to ensure that adequate and appropriate space is made available to meet the needs of preschool and school-age students with disabilities; and
- to ensure that students who reside in the District have received the protection of all other applicable State and Federal laws and regulations.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES & PRE-REFERRAL INTERVENTIONS

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the District must develop a policy and implement a plan to establish pre-referral strategies and/or interventions to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the school's principal and building level team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services (AIS) and Educationally Related Support Services (ERSS). These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL students) who do not achieve the annual CR Part 154 performance standards. A description of these services will be approved by the Board of Education and reviewed every two-three years. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family, nutrition, and transient issues, will be afforded to students who score below level 3 on elementary or intermediate State assessments or who score below the local State designated performance levels on any one of the State examinations required for graduation. All school-wide approaches to provide remediation activities for students who are at risk of not meeting State standards or meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include, but are not limited to, extra teacher or teacher aide support, student or volunteer tutorial assistance, counseling support, and computer-assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided.

These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the Committee on Special Education (CSE). The referral form to the CSE used by the District staff will describe, in writing, classroom strategies, intervention services, programs used to remediate the student's performance prior to services, or instructional methodologies, including any supplementary aids or support services provided, or the reasons why no such attempts were made. The principal and/or building level team shall maintain a record of pre-referral classroom strategies and/or interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary. Within ten (10) days of receipt of referral to the CSE, the building administrator may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, Speech and Language Improvement Services, Educationally Related Support Services, Academic Intervention Services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student if appropriate. The copy of the agreement will 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 timelines of the CSE will be maintained. These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services, but shall be used to assess the ability of the student to benefit from regular education services.

RESPONSE TO INTERVENTION

In accordance with Part 100.2 (ii), the District's process to determine if a student responds to scientific, research-based instruction shall include the following minimum requirements:

- appropriate instruction delivered to all students in the general education class by qualified personnel;
- appropriate instruction in reading shall mean scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- screenings applied to all students in the class to identify those students who are not making academic progress at expected rates;
- instruction matched to student need with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- repeated assessments of student achievement which should include curriculum measures to determine if interventions are resulting in student progress toward age or grade level standards;
- the application of information about the student's Response to Intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services;
- written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
 - the amount and nature of student performance data that will be collected and the general education services that will be provided pursuant to paragraph (2) of this subdivision;
 - strategies for increasing the student's rate of learning; and
 - the parents' right to request an evaluation for special education programs and/or services.
- A School District shall select and define the specific structure and components of the Response to Intervention Program, including, but not limited to, the criteria for determining the levels of intervention to be provided to students, the types of interventions, the amount and nature of student performance data to be collected and the manner and frequency for progress monitoring.
- The School District shall take appropriate steps to ensure that staff has the knowledge and skills necessary to implement a Response to Intervention Program and that such program is implemented consistent with paragraph (2) of this subdivision.

All elementary students are assessed for literacy at least two times a year using a State approved assessment (i.e.-Terra Nova). Students that score below the established benchmarks are considered for supplemental instruction which targets the students' deficits as identified by the screening tools.

Students are placed in a supplemental intervention service through meetings between the principal, classroom teacher and reading specialist. Progress monitoring results are assessed every four weeks for students in Grades K-3 and every eight weeks for students in Grades 4-6 through a meeting between the principal, reading teacher and classroom teacher. At those meetings, services are intensified or continued as a result of the review of the progress monitoring data collected.

Students, that have had intervention services intensified, and progress monitoring data reflects little or no growth in the targeted area, are referred to the Student Staff Support Team (SSST). The SSST reviews the students' Response to Intervention services and makes further recommendations for the students' response to the intervention services and makes further recommendations for the students' instructional program and/or determines when a referral to the CSE is appropriate.

DEFINITIONS

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

The following statutory and regulatory definitions are controlling: The term **student with a disability** means a student with a disability, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the New York State Department of Education. Such a term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency. The term "**all students**" applies to every student listed on the registry of the District.

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

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

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

The term "**Individualized Education Program/Plan (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 educational needs of a student with a disability.

The term "**special services or programs**" may include:

- Special classes, transitional support services, resource room, related services, consultant teacher 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 are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device’s functioning, maintenance of that device or the replacement of such device.
- Contracts for residential or non-residential placements with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven.
- Contracts with New York State approved and funded schools (Article 89).

SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

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

LEAST RESTRICTIVE ENVIRONMENT (LRE)

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

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

PROCEDURES TO IMPLEMENT LRE REQUIREMENTS

- The student will receive a comprehensive, non-biased, multidisciplinary individual evaluation in his or her dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of appropriate instruction in reading or math or limited English proficiency. The 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, including educationally related support services, 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 regular 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, social development, physical development, management needs (if any) and functional performance, including how the student's disability affects involvement and progress in the general education curriculum; or for preschool students, how the disability affects the child's participation in age-appropriate activities.
- Measurable annual goals, including benchmarks or short-term objectives only for preschool students and students eligible for the New York State Alternate Assessment (NYSAA), must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.
- Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent, if any, to which the student will not participate in regular education programs.
- The parent or guardian and the Board of Education will be provided a recommendation from the CSE/CPSE, which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning characteristics, social development, physical development and management needs.
- The CSE/CPSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

The District is committed to the policy of placing students in the least restrictive environment consistent with their needs. The District provides the 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 needs. 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 themselves, 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 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 District shall be provided with an appropriate Individual Education Program (IEP) that meets his or her unique educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student’s academic achievement, social development, physical development, and management needs will be the basis for written measurable annual goals.

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

Appropriate Academic Intervention Services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires an IEP diploma program.

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

COMMITTEE ON SPECIAL EDUCATION (CSE) & COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) APPOINTMENT AND TRAINING

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints District personnel for a Committee on Special Education (CSE), Subcommittees on Special Education and a Committee on Preschool Special Education (CPSE). The Committees and District personnel 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 was established for the first time during the 1989/90 School Year. Major functions of the CSE and CPSE include:

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

RESPONSIBILITIES

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

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

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

The Committee on Special Education is responsible for oversight and monitoring of the activities of each subcommittee to assure compliance with Federal and State law and regulations. Each subcommittee must annually report the status of each student with a disability within its jurisdiction to the Committee.

TRAINING CSE/CPSE MEMBERS

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

- arranging for attendance at meetings of Office of Special Education & Rehabilitative Services (OSERS) regarding CSE/CPSE 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 CSE/CPSE 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 memorandums from SED, to all Committee members;

- inviting Committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- utilizing the Regional Special Education Technical Assistance Support Center (RE-TASC) as a training resource; and
- utilizing the District's attorney as a resource person, if needed, to interpret specific information for the Committee members.

GENERAL STAFF DEVELOPMENT

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

All special education personnel shall be appropriately qualified to carry out their duties regarding students with disabilities and possess the training, licensing and certification required by the Every Student Succeeds Act (ESSA) and New York State Law. Where appropriate, Annual Professional Performance Reviews, and Professional Development Plans will be utilized to achieve this goal.

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

For those teachers who are involved in the Integrated Co-Teaching Model (i.e. inclusion program), ongoing staff training will consist of a half-day or full-day workshop on the principles of inclusion and adapting/modifying curriculum for students with special needs. In addition, onsite training with a learning strategies consultant is offered on at least a monthly basis throughout the year.

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

SECTION 2: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERSHIP

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

- the parents of the preschool child;
- not less than one general education teacher of the child whenever the child is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the child;
- the CPSE Chairperson who is a representative of the District qualified to provide or supervise the provision of specially-designed instruction to meet the unique needs of students with disabilities, and who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- the parent of a preschool or elementary school-age child 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 request that the additional parent member not participate;

- 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;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the School District or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.
- for a child in transition from early intervention programs and services, at the request of the parent, an appropriate professional from the Department of Health's Early Intervention Program; and
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum.

ROLE AND RESPONSIBILITIES OF THE CPSE CHAIRPERSON

The CPSE Chairperson will:

- preside over CPSE meetings;
- carry out the functions of a CPSE Chairperson, including but not limited to:
 - designating for each student a professional employee of the School District with knowledge of the student's disability and education program to inform each teacher, aide and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
 - carrying out responsibilities related to referrals and requests for referrals such as:
 - forwarding a copy of a referral to the building administrators within five days of its receipt;
 - notifying parents when a referral or request for referral has been received;
 - documenting attempts to obtain parental consent to an initial evaluation;
 - informing a parent that does not grant consent for an initial evaluation, that upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation;
 - providing a parent and a referring person a copy of an agreement to withdraw a referral;
 - determining the location of any meeting held to review or evaluate a preschool child;
 - participating in a transition planning conference for a child transitioning from Early Intervention (EI) services to preschool special education and services to review the child's program options and establish a transition plan, or designating another individual to participate in this meeting;
 - informing the parent(s) of a child previously served under EI of his/her right to request that an invitation to an initial CPSE meeting be sent to the EI Service Coordinator or other representatives of the EI system to assist in the smooth transition of services.

CPSE MEMBER ATTENDANCE

A member of the CPSE, other than the student's parent, is not required to attend a meeting of the Committee, in whole or in part, if the parent and the School District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. A member of the CPSE, other than the student's parent may be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parent and the School District consent, in writing, to the excusal; and
- the excused member submits to the parent and the Committee, written input into the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting. Requests for excusal of a member of a Committee and the written input will be provided not less than five days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request.

A parent retains the right to request and/or agree with the School District to excuse a member at any time, including where:

- the member is unable to attend because of an emergency or unavoidable scheduling conflict; and
- the School District submits the written input for review and consideration by the parent within a reasonable time prior to the meeting and prior to obtaining parental consent to the excusal. Requests for excusals do not apply to the parent of the student or the appointee of the municipality.

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, as needed, to review referrals throughout the school year and during the summer months.

DEFINITION OF TERMS

“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 includes, but is not limited to, information in all functional areas obtained from a structured observation of a student’s performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:
 - a 12 month delay in one or more functional area(s), or
 - a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or
 - if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
 - meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired.

“First Eligible for Services” is the earliest date on which a student becomes eligible for services as defined in current regulations. Students in Family Court placements may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services under Section 4410. A student can be considered a preschool student with a disability through the month of August of the school year in which he or she first becomes eligible to attend Kindergarten.

CPSE PROCEDURES - REFERRAL

The Committee on Preschool Special Education (CPSE) is responsible for arranging for the evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the School District. **The evaluation process begins when a written request for evaluation is made by either:**

- the child’s parent or person in parental relationship;
- a designee of the School District in which the student resides, including, but not limited to, the teacher and building administrator or the public School District the student legally attends or is eligible to attend;
- the Commissioner or designee of a public agency with responsibility of the education of students;
- a designee of an education program affiliated with a child care institution with Committee on Special Education responsibility pursuant to Section 4002(3) of the Education Law.

The referral can be made at any time during the School Year. 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 meet with the parent describing the evaluation procedures and request 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 relating to participation in age-appropriate activities. This evaluation will include the following, at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- an observation of the preschool child in the child's learning environment, including the general education classroom setting, or in an environment appropriate for a student of that age, to document the student's academic performance or behavior in the areas of difficulty;
- a social history; and
- other appropriate assessments or evaluations, as necessary, to ascertain the physical, mental and emotional factors that contribute to the suspected disabilities.

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

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

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled at a site and time mutually convenient to the members of the Committee and the preschooler's parents. The parents will be provided with a copy of all of the summary reports prior to the meeting. The results of the evaluations will be provided to the parents in their native language or other mode of communication used by the parents, unless it is not feasible to do so. Reasonable measures will be made to ensure that the parents attend the meeting. This means:

- A written notice is sent to the parents at least five days prior to advising them of the meeting. The parents may elect to receive the notice of meetings by an electronic mail (e-mail) communication if the School District makes this option available.
- Prior Written Notice means written statements developed in accordance with Section 200.5(a) of the Part 200 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.
- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.
- The parent and the School District may agree to use alternative means of meeting participation, such as video conferences and conference telephone calls.

Prior to making any recommendation that would place a child in an approved program of the agency that conducted the initial evaluation, the Committee may, at its discretion, obtain a second evaluation of the child from another approved evaluator.

The CPSE submits a recommendation to the Board of Education and to the parents of the preschool student within sixty (60) calendar days of the date of the receipt of consent. If the Committee determines the student is ineligible for special education, written notification will indicate the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in 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 reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

PLACEMENT

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

ANNUAL REVIEW

An annual review is conducted for every preschool student who has been classified as having a disability. The purpose of the annual review is to determine the appropriateness of each student's Individualized Education Program (IEP) and the need to continue or modify the student's preschool special education program. This review considers the educational progress and achievement, the student's ability to participate in instructional programs in regular education and continued eligibility for special education services. Parents will receive a written notice, at least five (5) days prior to the meeting that indicates the time, date, location and persons expected to attend. Reasonable measures will be taken to ensure that the parent attends the meeting. This notice must also inform the parents that they may invite other persons to attend the meeting, who have knowledge or special expertise regarding the student. After an IEP has been developed at the annual review meeting, a parent and the School District may agree not to convene a meeting of the CPSE to make subsequent changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances:

- the parent makes a request of the District for an amendment to the IEP and the parent and the District agree in writing; or
- the School District provides the parent with a written proposal to amend a provision or provisions of the IEP that:
 - is conveyed in language understandable to the parent,
 - informs and allows the parents the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes,
 - the parent must agree in writing to such amendments,
 - the parent must be provided Prior Written Notice (notice of the recommendation) of the changes to the IEP,
 - The CPSE must be notified of any changes made to the IEP,
 - The parent must also receive, either a rewritten IEP; or document that amends or modifies the IEP, or upon parental request, a revised copy of the entire IEP with amendments incorporated.

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

WITHDRAWAL OF REFERRAL

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

CONTINUUM OF SERVICES - COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

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

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

PROGRAM RECOMMENDATIONS

The CPSE must consider the appropriateness of services to meet the student's 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 half-day preschool program,
- a full-day 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

Related Services defined in Section 4401 of Education Law 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 as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device or the replacement of such device. Related services are provided at a site determined by the Board of Education including, but not limited to:

- an appropriate or licensed pre-kindergarten,

- a Head Start Program,
- the worksite of the provider,
- the child's home*,
- a hospital,
- a State facility,
- a child care location,

SPECIAL EDUCATION ITINERANT SERVICES

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

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

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

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

- **Direct Services:** Specialized individual or group instruction to a preschool student to aid the student from 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 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 provided not less than two hours per week, and the total number of students with disabilities assigned to the special education teacher should not exceed 20. Related services may be provided in addition to SEIT services in accordance with the student's IEP.

INTEGRATED SPECIAL CLASS

Integrated special class programs are defined as those programs employing a special education teacher and one or more supplementary school personnel in a classroom made up of no more than twelve (12) preschool students with and without disabilities, or a classroom that is made up of no more than twelve (12) preschool students with disabilities staffed by a special education teacher and one or more supplementary school personnel that is housed in the same physical space as a preschool class of students without disabilities taught by a non-special education teacher.

SPECIAL CLASS (HALF OR FULL DAY)

A special class is defined as a class consisting of students with 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, where:

- the chronological age range within special classes shall not exceed 36 months;

- the maximum class size shall not exceed 12 preschool students with at least one teacher and one or more supplementary school personnel assigned to each class. If the CPSE recommends a preschool student to an approved program which has no space in the specific class which will meet the student's unique needs as recommended on the IEP, the approved program may temporarily increase the enrollment of a class up to a maximum of 13 preschool students for the remainder of the school year. If the attendance during the instructional time exceeds 12 students, another staff member shall be assigned to the class; and
- services shall be provided not less than 2 ½ hours per day, 2 days per week.

RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES

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

SECTION 3: COMMITTEE ON SPECIAL EDUCATION

COMMITTEE ON SPECIAL EDUCATION MEMBERSHIP

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

- the parent or person in parental relationship to the student;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a school psychologist;
- the CSE Chairperson who is a representative of the District qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the School District. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, special education teacher or provider, the school psychologist, or District representative described above;
- the school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
- a parent of a student with a disability who resides in the District or a neighboring school district, provided that the additional parent member may be the parent of a student who has been Declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years. Such parent is not a required member if the parent(s) of the student request that the additional parent member not participate in the meeting;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the School District or the parents shall designate; and
- whenever appropriate, the student with a disability.

MEMBERSHIP OF THE SUB-COMMITTEE ON SPECIAL EDUCATION

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

- the parent or person in parental relationship to the student;

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

ROLE AND RESPONSIBILITIES OF THE CPSE OR CSE SUB-COMMITTEE CHAIRPERSON

The CSE or CSE Subcommittee Chairperson will:

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

CSE MEMBER ATTENDANCE

A member of the CSE is not required to attend a meeting of the Committee, in whole or in part, if the parent and the School District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. A member of the CSE, other than the student's parent may be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parent and the School District consent, in writing, to the excusal; and
- the excused member submits to the parent and the Committee, written input into the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.

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

A parent retains the right to request and/or agree with the School District to excuse a member at any time, including where:

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

Requests for excusals do not apply to the parent of the student.

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

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

DEFINITION: "STUDENT WITH A DISABILITY"

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

Autism: means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance (as defined below). 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 general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

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

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

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

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

Orthopedic Impairment: means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

Other Health Impairment: means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder or Tourettes Syndrome, which adversely affects a student's educational performance.

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

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

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

PROCEDURES OF THE COMMITTEE ON SPECIAL EDUCATION (CSE)

REFERRAL

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

A student suspected of having a disability shall be referred in writing to the Chairperson of the Committee on Special Education or to the school building administrator. The School District must initiate a referral and promptly request parental consent to evaluate the student to determine if the student needs special education services and programs if a student has not made adequate progress after an appropriate period of time when provided instruction within a multi-tiered problem-solving approach that utilizes systematically applied strategies and targeted instruction. A referral may be made by:

- a student's parent or guardian including an individual who is acting in the place of a birth or adoptive parent including a grandparent, step-parent, or other relative with whom the child resides;
- a designee of the School District in which the student resides;
- the Commissioner; and/or
- a designee of an education program affiliated with a child care institution with Committee on Special Education responsibility.

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

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

All new entrants to the District are screened at the time of enrollment and such screening, if it indicates a possible disability, can lead to a CSE referral. The referral must be written and dated.

Except for written requests for referrals submitted by the student and referrals by parents or judicial officers, the referral must state the reasons for the referral and include any test results, records or reports upon which the referral is based. It must also describe, in writing, efforts made by the school and parent to resolve the difficulties leading to referral or to meet the needs of the student in the general classroom setting, including classroom strategies, intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral. It must also describe the extent of parental contact or involvement prior to the referral. If a referral is received by the building administrator, it must be forwarded to the CSE Chairperson immediately. If a referral is received by the CSE Chairperson, a copy will be forwarded to the building administrator within five school days of its receipt.

Within ten school days of receiving a written request for referral for an initial evaluation, the School District will notify the parent that a referral for an evaluation has been received and either:

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

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

The parent will be provided with information regarding the evaluation, the procedural safeguards notice which includes a listing of free or low-cost legal and other relevant services in the area, sources to obtain assistance in understanding the referral and evaluation process, and a copy of A Parent's Guide to Special Education. Translations are provided to assist parents as needed.

WITHDRAWAL OF REFERRAL

Within ten (10) school days following receipt of a CSE referral or a copy of a referral, the building principal may decide to meet with the parent and/or student to discuss educational services presently being offered and to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of Educationally Related Support Services, Speech/Language Services, Remedial Instruction, and Academic Intervention Services.

The professional staff member who made the referral should also attend this meeting. If at the meeting, the parent and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral 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 District, the parent, and the student, if appropriate, with copies of the agreement. All such agreements about withdrawal of a CSE referral must be in writing and must specify the alternative services to resolve the identified learning difficulty of the student and provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress. A copy of the agreement becomes a part of the student's cumulative educational record. A copy of the agreement must be in the native language of the parent.

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

EVALUATION AND RECOMMENDATION

The initial evaluation shall be completed within sixty (60) calendar days of receipt of consent unless extended by mutual agreement of the student's parents and the CSE. The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability and the content of the student's Individualized Education Program, including information related to enabling the student to participate and progress in the general education curriculum. The individual evaluation of the referred student must include, at no cost to the parent, at least:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school-age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the Committee;
- an observation of the student in the student's learning environment, including the general education classroom setting, or in the case of a student who is less than school-age or out of school, an environment appropriate for a student of that age, to document the student's academic performance or 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:

- assessments and other evaluation materials used to assess a student:
 - are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
 - are used for purposes for which the assessments or measures are valid and reliable;
 - are administered by trained personnel in accordance with the instruction provided by those who developed such assessments; and
 - are selected and administered so as not to be discriminatory on a racial or cultural basis;
- assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
- assessments are selected and administered to ensure that, when an assessment is administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the assessment purports to measure;
- materials and procedures used to assess a student with limited English proficiency be selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English/Language skills;
- no single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;
- the evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;
- the evaluation is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified;
- technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
- assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
- the student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities;
 - students age twelve (12) and those referred to special education for the first time who are age twelve (12) and over, shall receive an assessment that includes a review of school records and total assessments, and parent and student interview to determine vocational skills, aptitude and interests;
 - the results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication unless it is clearly not feasible to do so;
 - 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; and
 - no student shall be required to obtain a prescription for a drug or other substance as a condition of receiving an evaluation.

Existing evaluation data on the student will be reviewed, including evaluations and information provided by the child's parents, current classroom-based assessments, local or State assessments, classroom-based observations, and teacher and related service provider's observations.

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

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

- A written notice will be sent to parents at least five days prior advising them of the meeting. The parent may elect to receive the notice of meetings by electronic mail (e-mail) communication if the School District makes this option available.
- At least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call.
- For a sub-committee meeting, the special education or primary related service provider will make and document attempts to contact the parent. This will include a telephone call and a note sent home with the student. The Special Education Office will be notified to document the attempts.
- The parent and the School District may agree to use alternative means of meeting participation, such as video-conferences and conference telephone calls.

ELIGIBILITY DETERMINATION

When an evaluation is completed, the Committee, including the parent and, if appropriate, the student, meets to review the evaluation information to determine eligibility for special education and, if appropriate, develop an Individualized Education Program (IEP). The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure the appropriateness of reading and math instruction and that all general education resources including Educationally Related Support Services and Academic Intervention Services have been considered prior to determining that the student should receive special education services. In interpreting data for the purpose of determining if a student is a student with a disability and determining the educational needs of the student, the CSE must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior and ensure that information obtained from all these sources is documented and carefully considered. In making a determination of eligibility for special education and related services, a student shall not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies, lack of appropriate instruction in math or limited English proficiency. In determining whether a student has a learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures. The District is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation or mathematical reasoning. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade. The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible, the evaluation results are shared with the parents before any meeting to discuss the identification, evaluation or educational placement of the student. Consensus is the preferred decision making process. When evaluations are conducted for the purpose of determining a student's eligibility or continuing eligibility for special education, the CSE must give a copy, at no cost, of the evaluation report and the documentation of the determination of eligibility to the student's parent. The results of the evaluation will be provided to the parent in their native language or other mode of communication. If the Committee determines that the student is **ineligible** for special education:

- The Committee will provide notice to the parent of the recommendation. The parent will receive procedural safeguards, a copy of the evaluation report and the documentation of determination for ineligibility.
- The Committee will provide a copy of the recommendation and appropriate evaluation information to the building administrator for consideration of Educationally Related Support Services to address student's needs.
- The Committee will provide the recommendation to the Board of Education. If the student has been receiving special education services, but it is determined by the Committee on Special Education that the student **no longer needs special education services** and can be placed in a regular 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; and
 - indicate the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue for more than one year after the student enters the full-time regular education program.

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

- the Committee will develop a written recommendation and an IEP;
- the Committee will document least restrictive environment considerations;
- the Committee will document special considerations for students whose behavior impedes learning, students who are deaf or hard of hearing, students who are blind or visually impaired, students with limited English proficiency and students who need assistive technology devices or services.

NOTICE OF RECOMMENDATION

After the determination of eligibility or ineligibility by the CSE, a notice of this recommendation is provided to parents. This notice of recommendation, also known as a Prior Written Notice (PWN), must be given 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, educational placement of the student or the provision of a free appropriate public education to the student. The Prior Written Notice issued during the 2011-12 School Year and thereafter will be on a form prescribed by the Commissioner, effective July 1, 2011.

"Prior Written Notice (PWN)": means written statements from the School District that inform the parent(s) about recommendation(s) relating to the initiation or change in the identification, evaluation, and educational placement of the student or the provision of a Free Appropriate Public Education (FAPE) to the student.

The School District must give the parent(s) Prior Written Notice a reasonable time before the District proposes to or refuses to initiate or change the identification, evaluation, and educational placement of the student or the provision of FAPE to the student. If a proposed action by the School District requires parental consent, the District must give prior notice at the same time it requests the parent's consent.

The notice must be written in language understandable to the general public and provided in the native language of the parent(s) or other mode of communication used by the parent(s), unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent(s) are not a written language, the School District must take steps to ensure that:

- the notice is translated orally or by other means to the parent(s) in his or her native language or other mode of communication;
- the parent(s) understands the content of the notice; and
- there is written evidence that the above requirements have been met.

At a minimum, each Prior Written Notice must include the following:

- description of the action(s) proposed or refused;
- explanation of why the action is proposed or refused;
- description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action;
- description of other options considered and the reasons why those options were rejected;

- description of other factors that are relevant to the proposed or refused action;
- statement that the parent(s) of a student with a disability has protection under the Procedural Safeguards of Federal and State Law and, if the notice is not an initial referral for an evaluation, the means by which a copy of the New York State Education Department (NYSED) Procedural Safeguards Notice can be obtained; and
- sources for the parent(s) to contact to obtain assistance in understanding the special education process.

The notice must also inform the parent(s) of their right to address the Committee, either in person or in writing, on the appropriateness of the Committee's recommendations.

The District must, specific to the subject of the notice, include additional information in the Prior Written Notice to the parent and, in some instances, attach or enclose other documents which must be provided to the parent at the same time that the prior notice is given to the parent.

Additional information to include in the notice is the following:

- A description of the proposed evaluation or reevaluation and the uses to be made of the information.
- A statement that the parent(s) may submit evaluation information which, if submitted, must be considered by the Committee as part of its evaluation or review.
- A request for written parental consent to the proposed initial evaluation or reevaluation.
- Procedural safeguards notice.
- Upon a determination that the evaluation will be based solely on a review of existing evaluation information and that additional data are not needed, a statement of that determination and the reasons for it and of the right of the parent(s) to request an assessment to determine the student's eligibility for special education and educational needs.
- Request for parental consent for initial placement (including, if appropriate, initial recommendation for twelve (12) month programs and services).
- Provide notice to the Board of Education.

If the Committee determines that the student is **eligible** for special education, an **IEP (Individualized Education Program)** is prepared. IEP's developed on or after September 1, 2009, will be on a form prescribed by the Commissioner. In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents; the academic, developmental and functional needs of the student including, as appropriate, the results of the student's performance on any general State or District-wide tests; and other factors unique to the student's disability.

The IEP indicates the classification of the disability, the recommended placement, class size, and includes a statement of:

- the student's present level of academic achievement, functional performance and individual needs in academic, social, physical and management areas, including how the disability affects the child's involvement and progress in the general education curriculum;
- each measurable annual goal, including academic and functional goals, shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal during the period beginning with placement and ending with the next scheduled review by the Committee;
- the IEP shall identify when periodic reports on the progress the student is making towards the annual goals, such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards, will be provided to the student's parents;
- for a student who takes a New York State Alternative Assessment and for each preschool student with a disability, the IEP will include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal;

- 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 the child 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 recommended program and services shall, to the extent practicable, be based on peer-reviewed research;
- the general education classes in which the student will receive consultant teacher services;
- a statement of supports for school personnel on behalf of the student;
- the extent to which the student's parents will receive parent counseling and training, when appropriate;
- any assistive technology devices or services needed for the student to benefit from education, including the use of the devices in the student's home or in other settings;
- 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 regular physical education program, the extent to which the student will participate in specially designed instruction in physical education, including adapted physical education;
- if the student will participate in an alternate assessment on a particular State or District-wide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student;
- a statement of any individual testing accommodations to be used consistently for the student in the recommended educational program and in the administration of District-wide assessments of student achievement, and in accordance with department policy, State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student; and
- the projected date for the initiation of special education, related services and modifications, the anticipated frequency, location, and duration of those services and the projected date of review of the student's continued need for such services.

CONSIDERATION OF SPECIAL FACTORS

The CSE shall:

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

IEP IMPLEMENTATION, DISTRIBUTION AND PLACEMENT

Within sixty (60) calendar days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) calendar days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services. If a recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within thirty (30) calendar days of the Board's receipt of the recommendation of the Committee. Notice of the recommendation will be provided to the parent, including Procedural Safeguards Notice. If the Board of Education disagrees with the Committee's recommendation, the Board may remand the recommendation back to the Committee for reconsideration and provide notice to the parent. The Board may also establish a second committee to develop a new recommendation for the student:

- If the Board disagrees with the recommendation of the second committee, it may remand the recommendation back to the second committee for additional reviews.
- The Board must accept the recommendation of the second committee once the Board authorizes a second committee to make a new recommendation.
- In all cases, the Board must arrange for programs and services within sixty (60) calendar days of receipt of consent to evaluate, except in those instances described above.

The CSE must ensure that:

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

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

TRANSFER STUDENTS

Transfer 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 our District within the same academic year, 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 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 a new 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 if appropriate.

ANNUAL REVIEW, TRIENNIAL EVALUATION AND DECLASSIFICATION

The Individualized Education Program (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 are taken to ensure that the parent attends the meeting. This review is conducted to determine the child's present levels of performance and educational needs, continued eligibility and need for special education service, and whether any modifications or additions to the special education and related service program are needed to enable the child to meet the measurable annual goals of the IEP.

The annual review will consider: the strengths of the student; the concerns of the parents for enhancing the education of their child; the results of the most recent evaluations including, as appropriate, the results of any general State or District-wide assessments; the student's academic, developmental and functional needs; the educational progress and achievement of the student; and the student's ability to participate in instructional programs in regular 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 such consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home either via mail or with the student. If the parent refuses consent, the District must resolve the matter through a mediation agreement or an Impartial Hearing before conducting the new test or assessment as part of the reevaluation.

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, local or State assessments, classroom-based observations, and teacher and related service providers' observations, is conducted to determine what additional data, if any, is needed.

This review shall not constitute a CPSE/CSE 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. The parent is notified of the right to request an assessment and that the District is not required to conduct such an assessment unless requested by the student's parents.

The Committee on Special Education will arrange for an appropriate reevaluation of each student with a disability if the District determines that the educational or related service needs, including improved academic achievement and functional performance of the student warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year, unless that parent and representative of the School District appointed to the CSE agree otherwise. A reevaluation shall take place at least once every three years and will be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialists with knowledge in the area of the student's disability. The parent and the School District may agree, in writing, that a three-year reevaluation is unnecessary. If conducted, the three-year evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the Committee on Special Education in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the School District shall encourage the consolidation of reevaluation meetings and other Committee on Special Education meetings for the student. When evaluations are conducted with the purpose of determining continuing eligibility for special education, the CSE will provide a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent.

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

District for an amendment to the IEP and the parent and the District agree, in writing; or the School District provides the parent with a written proposal to amend a provision or provisions of the IEP that is conveyed in language understandable to the parent, and informs and allows the parents the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes. The parent must agree, in writing, to such amendments and must be provided Prior Written Notice (notice of the recommendation) of the changes to the IEP. The CSE must be notified of any changes made to the IEP. The parent must also receive either a rewritten IEP or document that amends or modifies the IEP, or upon parental request, a revised copy of the entire IEP with amendments incorporated. Amendments made to an IEP without a meeting do not affect the requirement that the CSE must review the IEP at the annual meeting, or more often if necessary.

Before determining that a student is no longer eligible to receive special education services, an evaluation needs to be conducted. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, social work, speech and language services, or the assistance of an aide or consultant to the classroom teacher. Continuation of test modifications upon declassification is not automatic. The CSE may determine that the test modifications previously documented in a student's IEP must continue to be consistently provided to the student for the balance of his or her public school education.

CONTINUUM OF SERVICES: COMMITTEE ON SPECIAL EDUCATION (CSE)

Transitional Support Services:

When specified in a student's Individualized Education Program, transitional support services are provided to a teacher on a temporary basis to aid in the provision of an appropriate educational program to the student with a disability who is transferring to a general education program or to a less restrictive program or service. These services are temporary and do not continue beyond one year. These services may be provided by the building psychologist, a special education teacher, a speech/language therapist, physical therapist, occupational therapist or other appropriate professional who understands the specific needs of the student with a disability.

Consultant Teacher Services:

Consultant Teacher Services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes, including career and technical education, and/or to students' general education teachers. These services shall be recommended by the Committee on Special Education to meet a student's specific needs and the student's Individualized Educational Program (IEP) shall indicate the general education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

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

Related Services:

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

counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of such device.

- The frequency, duration and location of each service shall be in the IEP based on the individual student's need for the service.
- Speech/language services will be provided a minimum of one (1) to two (2) 30 minute sessions each week. Total caseload for teachers will not exceed sixty-five (65).
- When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five (5).

Resource Room:

The Resource Room Program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental programs.

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

Intensive Consultant Teacher (ICT) Local Program:

The Intensive Consultant Teacher model is a modified program to the integrated co-teaching model. Within this program, specially designed instruction and academic instruction is provided to a group of students with disabilities within a general education setting. In order to ensure fidelity and integrity of program, the maximum number of students with disabilities receiving this program (listed as consultant teacher services) shall not exceed 7 students. School personnel assigned to each of these classes shall minimally include a special education teacher (daily for 2 hrs. 12 min.), along with a general education teacher. Additional supplementary school personnel (i.e. - teacher assistant) assigned to such classes, by the District, may not serve as the special education teacher.

Special Class-Integrated:

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

- The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEP's, provided that effective July 1, 2008, the number of students with disabilities in such classes shall not exceed 12 students.
- School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.
- Additional personnel, including supplementary school personnel (i.e.-teacher assistant) assigned to such classes by the District, may not serve as the special education teacher.

Special Class:

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

Out-of-District Placement:

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

- special class operated by another school district,
- a BOCES program,
- an approved Private School (day),
- 4201 or State Operated School,
- an approved Residential Placement

Home and Hospital Instruction:

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

- Elementary school students will be provided a minimum of five (5) hours per week (up until Grade 6); secondary students will be provided a minimum of ten (10) hours per week.

Declassification Support Services:

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 student may be considered for declassification support services.

Declassification Support Services are as defined in Part 100 of the Commissioner's Regulations. Test accommodations may be continued as recommended by the Committee on Special Education.

SECTION 4: ADDITIONAL EVALUATION, IEP AND PLACEMENT CONSIDERATIONS

ARRANGEMENT OF SPECIAL EDUCATION PLACEMENTS - CPSE AND CSE

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

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

For CSE, placement shall be completed within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or within 60 school days of referral for review of a student with a disability.

For placement in approved in-state or out-of-state private school placements, the Board shall arrange for such programs and services within 30 school days of receipt of the recommendation of the 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 appropriate recommended program/services prior to Board of Education review.

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

ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES

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

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

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

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

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

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

- does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the identified areas when using a process based on the student's response to scientific, research-based intervention; or
- exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments; and

- the CSE determines that its findings under this paragraph are not primarily the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

In addition to the above criteria, the CSE is not prohibited from considering whether there is a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation and/or mathematical problem solving, provided that effective on and after **July 1, 2012**, a school district shall not use the severe discrepancy criteria to determine that a student in Kindergarten through Grade 4 has a learning disability in the area of reading.

SPECIFIC DOCUMENTATION FOR THE ELIGIBILITY DETERMINATION

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

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

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

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

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

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

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

PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS (ELL STUDENTS)

Screening:

There are formal procedures that have been established for screening children who enter the school district. These procedures are aligned to Part 117 of the Diagnostic Screening of Pupils and Part 154 of the NYSED regulations/mandates. The ELL-LEP Student Identification Process has been distributed to all administrators, teachers, related service providers, school committees, and screening personnel. Every district school has the Home Language Survey (HLQ) in the languages provided by NYSED. Families are given the HLQ by a certified bilingual/ ENL teacher.

For students transitioning from the CPSE to CSE (entering Kindergarten), a Language Proficiency Team that is familiar with student's needs (including parent/guardian) is required to convene to discuss the student's language needs and make recommendation if a student with an IEP shall take the statewide English language New York State Identification Test English Language Learner (NYSITELL) assessment.

Each school building is assigned a NYSITELL contact who is trained yearly on the screening process of students who are potential ELLs as well as the necessary tools required for the screening process, which include: HLQ, Informal Interview questions (L1/L2), New York State Identification Test English Language Learner (NYSITELL), Parent notification, Parent Orientation/ Video presentation and Program Placement.

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

Prior to a referral, general education supports are attempted to determine if the student can make progress through these interventions. These supports can include the following: ELL/ENL Program, Academic Intervention Services, ERRS Services, Remedial Reading/Math Support, extra help sessions with the general education teacher, Informal small group instruction, and/or Curriculum modifications.

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

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

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

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

CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR ENGLISH LANGUAGE LEARNERS

The CSE/CPSE 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/CPSE must ensure that all tests and assessment procedures are selected and administered so as not to be discriminatory on a racial or cultural basis.

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

- The CSE referral will indicate the student's native language as determined by the Home Language Survey and other assessments.
- The CSE referral includes a section that must be completed on students who are Limited English Proficient and may also be suspected of having a disability.
- If the student's English proficiency is determined to be insufficient to obtain valid results in English and the home language is not English, the evaluation shall be bilingual.
- If the home language is English but the student is considered Limited English Proficient, an evaluation will be conducted by a professional familiar with the culture and language dialect of the student.
- If the student is from a culturally and linguistically diverse background and English is the home language and the student is considered to be proficient in English, as determined by an English/Language Assessment, the evaluation may be conducted in English; however, the culture and linguistic background of the student will be taken into consideration.
- If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the **Parent's Guide to Special Education** in their native language, if available. SED has confirmed that the publication is available by download, but only in two languages (English and Spanish). Therefore, when the publication is not available in the parents' native language, every effort will be made by our staff to ensure that the parents have a thorough understanding of its contents.
- Upon receipt of a referral that indicates that the home language is not English, due process notices will be mailed to parents in the dominant language. At the CSE/CPSE meeting, an interpreter will be present to explain the results of the evaluations and the proposed recommendations.

The bilingual evaluation will include the following considerations/evaluations:

- the length of time the student has been in the United States;
- the amount of instruction that the student has received in the United States as well as his or her home country;
- the length of time the student has been receiving ESL instruction;
- attendance in school;
- the student's proficiency in his/her native language as well as English proficiency;
- the types of general education supports that the student has received;
- a bilingual evaluator will be obtained who is knowledgeable about the student's geographic area of origin as well as its language and culture;
- BOCES and other agencies may be used for bilingual assessment;
- test instruments in the appropriate language that are normed on the same or similar population as the country from which the student has come will be sought. If such evaluative tools are not available, the evaluator will state in the report specific concerns regarding the instruments that were used and specific cautions to be observed when interpreting the results;
- if specific sub-tests are not considered appropriate because of cultural disadvantage, the evaluator may prorate the results and explain the reasons for this decision in the report;
- student work samples may be submitted to the CSE to provide an informal portfolio assessment that may indicate functional levels;
- non-verbal assessment batteries will be used to supplement more linguistic based measures;
- age-appropriate adaptive behaviors will also be taken into consideration;
- all areas of suspected disability will be evaluated in the student's native language;
- the bilingual evaluator will conduct a complete bilingual social history;
- the evaluation report will state the language in which the assessment was administered; and
- if the tests normally used are not considered valid for the LEP student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

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

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

EXTENDED SCHOOL YEAR (ESY) SERVICES

The Committee on Special Education or Committee on Preschool Special Education will determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression as defined by regulations would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August.

In accordance with Section 200.6(j) of the Commissioner's Regulations, students will be considered for twelve-month (12) special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes.
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment.

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

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

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

ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

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

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

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

GUIDELINES FOR PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE AND DISTRICT-WIDE ASSESSMENTS

The Board of Education believes that students with disabilities should have access to all testing accommodations necessary to participate in State and District-wide assessments in order to ensure that the student's academic achievement and functional performance is fairly and accurately measured. Test accommodations are changes made in the administration of a test, including testing procedures or formats, in order to remove obstacles to the test-taking process caused by a student's disability, that do not alter the measurement of a construct. The District recognizes that the provision of testing accommodations to students with disabilities enables such students to participate in assessment programs on an equal basis with their nondisabled peers. Testing accommodations provide students with disabilities the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by their disability. Further, testing accommodations provide opportunity for students with disabilities to gain access to more challenging courses and programs.

Therefore, the Board adopts the following guidelines to ensure that all State and District-wide assessments are administered using appropriate accommodations:

- Test accommodations must be provided on a consistent and uniform basis, as provided by each student's IEP and should not be excessive nor alter the standard administration of the test to the least extent possible.
- Test accommodations are neither intended nor permitted to:
 - alter the construct of the test being measured or invalidate the results;
 - provide an unfair advantage for students with disabilities over students taking tests under standardized conditions; or
 - substitute for knowledge or abilities the student has not attained.
- The following students are eligible to receive test accommodations:
 - students classified by the CSE or CPSE as having a disability;
 - students identified as having a disability pursuant to Section 504 of the Rehabilitation Act by a 504 Multidisciplinary Team;
 - students who incur disabilities for 30 days or less before administration of a District-wide test and who are authorized by the principal to receive test accommodations; and
 - students previously declassified by the CSE or CPSE who are provided with declassification accommodations.
- The following individuals are authorized to make the decisions regarding test accommodations for a student with a disability:
 - the CSE or CPSE, if the student is classified under IDEA and the Commissioner's Regulations or if the student has been declassified;
 - the Section 504 Multidisciplinary Team for those students identified as having a disability pursuant to Section 504 of the Rehabilitation Act;
 - the school principal, for general education students who have incurred a short or long-term disability within 30 days before administration of assessments and where sufficient time is not available for the development of an IEP or 504 Plan.
- All appropriate testing accommodations will be designated in a student's IEP or 504 Accommodation Plan and will be reviewed at least annually by the CSE or CPSE or 504 Multidisciplinary Team, except for declassification accommodations.
- Steps shall be taken to ensure that teachers and service providers are aware of test accommodations for students and how they are to be implemented.

VOCATIONAL ASSESSMENT POLICY

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 staffs 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 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.

Level of Vocational Assessment:

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

- **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.
- **Level II Vocational Assessment** is more focused and involves administration of standardized tests, which look in further detail at interests, vocational skills and specific aptitudes and abilities. This assessment 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.
- **Level III Vocational Assessment** is a situational assessment conducted while a student is actually engaged in work-related/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. This type of assessment is usually reserved for more multi-disabled students whose disabilities are very severe. In all cases, the assessments keep the student's unique interests, needs and desires in the forefront during the evaluation and decision-making process.

TRAVEL TRAINING

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

SECTION 5: PROCEDURAL SAFEGUARDS

DUE PROCESS

A mandatory Procedural Safeguards Notice has been provided to school districts by the New York State Education Department. The Procedural Safeguards Notice must be provided to the parents of a student with a disability, at a minimum one time per year and also upon:

- initial referral or parental request for evaluation;
- the first filing of a due process complaint notice to request mediation; or
- and Impartial Hearing; and
- upon request of a parent.

PRIOR WRITTEN NOTICE

“Prior Written Notice” means: written statements provided to the parents of a student with a disability a reasonable time before the District proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

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

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

INFORMED CONSENT (CSE AND CPSE)

“Consent” means:

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

Written Parental Consent Requirement Prior to Initial Evaluation:

Upon receipt of a referral to the CSE/CPSE 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 CSE/CPSE regarding the referral. The reason for the referral and the evaluation process is explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and **A Parent’s Guide to Special Education**. Translations are provided to the parent, as needed. If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for an initial evaluation, no further action will be taken by the CPSE until such consent is obtained.

If the parent of a school-age child, except one who is home-instructed or placed in a private school at the parent's expense, does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the Chairperson will document attempts, including telephone calls and correspondence, to obtain parental consent and will notify the Board of Education that it may, but is not required to, utilize the due process procedures to permit the District to conduct an evaluation of the student without the consent of the parent.

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

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

- a student enrolls in District after parental consent has been received and prior to a determination by the previous school district as to whether the student is a student with a disability. The District will ensure prompt completion of the evaluation. The parent and School District will agree to a specific time when the evaluation will be completed; or
- the parent of the student repeatedly fails or refuses to produce the student for the evaluation.

Initial Provision of a Twelve (12) Month Program or Service:

If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent for initial placement is requested. If a parent refuses to give written consent, the District may not deny the parent or child any other service, benefit, or activity of the School District, except for the recommended special education service. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of the student refuses to consent or fails to respond to a request to provide consent to the provision of special education programs and services, the School District shall not provide special education services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The School District will not be considered to be in violation of the requirements to make available a free appropriate public education for the failure to provide the student with the special education program and services for which the District requests consent. The District will not be required to convene a meeting of the Committee on Special Education or develop an IEP for the special education program and services for which the School District requests consent.

Initial Provision Of A Twelve (12) Month Program Of Service:

The procedures detailed above apply.

REVOCAION 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 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.

Reevaluation:

Parental consent will be requested prior to conducting a reevaluation of the student with a disability; however, the District may proceed with the reevaluation if the parent does not respond and reasonable efforts have been made to obtain such consent.

Reasonable efforts are interpreted as:

- a written notice is sent to the parents requesting consent for the reevaluation; and
- at least one additional attempt is made to notify the parents; this may mean an additional written notice or a telephone call.

A detailed record of the District's attempts and the results of those attempts will be maintained.

Withdrawal of Referral:

Parental consent will be requested if a parent decides to withdraw a referral for special education.

Requests For Records/Other Communications With Non-District Personnel:

Parent consent is requested for the following:

- release of CSE records to another agency/individual;
- request for copies of reports/evaluations from another agency/individual; and
- request for verbal communications with another agency/individual.

* See section on **Special Education Records: Access and Accessibility** for further information in this regard.

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

INDEPENDENT EDUCATIONAL EVALUATIONS

At the time of CSE initial or reevaluation, the Office of Special Education will inform parents of their right to an independent educational evaluation by providing them with a copy of the Procedural Safeguards Notice. If the parents disagree with the evaluation conducted by the CSE, parents may request an independent educational evaluation at District expense. A parent is entitled to only one independent educational evaluation at public expense each time the School District conducts an evaluation with which the parents disagree. 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 to the parents upon request.

The School District may ask for the parent's reason why he or she objects to the public evaluation. 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 criteria. If a hearing officer determines that the District's evaluation was appropriate or the evaluation obtained by the parent did not meet School District criteria, the parent has the right to an independent educational evaluation, but not at public expense.

Any independent educational evaluation whether paid for by the parent or by the School District, will be reviewed by the CSE and taken into consideration in its decision with respect to the provision of a free appropriate public education.

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

- the qualifications of the evaluator(s) and the location of the evaluation shall be the same as the criteria which the District uses when it initiates an evaluation;
- psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
- other evaluators should be appropriately certified in the area of their specialty by the New York State Education Department, must have experience in the area of their specialty and must have experience with students of a similar age;
- the evaluation will take place within the boundaries of the metropolitan area; for example, within Nassau, Suffolk, Queens and Manhattan;
- 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;
- the cost of an independent evaluation requested by a Hearing Officer shall be at District expense; and
- reimbursement will not be in excess of the reasonable cost of such evaluation established by Regional BOCES, 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 following fee schedule:

➤	Psycho Educational Evaluation	\$1,600.00
	Neurological Evaluation	850.00
	Educational Evaluation	500.00
	Speech/Language Evaluation	500.00
	OT Evaluation	450.00
	PT Evaluation	450.00
	Psychiatric Evaluation	\$1,000.00
	Neuropsychological Evaluation	3,500.00
	Audiological Evaluation	550.00
	Assistive Technology Evaluation	2,000.00

A suggested list of providers can be found below. This is not an exhaustive list of available providers and parents may use other professional providers meeting the qualifications stated above.

Resources For Independent Evaluations:

Cohen's Children's Hospital
 Developmental and Behavioral Pediatrics
 1983 Marcus Avenue, Suite 130
 Lake Success, NY 11042
 (516) 802-6100

North Shore University Hospital
 Center for Neuropsychological Services.
 400 Community Drive
 Manhasset, N.Y. 11030
 (516) 562-3054

Nassau University Medical Center
 Child Development Center
 2201 Hempstead Turnpike
 East Meadow, N.Y. 11554
 (516) 572-5914

Hofstra University
 Hempstead Turnpike.
 Hempstead, N.Y. 11550

Saltzman Speech-Language-Hearing Clinic
 (516) 463-7777/ 7075

Psychol. Eval. & Research/Counseling Clinic
 (516) 463-5660

North Shore Child & Family Guidance Center
 480 Old Westbury Road
 Roslyn Heights, NY 11577
 (516) 626-1971

Adelphi University
 Garden City, NY 11530
 Center for Psychological Services
 (516) 877-4820

Fay J. Lindner Center for Autism
4300 Hempstead Turnpike
Bethpage, NY 11714
(516) 802-8600

Cody Center for Autism/Developmental Disab.
Stony Brook Medical Center
5 Medical Drive
Port Jefferson Station, NY 11794
(631) 632-3070

Hy Weinberg Center for Communication Disorders
(516) 877-4850

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, the student is a ward of the State, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. The list is approved at the annual 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 agencies involved in the education or care of the student. To the extent possible, an effort is made to appoint surrogate parents who:

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

Procedures For Assigning Surrogates:

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

- Any person whose work involves education or treatment of students, who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent, with the Committee on Special Education.
- 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.
- 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. Where the student is known to the District to be a ward of the State, reasonable efforts to discover the whereabouts of the parent shall include consultation with the local social service agency responsible for the care of the student. The determination of the need for a surrogate parent shall be completed within a reasonable time following the receipt of a referral for an initial evaluation, reevaluation or services. If the CSE finds there is a need for a surrogate parent, one who meets the qualifications identified above shall be selected from the list approved by the Board of Education within 10 business days of the date of the determination by the CSE of the need for the surrogate parent.
- Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
- The foster parent of the student, who otherwise meets the qualifications, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.
- The surrogate parent alternatively may be appointed by the judge overseeing the child’s case, provided that the surrogate parent meets the requirements above. The individual appointed by the judge need not be appointed from a list approved by the Board of Education.

SPECIAL EDUCATION MEDIATION

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

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

Unlike an Impartial Hearing, at the end of which the Impartial Hearing Officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. In the case that a resolution to resolve the complaint through the mediation process is reached, the parents and School District representative will execute a legally binding written agreement that details the resolution and states that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal or State court. The agreement will be signed by both the parent and representative of the School District who has the authority to bind the School District. The written, signed agreement is enforceable in any State or district court.

If the written agreement reached by the parties in mediation is inconsistent with the student’s IEP, then the student’s IEP must be immediately amended to be consistent with the mediation agreement.

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

RESOLUTION PROCESS

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

The parent and the School District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute. If the parent and District reach an agreement to resolve the complaint during the resolution process, a legally binding agreement shall be signed by both the parent and a representative of the District who has the authority to bind the School District. This agreement shall be enforceable in any State or district court of the United States. Either the parent or School District may void the agreement within three business days of the agreement's execution.

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

Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent to file a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held.

If the School District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the School District may, at the conclusion of the 30-day period, request that an Impartial Hearing Officer dismiss the parents' due process complaint.

If the School District fails to hold the resolution meeting within 15 days of receipt of the parents' due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the Impartial Hearing Officer to begin the due process hearing timeline.

APPOINTMENT OF IMPARTIAL HEARING OFFICERS

The Board of Education annually establishes and maintains a list of names and qualifications of Impartial Hearing Officers available to serve in the School District from whom the District shall choose an Impartial Hearing Officer.

A certified Impartial Hearing Officer shall:

- beginning September 1, 2001, be a New York State attorney in good standing with a minimum of two years' practice and/or experience in the areas of education, special education, disability rights or civil rights; or be independent and not an officer, employee or agent of the School District or of the Board of Cooperative Educational Services (BOCES) of which the School District is a component or an employee of the State Education Department;
- continue to remain qualified as an IHO if the individual was certified as an IHO prior to September 2001;
- not have been employed by a school district, school or program serving students with disabilities placed there by a school district CSE or an officer, employee or agent of a school district for two years following the termination of such employment;
- have access to the support and equipment necessary to perform the duties of an IHO;
- successfully complete a State Education Department training program; and
- attend such periodic update programs as may be scheduled by the Commissioner.

Appointment:

The updated list of certified IHO's for this County promulgated by the New York State Education Department, will be used in connection with all requests for impartial due process hearings. The list shall include the names of those certified IHO's who appear on the State list for the County of Nassau or who have indicated their interest in serving in such capacity in the Westbury U.F.S.D.

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

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

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

The District Clerk or designee, shall then proceed through the list to determine availability of the next successive IHO. Upon identifying the next IHO on the list who is available to serve, the Board of Education President shall appoint such person to serve as the IHO.

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

Procedures:

- The selection of an Impartial Hearing Officer must be made from a list of all Hearing Officers who are certified, pursuant to the Regulations of the Commissioner 200.1 (X) 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 Officer whose name next appears on the list shall be offered appointment, until such appointment is accepted. These attempts will be documented.

Compensation:

The District shall compensate an Impartial Hearing Officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. There is no maximum per diem number of hours for which an IHO can be compensated. Pre-hearing activities include scheduling the time and location of the hearing, conducting pre-hearing conferences, arranging for witnesses and subpoenas, and writing letters to the parties involved in the hearing. Hearing activities include the hearing, participating in settlement discussions and arranging for subsequent hearing dates. Post-hearing activities include researching material pertinent to the issues raised at the hearing, reviewing the hearing records, exhibits, memoranda of law and writing the decision. In addition, Impartial Hearing Officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current District reimbursement rate set for employees. Mailing costs associated with the hearing will also be reimbursed.

Impartial Hearing Officers will be reimbursed for automobile travel in accordance with the current Internal Revenue Code mileage rate. If the travel distance from the home/office of the Impartial Hearing Officer is more than 200 miles from the hearing location, the Impartial Hearing Officer may be reimbursed for air travel using a commercial airline carrier where tickets are purchased at the economy rate for round trip tickets. Prior to confirming the purchase of airline tickets, the Impartial Hearing Officer must inform the District of his/her wish to travel by airline.

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

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

For further information concerning the impartial hearing process, refer to the "NEW YORK STATE EDUCATION DEPARTMENT PROCEDURAL SAFEGUARDS NOTICE".

GUARDIAN AD LITEM

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

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

SECTION 6: RECORDS ACCESS AND CONFIDENTIALITY

NOTICE OF RIGHTS CONCERNING STUDENT RECORDS

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

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data directly related to their child, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age shall make a request for access to a student's (their own) school records, in writing, to the elementary principal of the building to which such student is assigned. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Superintendent of Schools.

- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The District shall maintain directory information regarding its students. Directory information consists of personal information about individual students and includes the student's name, address, telephone listing, date and place of birth, dates of attendance, educational institutions attended. Directory information shall be disclosed for limited purposes and to a limited number of District-related groups, committees, associations and organizations such as PTA and SEPTA.
- At the beginning of each school year this policy remains in effect. The District shall notify parents, guardians and students eighteen years old and older ("eligible students"), either by direct mail or by other District-wide publication, or both, of those categories of information that constitute directory information. Thereafter, parents, guardians or eligible students shall have a reasonable period of time in which to inform the District that any or all of the information designated as directory information may not be released without the individual's consent. Any objection to such disclosure of directory information, and any request to be excluded from the list of directory information to be disclosed, shall be submitted in writing to the Superintendent of Schools, no later than three weeks after the mailing of notice to parents, guardians or eligible students, or notice in a District-wide publication.

STUDENT RECORDS REGULATIONS (DEFINITIONS)

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

"Student": any person who has received educational services or instruction within the District. This includes students who receive preschool services from the Westbury U.F.S.D.

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

"Parent": either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the District has received notice of such court order or document. The term **"parent"** also includes a guardian who has been appointed by a court or who had demonstrated, to the satisfaction of the principal, that he or she is the actual and only person responsible for the child and for making decisions on the child's behalf.

Non-custodial parents have the same rights concerning access to their child's educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him or her, the opportunity to present a court order or other binding instrument barring the release of the date requested.

"Education Record": a record which is maintained within the School District which relates to the preschool, elementary, or secondary school education of a student within the District and which is accessible to more than one educator or other professional within the School District.

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

RECORDS KEPT IN THE DISTRICT, THEIR LOCATION AND CUSTODIAN

Student Cumulative Records: The student's cumulative record is initiated upon the student's entry into school, and follows the student through his/her school career. By the time the student completes secondary school, the record will include the following kinds of information: personal identification data; attendance records; health history; end-of-the-year development suggestions; report cards; standardized transcript, correspondence which is pertinent to the educational development of the student; records of suspensions or other disciplinary matters; and honors and awards.

The Freedom of Information Law, Chapter 933 of the Laws of 1977, provides for unimpaird access to the records of government agencies by the public. The Westbury U.F.S.D. makes student records available for review by parents and guardians.

Records Maintained at:

Custodian and Location	Custodian	Location
Elementary School Records	Principal	Main Office
Health Records	School Nurse	Nurse's Office
Attendance Records	School Nurse	Nurse's Office
Psychological	Director of Special Education	Office of PPS
Special Education	Director of Special Education	Office of PPS
Related Service Reports/Evaluations	Director of Special Education	Office of PPS

INSPECTION OF SCHOOL DISTRICT RECORDS

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

- The parent or eligible student should submit to the student's school principal, a written request to see the student's file. If a student's records are maintained in several locations, the school principal will, upon request, collect the records, as described below. Such review will be scheduled promptly after receipt of the written request for access and in no case, take place more than forty-five (45) days from the date of that receipt. For records containing information on more than one student, parent/student access is limited to only the information which pertains to their child.
- Records in the custody of the Department of Special Education may be obtained upon request to the Director of Special Education. Appointments for review of special education records will be made upon a minimum of three days' notice at the mutual convenience of staff, parent or eligible student.
- Upon request, record review will be arranged prior to any Committee on Special Education or Committee on Preschool Special Education meeting or any discussion regarding an Individualized Education Program.

Within five (5) school days of receipt of a written request for a record, the principal shall make such record available, deny such request in writing, or furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the principal acknowledges receipt of the request, failure to respond may be construed as a denial of access that may be appealed.

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

Appropriate School District personnel will be present during record inspection to interpret and explain records during the school year. Records may be inspected between 9:00 a.m. and 3:00 p.m. Copies of documents will be made available at a cost of \$.25 per page.

Parents may be accompanied by any person in reviewing records or may have an appropriately authorized representative inspect and review only the information relating to their child.

TRANSMITTAL OF RECORDS

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

RELEASE OF STUDENT RECORDS TO THIRD PARTIES

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

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

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

Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Director of Special Education to be essential for the provision of educational services or educational planning. The District will notify parents of eligible students prior to transfer of records. They may request and receive copies of records transferred under this provision.

- Records may be released without consent to Federal and State officials in connection with evaluation of federally supported education programs or enforcement of Federal requirements. Persons reviewing records under this provision must sign a written form, to be kept in the student's folder, indicating their interest in the records.
- With the approval of the Superintendent of Schools, records may be released without consent to organizations, public and private, conducting studies for or on behalf of educational agencies for institutions. The District shall require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.
- Records may be released without consent to accrediting organizations to carry out their accrediting functions.
- Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be "lawfully issued" when it is issued by a court, or when Counsel to the school has reviewed it and found it to be "lawfully issued". Before making such a disclosure, the District must send written notice to the parent or eligible student.

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

RECORDS OF REQUESTS FOR ACCESS TO EDUCATION RECORDS

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

The record will include:

- the name of the person or agency that made the request;
- the interest the person or agency had in the information;
- the date of the request; and
- whether the request was granted and if so, the date access was permitted.

Such record will be maintained as long as the student's education record is maintained.

PROCEDURES FOR MAINTAINING CONFIDENTIALITY OF CSE/CPSE RECORDS

Student records and files are kept in locked files in an office that is also locked when left unattended. The CSE/CPSE secretaries monitor access to student files. They acknowledge and are familiar with all staff that has access. Professionals visit the CSE/CPSE office when they need access to a file. The CSE/CPSE secretary obtains the file and the professional proceeds to a designated area where review can take place.

When the professional review is complete, the file is returned to the CSE/CPSE secretary. Only professionals who are working with the student and parents who are members of the CSE are allowed access to the records. Specified support staff is also allowed access to student files in order to complete tasks such as filing, sending and receiving records. The student's original record does not leave the office at any time.

PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

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

- The parent or student shall notify the principal or Director of Special Education of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the principal or Director of Special Education will hold an informal conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the principal or Director of Special Education finds no basis for amendment, he or she shall so advise the student or parent, in writing, and advise them of the right to a hearing.
- The principal or Director of Special Education will also advise the student or parent of the right to place in the education record a statement on the challenged information and/or setting forth any reason for disagreeing with this decision.

- An explanation placed in an education record under this paragraph shall be maintained by the District as part of the education record as long as the record is maintained by the District. It will be released by the District with the education record whenever such release is authorized by the provisions of this policy.
- An appeal from a Hearing concerning the educational records of a regular education student may be made to the FERPA Office of the U.S. Department of Education.

HEARING PROCESS

- A Hearing pursuant to Paragraph 1 will be held upon request and the parents will receive timely notice of the place, date and time. The Hearing Officer may be the Superintendent of Schools or a designated school official having no interest in the Hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence.
- After taking evidence, the Hearing Officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the Hearing Officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the principal or Director of Special Education to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commencing on the challenged information as described in Paragraph 2 above.
- A parent who disagrees with the findings of the Hearing Officer may request review by the Board of Education and in the case of special education records, by the Office of Special Education. Thereafter, special education records or entries in the cumulative record may be reviewed, at the Federal level by the Family Policy and Regulation Office, U.S. Department of Education, Room 1087 FB, 6400 Maryland Avenue S.W., Washington, D. C. 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office find the District to be out of compliance with applicable law and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U.S. Department of Education for a formal resolution of the conflict before an administrative law judge.

SECTION 7: DISCIPLINE

SCHOOL CONDUCT AND DISCIPLINE

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

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

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

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

AUTHORITY OF SCHOOL PERSONNEL

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

- to an appropriate interim alternative educational setting, or suspension, for not more than ten (10) consecutive school days; and
- to an appropriate Interim Alternative Education Setting (IAES) for not more than 45 days if the child brings a weapon or knowingly possesses, uses, sells or solicits illegal drugs while at school or a school function, or 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 of Schools may order a change in a placement of a student with a disability to an IAES directly or upon recommendation of a Hearing Officer even when the Manifestation Team determines that the student's behavior is a manifestation of the student's disability. The setting shall be determined by the CSE.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the requirements of the Commissioner, 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 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:

- conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan, provided that the School District had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change of placement, or
- if the student already has a Behavioral Intervention Plan, the CSE shall meet to review the Plan and its implementation and modify the Plan and its implementation, as necessary, to address the behavior that resulted in the change of placement.

PROVISION OF SERVICE DURING SUSPENSION

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

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

During suspensions for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a Functional Behavioral Assessment, Behavioral Intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

SUPERINTENDENT'S HEARING ON DISCIPLINARY 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 IAES has been ordered. If the Superintendent or Hearing Officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the Hearing shall proceed to the penalty phase.
- Upon a determination by the Manifestation Team that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability, except that the student shall continue to receive services. Upon receipt of notice of the determination, the Superintendent or Hearing Officer shall proceed with the penalty phase of the Hearing. If the Manifestation Team determines that the behavior was a manifestation of the student's disability, the Superintendent or Hearing Officer shall dismiss the Superintendent's Hearing, except in cases when IAES has been ordered.
- For the penalty phase, the School District will transmit copies of the special education and disciplinary records to the Superintendent or Hearing Officer for consideration.

MANIFESTATION DETERMINATION REVIEW

If a disciplinary action involving a change in placement for more than 10 school days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the District that applies to all children, a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability, must be made immediately, if possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action was made. This review will take place by a Manifestation Team in a meeting, which shall include a representative of the School District knowledgeable about the student and the interpretation of information about child behavior, the parents and relevant members of the CSE, as determined by the parent and the School District. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

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

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

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

- conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan for the student; and

- return the student to the placement from which he or she was removed, unless the parent and the School District agree to a change of placement as part of the modification of the Behavior Intervention Plan.

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

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

Determination of Setting: Students with disabilities who have been suspended or removed from their current placement for more than 10 school days may be placed in an Interim Alternative Educational Setting (IAES). The IAES shall be an educational setting other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall: (1) continue to receive educational services so as to enable the student to participate in the general education curriculum, although in another setting, and to progress toward the goals set out in the student’s IEP; and (2) receive, as appropriate, a Functional Behavioral Assessment and Behavioral Intervention services and modifications that are designed to address the behavior violation so that it does not recur.

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

Parent Appeal: If the parent disagrees with a determination that the student’s behavior was not a manifestation of the student’s disability or with any decision regarding placement, the parent may request a Hearing. The District shall arrange for an expedited Hearing, in any case, described in this section, when requested by a parent.

In reviewing a decision with respect to the manifestation determination, the Hearing Officer shall determine whether the public agency has demonstrated that the student’s behavior was not a manifestation of such student’s disability consistent with the requirements for a manifestation determination review. In reviewing to place a student in an Interim Alternative Educational Setting, the Hearing Officer shall apply the standards indicated in “**Determination of Setting**”.

When a parent requests a Hearing to challenge the Interim Alternative Educational Setting or the manifestation determination, the student shall remain in the Interim Alternative Educational Setting pending the decision of the Hearing Officer or until the expiration of the time period discussed in sections “**Authority of School Personnel**” and “**Authority of a Hearing Officer**”, whichever occurs first, unless the parent and the District agree otherwise.

If the student is placed in an Interim Alternative Educational Setting and school personnel propose to change the student’s placement after the expiration of the Interim Alternative Educational placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student’s placement prior to the Interim Alternative Educational Setting), except where the student is again placed in an IAES by an Impartial Hearing Officer in an expedited Hearing described below.

Authority of an Impartial Hearing Officer: An Impartial Hearing Officer, in an expedited due process Hearing, may order a change in placement of a student with a disability to an appropriate Interim Alternative Educational Setting (IAES) for not more than 45 school days, if the Hearing Officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The procedures established in this section may be repeated if the School District believes that returning the student to the original placement is substantially likely to result in injury to the student or others.

Expedited Hearing: If school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, the District may request an Expedited Hearing. An Expedited Due Process Hearing shall be conducted in accordance with the procedures for a Non-Expedited Due Process Hearing except for the following time periods:

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

The Impartial Hearing Officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, Board of Education and VESID within 10 school days after the Hearing, but in no event later than 45 calendar days after receipt of the request for a Hearing, without exceptions or extension. In determining whether the student may be placed in the Interim Alternative Educational Setting or in another appropriate placement ordered by the Hearing Officer, the Hearing Officer shall apply the standards indicated in **“Authority of a Hearing Officer”**.

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

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

- the parent of the student has expressed concern, in writing, to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents written statements;
- the parent has requested an evaluation of the student; or
- a teacher of the student, or other personnel of the District, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel of the School District in accordance with the District’s established Child Find or special education referral system.

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

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

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

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

SECTION 8: ACCESSIBILITY

ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES

It is the policy of the school to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to parents with hearing impairments who require such assistance. 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 in the District have the opportunity to participate in all programs and activities administered by the District and available to the students enrolled in District public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities. These may include regular classroom instruction, ESL programs, support services, extracurricular activities and programs, special assemblies and events and career education programs.

SECTION 9: MISCELLANEOUS

SCREENING PROCEDURES

A comprehensive procedure 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 at the end of June prior to their scheduled entrance into Kindergarten.
- **New Entrant Screening** – all new entrants are screened no later than December 1st of the school year of entry or within fifteen (15) days of transfer should the entry occur after December 1st.

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

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

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 services who are no longer eligible for preschool special education services, are not parentally placed in a non-public 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 education services to the child. The site where the services are to be provided would be determined by the Board of Education. These children, are “deemed enrolled” for the purpose of claiming State aid, for the provision of special education and related services.

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

The procedures to locate, identify, and evaluate all non-public school students with disabilities, including students attending religiously-affiliated schools residing in the School District, must be comparable to activities undertaken for students with disabilities in public schools.

The Board of Education is required to furnish special education programs and services to all students with disabilities who attend a non-public school located within the District, upon the written request of the student’s parent. If a parent of a student with a disability wishes to have his or her child receive special education programs and services while enrolled in the non-public school, the parent must file a written request for special education services with the School District of location by June 1st of the year proceeding the school year for which services are requested.

IMPLEMENTATION OF IDEA 2004 AND NON-PUBLIC SCHOOL STUDENTS

The School District where the non-public elementary school is located will be responsible for the equitable provision of services, Child Find and consultation requirements in IDEA 2004. If the School District where the non-public school is located determines through its Child Find process that a student is suspected of having a disability, it must immediately refer the student to the CSE of the student’s School District of location for evaluation and possible identification as a student with a disability. The School District of location must conduct the evaluation and eligibility determination and, for a student determined eligible for special education services, develop the IESP. The School District of location must provide the services as recommended in the IESP to the student.

The School District where the non-public school is located must expend a proportionate amount of its Federal funds made available under Part B of IDEA for the provision of services to students with disabilities attending non-public schools in the jurisdiction of its public school. Such Federal funds may not be used for Child Find purposes. The School District where the non-public school is located can recover tuition from the District of residence for special education services provided to non-resident students. Such tuition must exclude costs paid with Federal or State funds by the School District where the non-public school is located who provided the special education services. State and local funds provided by the School District of residence must supplement and, in no case, supplant the proportionate amount of Federal funds expended by the School District in which the non-public school attended by the student is located.

REIMBURSEMENT FOR UNILATERAL PLACEMENT IN A PRIVATE SCHOOL

A School District is not required to pay for the tuition for a student with a disability placed in a private school or facility by a parent if that School District made a free appropriate public education available to the student and the parents, instead, elected to place the student in the private school or facility. If the parents of a student with a disability, who previously received special education and related services under the authority of the District, enroll the student in a private elementary school without the consent of or referral by the District, a court or a Hearing Officer may require the District to reimburse the parents for the cost of that enrollment if the court or Hearing Officer finds that the District had not made a free appropriate public education available to the student in a timely manner prior to that enrollment.

The cost of reimbursement may be reduced or denied if, at the most recent IEP meeting that the parents attended prior to the removal of the student from the public school, the parents did not:

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

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

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

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 IESP 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 of the School District by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April for 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 non-public schools within the District.
- Parents of Home-Schooled students who disagree with the IESP recommendation of the CSE, would be entitled to due process just as parents of non-public students are.
- A Board of Education determines the location where special education services will be available to Home-Schooled students, which could include the site of the home school.

DATA COLLECTION PROCEDURES

All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting data on students with disabilities, 8 NYCRR 200.2(a). There are two levels at which data collection takes place; one is the District-level census which serves to identify students who reside within the District boundaries, who may be eligible to attend school. The study does not target students who may have disabilities. Therefore, the District will ensure that students with disabilities are located through the census procedures outlined below. The second phase of data collection is for youngsters already identified as having a disability.

Census Procedures:

The Westbury U.F.S.D. ensures that students with disabilities are located through the following procedures:

- A statement will be included in the first District newsletter in September sent to all families who reside within the District, asking if any student is known who might require special services. The statement will be as follows:

"The Westbury U.F.S.D. is attempting to locate any students between the ages of 3-12 who may reside within the District boundaries who may require special education services. A student may have a physical, mental, emotional, medical, or developmental disability, which would require special education programs or services.

If you have any knowledge of a student who may meet these criteria, please contact Mr. Jorge Santiago Jr., Director of Special Education. The telephone number is (516) 876-5119."

- All new entrants will be asked, through registration procedures, if a student has been receiving special education services in a previous district or if a preschool youngster, through Early Intervention Services. If services have been received, the registrar will refer the student to the Special Education Department immediately. This will enable these new entrants to be scheduled for New Entrant Screening, which may determine the need for an in-depth evaluation for a youngster with a suspected disability.
- If a student is identified who might require special education services, the parents or guardians will be directed to contact the Special Education Department of the Westbury U.F.S.D.
- The District calendar, which is mailed to each home annually, serves as part of "Child Find" by encouraging parents to access the CPSE/CSE if they feel their child may have special needs.
- All private and preschools located within the Westbury U.F.S.D. will be made aware of the special education process through the Nassau County Department of Health procedures, as well as contact with the Special Education Office within the District.

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

REGISTER OF PUPILS WITH DISABILITIES

The School District shall implement procedures to assure the availability of statistical data to readily determine the status of each student with a disability in the identification, location, evaluation, placement and review process. The register will include:

- pupil's name, address, and birth date;
- pupil's parents' names, address(es), and the dominant language of the pupil's home;
- pupil's suspected disability;
- dates of referral, evaluations, recommendations of the Committee on Preschool Special Education and Committee on Special Education, actual placement, and annual program reviews;
- site where the pupil is currently receiving an educational program;
- other student information as required by the Individuals with Disabilities Education Act and Federal regulations, including but not limited to, the student's race, ethnicity, limited English proficiency status, gender and disability category; and
- if the pupil is not receiving an appropriate education, the reason shall be described.

The above information is gathered from the following respective sites:

- registration form
- referral form and social history form
- CSE recommendation
- child's confidential folder
- CSE minutes to Board of Education
- CPSE minutes to Board of Education

This information is maintained within the computer-based data base which is part of an information management system called IEP Direct.com. This system has the ability to generate all the information in the required registry.

IEP Direct.com includes a very comprehensive and ongoing training package. Both secretaries in the Special Education Office, and the Director of Special Education are trained in the specific data collection procedures.

In connection with the reporting of the data, the District shall prepare, and keep on file, summary reports of the student data, including the number of students who are not serviced and the reasons they are not serviced and those students served. A summary report of the students served shall be submitted by the District to the State Education Department in a manner prescribed by the Commissioner, and the register should be made available to the District Superintendent as well.

In addition to the foregoing, procedures to locate, identify and evaluate all elementary school students with disabilities attending private school, including religious school children as required by the Education Law, must be established to ensure the equitable participation of parentally placed private school students with disabilities and obtain an accurate count of such students. The District must maintain a record of the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students determined to have a disability, and the number of students who receive special education services. The District must also report this to the State Education Department in a manner prescribed by the Commissioner.

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

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

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

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). At least once per year, a staff member from the District's Special Education Department will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

The District will continue to provide space, to the extent available, for school-age students from other School Districts who need self-contained classes not available in their home schools.

The District will also continue to collaborate with Nassau BOCES in working towards N.Y. State Education Department's requirement to develop a regional plan that reduces the number of special education students in center-based non-integrated settings.

METHODS FOR EVALUATING PROGRAM OBJECTIVES

Through the use of assessment techniques including staff reports, interviews with faculty, parents and students, departmental meetings and site visits, formative 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 goal of the special education program in the District is to provide each youngster with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential.

The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

- ongoing evaluation of pupil achievement using various standardized diagnostic tests, State assessments and other teacher-made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries;
- yearly departmental goal-setting by the Director of Special Education which is reviewed by the Superintendent of Schools;
- Re-evaluation of each pupil with a disability; and triennial review of the District Plan.

PLAN TO ENSURE AVAILABILTY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS

Effective May 16, 2002, Section 200.2 of the Regulations of the Commissioner was amended to implement Chapter 377 of the Laws of 2001. As a result of Chapter 377 and the implementing regulations, the Board of Education must establish a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students. "Alternative format" is defined to mean any medium or format for the presentation of instructional materials, other than traditional print textbooks, that is needed as an accommodation for a disabled student enrolled in the School District. It may include, but not be limited to, Braille, large print, open and closed caption audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

Identification of the Needs of Students Residing in the District:

Advance planning in the selection and ordering of books will help ensure that students with disabilities receive their instructional materials at the same time as the other students in the class.

If the CSE determines that a student needs his or her instructional materials in an alternative format, the IEP will specify the accommodations for the individual student and any related instruction and/or assistive technology devices needed for the student to access the alternative format materials. If the student needs instructional and assessment materials in alternative formats, the CSE should review the following considerations:

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

Access to and Conversion of Electronic Files:

Instructional materials provided in electronic files can offer many flexible options for a student with a disability to access the curriculum when the files are used with a variety of technology and tools such as computer screens using highlighted and enlarged text, screen readers or Braille printers. Students will have access to appropriate software and hardware in order to provide these materials in an alternative format. This may include, but not be limited to, computers, printers, scanners, alternative keyboards, Braille note takers, tape recorders, screen readers, speaking browsers, screen magnification devices, scan and read, and Braille translation. The District will also access appropriate agencies and resource centers to assist in the conversion of materials into Braille format.

Ordering Timelines:

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

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

Selection and Procurement of Instructional Materials:

The District utilizes a Textbook Selection Committee when considering the purchase of new textbooks or materials. The Committee will be informed of the need to give preference to those vendors who agree to provide materials in alternative formats.

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

Procedures for New Entrants during the School Year:

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

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

THE USE OF UNIVERSAL DESIGN PRINCIPLES IN DISTRICT ASSESSMENTS

The Board of Education acknowledges its goal and its obligation 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:

- **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;
- **Precisely defined constructs:** the specific constructs tested must be clearly defined so that all non-construct cognitive, sensory, emotional and physical barriers are removed;
- **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;
- **Amendable to accommodations:** the test design shall be compatible with and facilitate the use of needed accommodations;
- **Simple and clear instructions and procedures:** all instructions and procedures will be simple, clear and presented in understandable language;
- **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;
- **Maximum legibility:** characteristics such as type size, spacing, font and paper size will be, to the extent practicable, easy to decipher in text, tables, figures, illustrations and response formats.

SECTION: 10 DISTRICT PROGRAMS

SCHOOL-AGED SPECIAL EDUCATION

The Westbury U.F.S.D. operates a variety of programs and services for youngsters who possess disabilities. These services are provided to District residents at no cost and in the least restrictive environment upon the recommendation of the Westbury U.F.S.D. Committee on Special Education and with the approval of the Westbury U.F.S.D. Board of Education.

These programs and services are available to pupils with disabilities through the end of the school year during which their 21st birthday occurs, or until a regular high school diploma has been attained, whichever shall occur first.

A description of each of the Special Education Program options prioritized from least restrictive to more restrictive follows.

Transitional Support Services:

Upon the recommendation of the Committee on Special Education, this service may be provided to a pupil with a disability who is making the transition into a totally mainstreamed program. Its goal is to provide support to a youngster who no longer requires special education services, while monitoring the progress of the student during the transitional period. This support may be provided to the youngster's regular education teacher as the child makes the transition to a totally mainstreamed program. Each student is assigned to a certified special education teacher for this purpose. The youngster's progress is reviewed on a regularly scheduled basis, usually at the conclusion of each marking period. It is a temporary service which, when successful, leads to the declassification of the student. A student is eligible for this service at any age or grade level.

Consultant Teacher Services:

Consultant Teacher Services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes, and/or to such students' regular education teachers. Such services shall be recommended by the Committee on Special Education to meet the specific needs of a student with a disability. The student's Individualized Education Program (IEP) shall indicate the regular education classes in which the student will receive Consultant Teacher Services. Consultant Teacher Services shall be provided in accordance with the following provisions:

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

For the last number of years, the CSE has recommended these program services for students in Grades Kindergarten thru 5th Grade.

Related Services:

Related Services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes Speech-Language Pathology, Audiology Services, Interpreting Services, Psychological Services, Physical Therapy, Occupational Therapy, Counseling Services, including Rehabilitation Counseling Services, Orientation and Mobility Services, medical services as defined by Regulation, Parent Counseling and Training, School Health Services, School Nurse Services, School Social Work, Assistive Technology Services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students. The CSE recommends any Related Service that is appropriate to a youngster's individual needs.

Related Services currently provided in District include Psychological Services, Speech and Language Therapy, Medical Services for diagnostic purposes, Physical and Occupational Therapy, and in some instances, Behavior Intervention Services (BIS), and Parent Counseling/Training.

The District employs six full-time psychologists, five full-time school social workers, seven full-time and one half-time speech and language therapists. The District does contract with approved Agencies to provide Occupational Therapy, Physical Therapy and/or Behavior Intervention Services (BIS). In addition, due to the low incidence of pupils with disabilities that require other related services (i.e.-Orientation and Mobility Training, Hearing Itinerant, Vision Itinerant, FM Unit rentals, etc.), the District contracts with BOCES and/or private agencies when these other services are needed.

Speech and Language Therapy:

The goal of Speech and Language Therapy is early identification of communication disorders and therapeutic remediation of articulation and phonological deficits, stuttering, voice disorders, and receptive and expressive language problems, which adversely affect a youngster's educational performance.

This is a District-wide program with services provided by seven full-time and one half-time certified Speech and Language Therapists. Services are rendered either individually or in small groups of two to five youngsters for the mandated minimum of one or two 30-minute sessions weekly (for students in Grades Kindergarten through 5th Grade) and one or two 38-40 minute sessions weekly (for students in Grades 6th through 12th Grade). The services are provided on a push-in or pull-out basis and the location of the service is indicated on each student's IEP. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least on an annual basis.

School Psychological Services:

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

School Social Worker Services:

Within the Department of Special Education, the School Social Worker provides mandated individual and/or group counseling to students to assist them in the development of self-esteem, coping and self-advocacy skills, as well as appropriate social skills. The following services are also provided: monitoring students' progress; attending CSE, IST and PBIS meetings for their students, providing support services to students moving into programs that are less restrictive, providing parent education, intervening during crisis, and serving as the general liaison representative between school and home.

Counseling Services:

Counseling (or referred to as Psychological Counseling Services) as a Related Service, is provided to those youngsters whose psychosocial needs interfere with their benefiting from education. The focus of school-based counseling must be on the school-related difficulties of the youngster with a disability and is designed to assist the youngster in overcoming social, emotional or learning difficulties that interfere with the educational process. Counseling Services improve communication and interaction between the youngster and school personnel in order to enable the youngster to be more productive. Counseling also addresses those social skills that students need to function appropriately.

Counseling Services are provided District-wide by School Psychologists, School Social Workers and elementary Guidance Counselors, who share in the provision of mandated school counseling. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least once annually.

Physical Therapy:

Physical Therapy as a Related Service is directed towards developing and maintaining the student's physical potential for independence in all education-related activities. A major focus of Physical Therapy is to develop the youngster's ability to safely negotiate the school environment.

The District contracts for Physical Therapy services with approved agencies. These agencies provide licensed therapists who evaluate the youngsters and provide therapeutic services. In addition, the therapists consult with the special education teachers and are available for CSE meetings and parent-teacher conferences. Physical Therapy is provided individually, or as a consult to the classroom teacher, based on the recommendation of the CSE.

Occupational Therapy:

Occupational Therapy as a Related Service is concerned with the impact of a student's disability on his or her learning performance and ability to independently execute the functional tasks required in the school environment. Occupational Therapy focuses on how the student receives and interprets the sensory information that is used in coordination with the motor control needed to meet the demands of the environment. The Occupational Therapist assesses skill levels and provides remediation in the areas of deficit such as postural control, motor planning, visual perceptual skills, hand skill development and sensory processing. The Therapist may also provide alternative materials and environmental modifications to facilitate independence and generalization of those skills. Occupational Therapy may be provided individually, in a small group, or as a consult to the classroom teacher, based on the recommendation of the CSE.

The District contracts for Occupational Therapy Services with approved agencies. These agencies provide licensed therapists who evaluate the youngsters and provide these services. In addition, the therapists consult with the special education teachers and are available for CSE meetings and parent-teacher conferences.

Itinerant Services for Children with Hearing Impairment:

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

Due to the low incidence of youngsters with hearing impairments that require this specialized service, the District may contract with Nassau BOCES to provide this service when needed.

Itinerant Services for Children with Vision Impairment:

Vision Itinerant Services are designed to provide direct, specialized instruction to students, ages five (5) to twenty-one (21) years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. The Teacher of the Vision Impaired (TVI) meets individually with the student and trains the youngster in the use of residual vision, and the listening, organizational and tactual skills that are specific to the youngster's individual situation. This related service includes direct instruction in the use of various optical aids, large print books, worksheets, orientation and mobility services, tactile and recorded material and current technology. Depending on the needs of the student, the TVI may teach the student to read Braille and write using a Braillewriter. Teachers may also assist students in acclimating themselves to new instructional environments and may assist other teachers in meeting the student's educational needs.

Orientation and Mobility Services:

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

Resource Room Programs:

The Resource Room Program is supplemental in nature and is designed to assist youngsters in remediating skill deficits and in dealing more effectively with assignments from their general education classes. The Program consists of identification and diagnostic assessment and small group and/or individualized instruction in basic academic skills, oral and written language, study and organizational skills. Encouragement and emotional support are also provided. Ongoing consultation with general education classroom teachers is an integral part of this Program in both meeting educational needs as well as in helping students develop basic skills and competency in content areas.

The instructional group in each Resource Room period does not exceed five students, who are grouped according to their similarity of need. Each Resource Room period is instructed by a special education teacher.

Students shall spend a minimum of three hours per week receiving and shall not spend more than 50 percent of their time during the day in the Resource Room Program. Due to a recent regulatory amendment, the CSE may recommend that a student with a disability who also needs Consultant Teacher Services, in addition to Resource Room Services, may receive a combination of such services for not less than three hours per week. The total number of students assigned to a Resource Room teacher will not exceed 20 at the elementary level and 25 at the secondary level. The service may be provided using both a pull-out and push-in model, although it is predominantly provided using a pull-out model. Resource Room Programs are available at all the District schools.

Resource Room Programs are available at the elementary, middle and high school levels. Although it is not the norm, there are students who receive a combination of Consultant Teacher and Resource Room Program Services.

Elementary Level Special Education:

There are four elementary schools in the Westbury U.F.S.D. Dryden Street has a half-day Pre-Kindergarten and a full-day Kindergarten offering. Park Avenue has Grades 1-2. Drexel Avenue and Powells Lane are currently organized Grades 3-5. To the extent possible, each youngster with a disability, is educated within the neighborhood school of attendance.

Intensive Consultant Teacher (ICT) Local Program:

The Intensive Consultant Teacher Model is a modified Program to the Integrated (also referred to as Inclusion) Co-teaching Model. Within this Program, specially designed instruction and academic instruction are provided to a group of students with disabilities within a general education setting. In order to ensure fidelity and integrity of the Program, the maximum number of students with disabilities receiving this Program (listed as Consultant Teacher Services) shall not exceed 8 students. School personnel assigned to each of these classes shall minimally include a special education teacher (daily for 2 hrs. 12 min.), and a general education teacher. Additional supplementary school personnel (i.e.-teacher assistant) assigned to such classes, by the District, may not serve as the special education teacher.

In September 2001, the Westbury U.F.S.D piloted this Semi-Integrated Project in Grades Kindergarten through 5th Grade. This Semi-Integrated Class Model consists of a general education teacher, a part-time special education teacher for a minimum of two hours and a full-time special education teacher assistant. The two hours are considered Integrated Co-Teaching Services under the new continuum. The students moved up through the grades, so did the Inclusion Program.

Integrated Co-Teaching Services:

Effective July 1, 2007, the Board of Regents approved amendments to Section 200.6 of the Regulations of the Commissioner of Education relating to the continuum of special education services which states that a School District may include Integrated Co-Teaching Services in its continuum of services. Integrated Co-Teaching Services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. The maximum number of students with disabilities receiving Integrated Co-Teaching Services in a class, shall be determined in accordance with the students' individual needs as recommended on their IEPs, provided that effective July 1, 2008, the number of students with disabilities in such classes shall not exceed 12 students. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher. Additional personnel assigned to such classes by the District may not serve as the special education teacher.

While this option, unlike other continuum options, is not required to be available for all students with disabilities, School Districts are strongly encouraged to phase this practice into its schools. The Westbury U.F.S.D. is ahead of its time, in that this Co-Teaching Model is one we have had in place here since 2001.

In September 2001, the Westbury U.F.S.D piloted an Inclusion Project within the elementary and secondary grades. At present, the Integrated Co-Teaching Model is existent in Grades Kindergarten through 11th Grade. This Integrated Class Model consists of a "Team Teaching Approach" where a general education teacher, a special education teacher and a special education teacher assistant are present within a classroom.

An important component of this Integrated Co-Teaching Program is the ongoing collaboration between the general and special education teacher. Modifications in curriculum, methodologies, assessments, assignments and environment are assessed and individualized for each student, in accordance with the needs specified in each youngster's IEP. Related service personnel, like speech pathologists, as well as other teachers (i.e.-remedial reading, math), can also provide supportive and/or consultative services to these students.

The District provides ongoing support to both the professional and paraprofessional staff associated with the Integrated Co-Teaching Program through staff development opportunities, common planning time and administrative support that focuses on co-teaching strategies and curriculum adaptations and modifications.

On an ongoing basis, a building administrator, the Director of Special Education and/or Pupil Personnel Chairperson can observe these Integrated Co-Teaching classes and/or meet with the general and special education teachers, related service providers, and when appropriate, the teacher assistants, so as to provide this support.

ELEMENTARY SPECIAL EDUCATION CLASSES

The elementary Special Education classes (i.e.-Self-Contained) that are non-categorical, currently serve youngsters who are classified as having a disability by the Committee on Special Education. Students are grouped according to similarity of need and as per the four grouping criteria: levels of academic achievement, social development, physical development, and management needs, defined in 8 NYCRR200.6 (a) (3).

There are no more than fifteen students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. Each full-time class is staffed by a certified special education teacher and a teacher assistant.

As the District wholeheartedly supports the concept of a Least Restrictive Environment (LRE) philosophy, the special education students attend mainstream art, music, library, and physical education classes, as is appropriate, as well as eat lunch and go to recess, with their homeroom class as well as with the general education students.

Additionally, many of the elementary special education students are mainstreamed into one or more academic subjects as per the recommendation of the CSE and as specified in their Individual Education Programs. The youngsters spend as little as 2 hours per day up to the maximum of five hours daily in their special education class, according to their individual needs. Therefore, although the class roster may have a maximum of fifteen children listed, there are many opportunities for smaller group and individualized instruction.

For the 2022-23 School Year, there are special education classes in Kindergarten thru 5th Grade. These special education classes include Self-Contained, Integrated Co-Teaching and Consultant Teacher models. The students, depending on their individual needs, within these class settings, can have a variety of learning, language and/or attention difficulties that significantly impact upon their ability to achieve the learning standards and progress in the general education curriculum. Students within these Programs generally require special educational services for at least fifty percent of the day in a small class (i.e.-restrictive) or general education setting. To the extent possible, the students can be mainstreamed in a general education class for part of the day, as described above.

The Programs within these classes can utilize a language-based multi-sensory approach to develop academic and readiness skills. Within the elementary grades, specialized techniques can be employed to reinforce and strengthen phonemic awareness, sight word development, vocabulary, writing, math, and language skills at the appropriate level for each child. Social and behavioral goals are addressed; age-appropriate social interactions through both individual and group experiences are emphasized.

SECONDARY SPECIAL EDUCATION CLASSES

The Westbury U.F.S.D. has Special Education Programs at the secondary level, including 6th-12th Grades, at the Westbury Middle School and at the Westbury High School. The special education class models within these schools function in a manner similar to the elementary model.

The Integrated Co-Teaching Model described above, is available to students in 6th-12th Grades. It consists of a full-time general education teacher, a full-time special education teacher assistant, and a full-time special education teacher. Secondary special education within the Westbury U.F.S.D., Grades 7th-12th Grades, is a departmentalized program which was established in order to more effectively meet the educational needs of a population of students with disabilities in relation to Part 100 Curriculum Requirements and to adhere to the concept of the least restrictive environment. All secondary level students with disabilities in Westbury participate in a departmentalized program.

Secondary Resource Room:

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

Integrated Co-Teaching Classes:

Over the past 10 years, the District has offered a Co-Teaching Model which pairs a learning skills specialist and a content area specialist to team-teach Regents curriculum to students with disabilities and students who would have traditionally been enrolled in non-Regents courses. In addition to being co-taught, many of the classes are also extended, meaning, students are provided additional periods of instruction, either during the same year or over the course of two years.

A number of students with disabilities in Westbury opt for a vocational sequence and avail themselves of the offering of Occupational Education Vocational Programs (i.e.-BOCES Barry TECH). Most of these students are able to participate in the general education vocational program; each year there may be a youngster or two who require the Intensive Support Services program of Barry TECH. All secondary level students participate in general education classes, to the maximum extent appropriate, in the academic areas and have the opportunity to participate in courses in the foreign language, physical education, fine arts, music, and practical arts departments.

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

Special Education Classes:

The secondary special education classes are non-categorical and currently serve youngsters who are classified as being disabled through the Committee on Special Education. Students are grouped according to similarity of need and as per the four grouping criteria-levels of academic achievement, social development, physical development, and management needs-defined in 8 NYCRR200.6 (a) (3). There are no more than fifteen students per class roster. Each full-time class is staffed by a certified special education teacher and a teacher aide.

For the 2022-23 School Year, special class instruction will be available in Math, English, Social Studies and Science at both the Westbury Middle School and the Westbury High School, for students whose skills are such that they cannot be appropriately educated in the general education or collaboratively taught classes.

At the time of this Plan, there are 118 classified students at the Westbury Middle School and 132 classified students at the Westbury High School.

Declassification Support Services:

When the CSE determines that a student no longer requires special education services and can be placed in a general education program on a full-time basis, the student may be considered for Declassification Support Services. Declassification Support Services are those services provided to a student or a student's teacher, to aid in the student's transition from special education to full-time general education, including:

- for the student, Psychological Counseling Services, Speech and Language Services, Counseling (other than Career Counseling) and other appropriate support services; and
- for the student's teacher, the assistance of supplementary school personnel and consultation with appropriate personnel.

During the past 2021-22 School Year, there were 35 students District-wide, recommended for Declassification Support Services.

Life Skill Classes:

In 1998, the Regents set a State-wide goal to significantly decrease the percentage of students with disabilities educated in segregated settings. Throughout the last 5-6 years, the Westbury U.F.S.D. has explored the possibility of identifying students who normally would be referred and thus educated in segregated settings, to be placed within a Special Class (i.e.-ratio of 8:1:1/8:1:2) within the District. Although an assessment of the similarity and needs of several Westbury U.F.S.D. students has been periodically conducted, for the purpose of planning for a new Special Class (i.e.-Life Skills), the District has been challenged as a result of the increased enrollment coupled with the lack of physical space to accommodate these classes. In planning and reviewing space this upcoming 2022-23 school year, the District will be opening a Life-Skills class at the Westbury Middle School (ratio of 8:1:1).

In planning ahead, the purpose of this Special Class Option will be to provide specially designed instruction emphasizing pre-academics, communication, social, motor and daily living skills for students with low moderate to severe/profound developmental delays who require more intensive focus on basic skills than is available within traditional Special Education Classes described. These services will be provided in proximity to non-disabled peers. Integration for social opportunities may occur in non-academic areas such as music and P.E. and can be expanded as appropriate. This will be a non-categorical classroom where students with a variety of disabling conditions are serviced.

**SCHOOL-AGE STUDENTS WITH DISABILITIES RECEIVING
SPECIAL EDUCATION SERVICES (OCTOBER 2020 & 2021 SNAPSHOT)**

School-Age Students By Disability	# of Students (2020)	# of Students (2021)
Autism	73	74
Emotional Disturbance	6	6
Learning Disability	122	123
Intellectual Disability	1	1
Deafness	1	1
Hearing Impaired	3	3
Speech or Language Impairment	235	267
Visual Impairment (includes Blindness)	4	1
Orthopedic Impairment	6	4
Other Health Impairment	161	162
Multiple Disabilities	33	31
Deaf-Blindness	0	0
Traumatic Brain Injury	0	0
TOTAL	645	673

October 2021 SNAPSHOT: Summary Report of All Students with Disabilities Receiving Services in October 2021

Table 1: In Regular School-Based Programs in Buildings Attended by disabled and non-disabled students:

Time Inside Regular Classroom	Age Group (5-21 Yrs.)	Age Group (5-21 Yrs.)	Total	Limited English Proficiency (LEP) (5-21 Yrs.)	Limited English Proficiency (LEP) (5-21 Yrs.)	Total
Gender	Male	Female	Total	Yes	No	Total
80% or more	188	85	273	91	182	273
40% to 79%	85	44	129	66	63	129
Less than 40%	59	20	79	29	50	79
Total	332	149	481	186	295	481

IDENTIFICATION OF NUMBER OF PUPILS SERVED BY AGE AND SETTING

Table 2: In Separate Settings: Outside of regular school facilities, in buildings that are attended by students with disabilities only. Line 4 includes students who are placed on home instruction by the CSE.

Type of Setting	Age Group (5-21 Yrs.)	Age Group (5-21 Yrs.)	Total	Limited English Proficiency (LEP) (5-21 Yrs.)	Limited English Proficiency (LEP) (5-21 Yrs.)	Total
Gender	Male	Female	Total	Yes	No	Total
Separate School	104	39	143	11	132	143
Residential Facility	0	0	0	0	0	0
Hospital (in-patient)	0	0	0	0	0	0
Home Placement by CSE	2	3	5	1	4	5
Total	106	42	148	12	136	148

Table 3: In Other Specific Settings: School Districts do not place students in these settings. Instead, students are in these settings because of court decisions or parental choice.

Type of Setting	Age Group (6-21 Yrs.)	Total
Incarcerated in County or Correctional Facilities	0	0
Home-Schooled at Parental Choice	0	0
Parentally Placed in Non-Public School: Receiving Special Education Services	21	21
Total	21	21

Table 3: Preschool Least Restrictive Setting (LRE) Report:

Educational Environment	Age 3	Age 4	Total Number of Students Ages 3-4 Yrs.
In the Regular Early Childhood Program at Least 80% of Time	1	5	6
In the Regular Early Childhood Program at Least 40% to 79 % of Time	2	0	2
In the Regular Early Childhood Program at Least than 40% of Time	2	0	2
Separate Class (Not Attending a Regular Early Childhood Program)	0	1	1
Separate School (Not Attending a Regular Early Childhood Program)	10	19	29
Residential Facility	0	0	0
Home Services (Not Attending a Regular Early Childhood Program)	10	13	23
Service Providers Location (Not Attending a Regular Early Childhood Program)	0	4	4
Totals	25	42	67

***2019-20 - % of Students with Disabilities in General Education Programs School-Age - Least Restrictive Environment (LRE):**

	80% or more of the day	40% to 79% of the day	Less than 40% of the day	In Separate Schools/Facilities	In Other Settings
% of Students Ages 5-21 in Each Setting	40 %	30 %	14 %	18 %	6.7%
State Target for 2019-20	More than 59.5 %	No State Target	Less than 22%	Less than 6 %	No State Target
Meets State Target	No	Not Applicable	Yes	No	Not Applicable

* Obtained from Special Education Data Collection, Analysis and Reporting (SEDCAR).

*** 2016-18 Enrollment Westbury U.F.S.D. Classification Rate:**

Category	2020-21 School Year	2021-22 School Year
Enrollment of School-Age Students with Disabilities	645	662
District Enrollment (Public/Non-Public School-Age Students with/without Disabilities)	5,400	5,400
Special Education Classification Rate	11.9 %	12.2 %
Enrollment of Preschool Students with Disabilities	88	95

* Obtained from Special Education Data Collection, Analysis and Reporting (SEDCAR).

EDUCATIONAL PLACEMENT OF PRESCHOOL STUDENTS WITH DISABILITIES
(AS OF OCTOBER, 2021)

Primary Service Provider Name	Related Services Only	All Other Preschool Services	Total
County of Nassau	32	23	55
Variety Children's Learning Center	0	10	10
Brookville (BCCS)	0	5	5
ACDS	0	0	0
Hagedorn-Little Village	0	1	1
Alternatives For Children	0	2	2
Nassau BOCES	0	7	7
Tiegerman (formerly SLCD)	0	8	8
United Cerebral Palsy (UCP)	0	6	6
Mill Neck Manor School for the Deaf	0	1	1
Total for All Providers	32	63	95

PLACEMENT OF SCHOOL-AGE STUDENTS IN OUTSIDE PLACEMENTS (2021-2022 SY)

School Setting	# of Students (as of 06/22)
BOCES (Center Based) – Includes CPHS, CCA, CRC, Eagle Avenue, Iris Wolfson HS, Jerusalem Avenue, Rosemary Kennedy, Seaman Neck, Western Suffolk BOCES Cross Contract (James E. Allen)	99
BOCES (District Based) – Includes Stokes, Saw Mill Road, W.T. Clarke HS, Seaman Neck-Plainedge, RKS Woodward, RKS Bellmore HS,	11
* Private/4201 Placements (Day) – Includes Abilities, BCCS, UCP, DDI, * Henry Viscardi, Martin De Porres Elementary/Middle/HS, * Mill Neck Manor, * NY Institute for Special Education, SLCD Elementary/HS, Life Skills, VCLC	59
* Private/4201 Placements (Residential) – Includes Judge Rotenberg Center, UCP Tradewinds	0
Outside School District Placements – Includes Great Neck South HS, Herricks MS, Mineola HS, Seaford Manor, Oyster Bay HS, William Covert (Rockville Centre SD)	20
TOTALS	189

* 4201 Placement – Commissioner's Appointments

PLACEMENT OF SCHOOL-AGE STUDENTS IN OUTSIDE PLACEMENTS (2020-2021 SY)

School Setting	# of Students (as of 02/18)
BOCES (Center Based) – Includes CPHS, CCA, CRC, Willet Avenue, Iris Wolfson HS, Jerusalem Avenue, Rosemary Kennedy, Seaman Neck, Western Suffolk BOCES Cross Contract (James E. Allen), Eastern Suffolk BOCES-BAC	98
BOCES (District Based) – Includes Stokes, Spark, Saw Mill Road, RKS Island Trees, RKS Woodward	11
* Private/4201 Placements (Day) – Includes Abilities, BCCS, UCP, DDI, * Henry Viscardi, Martin De Porres Elementary/Middle/HS, * Mill Neck Manor, SLCD Elementary/HS, Life Skills, VCLC, Woodward Center	59
* Private/4201 Placements (Residential) – Includes Judge Rotenberg Center, UCP Tradewinds, Green Chimneys, La Salle, NY Institute for Special Education	1
Outside School District Placements – Includes Carle Place SD, Herricks HS, Mineola MS/HS, Seaford Manor, Oyster Bay HS, William Covert (Rockville Ctr SD)	20
TOTALS	189

* 4201 Placement – Commissioner's Appointments

SPECIAL EDUCATION BUDGET

The Westbury U.F.S.D. ensures that each fiscal year, appropriate allocations of human and financial resources are made available to implement each student's Individual Education Program and support the District Special Education Plan. During the Fiscal Year 2021-2022, approximately \$ 30,443,965.00 was allocated. Approved on: June 2022.

Special Education Budget – Office of Pupil Personnel Services – 2021-2022 School Year and 2022-2023 School Year

The budget to support special education programs and services in the Westbury School District is as follows:

DESCRIPTION/CATEGORY	2021-22 Budget AMOUNT	2022-23 Budget AMOUNT
TOTALS	\$ 30,443,965.00	\$ 31,751, 175.00

ADDENDUM - OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS

It is the policy of the School District to encourage students with disabilities to pursue high school diplomas. Access must be provided to specified courses, electives and exams as specified in Part 100 of the Regulations of the Commissioner. The Committee must consider the high school credentials the student will seek to attain: a Regent's, a Career Development and Occupational Studies Commencement Credential (CDOS) or a Skills and Achievement Commencement Credential (SACC-previously referred to as an *IEP Diploma*).

According to Part 100.5, requirements for a diploma apply to students depending upon the year in which they first enter grade nine. Students with disabilities who entered grade 9 during the 2010-11 school year were eligible for the RCT safety net. However, the option to take the RCTs is no longer available for any student entering grade 9 beginning in September 2011 and thereafter. Despite this, the local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one or more required Regents examinations.

To ensure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:

- The Committee on Special Education (CSE) will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the Middle School, the CSE will make an assessment as to whether or not the student's capabilities indicate probable success in a course of study leading to a Regents diploma, or whether his or her needs could be better met in an individualized education program designed to culminate in a CDOS or SACC Diploma. Most students with disabilities should be working towards a regular diploma. Where appropriate, the student will participate in this decision-making process.
- The decision will be reviewed annually. The CSE will consider the following factors:
 - current levels of achievement;
 - learning rate; and
 - preference of student and family.
- The CSE will consider if the student requires testing modifications to participate in State or district-wide assessments. These modifications will be clearly stated on the student's IEP.
- The District will offer appropriate remedial instruction for all students.
- The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
- If the student's special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the District in special education classes. In any such case, instruction in subjects granting credit toward graduation and a Regent's or a CDOS diploma will be provided in accordance with curriculum objectives and required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught.
- A record of the objectives and criteria for mastery will be subject to approval by the building principal and maintained in the special education office. Evaluation of student work will be completed in accordance with the individual educational needs of the student.

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

GUIDELINES FOR ISSUANCE OF A SACC (FORMERLY IEP DIPLOMA)

The Board of Education and District staff shall comply with all federal and State requirements concerning the education of students 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 towards a course of study which will lead to the achievement of a high school diploma.

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

It is recognized, however, that the achievement of a regular high school diploma may be precluded for some students due to the nature or severity of their disability. Most students with disabilities, given the opportunity and appropriate supports and services, have the ability to earn a regular high school diploma. A decision as to the type of diploma a student is expected to earn should not be made early in a student's school career. Most students with disabilities should be working towards a regular diploma. The IEP development process and annual guidance review should serve to inform students, and their parents, if, because of the severity of the disability, the student may be likely to receive a CDOD or a SACC diploma in lieu of a regular diploma.

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

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma to which achievement of the goals specified therein will lead.
- Such diploma shall be awarded at the end of the school year in which the student reaches age twenty-one (21) provided that the educational goals in the student's current IEP have been achieved.
- Alternately, upon application of the student or parent, such diploma may be awarded upon the completion of twelve (12) years of attendance or its equivalent education elsewhere, or at the end of the school year in which a student attains the age of 21.
- Any student under age twenty-one (21) who is awarded such diploma shall receive written notice of his entitlement to attend the District tuition free until the end of the school year in which that age is reached or a high school diploma is earned.
- The SACC diploma document shall be in conformance with the Regulations of the Commissioner of Education.

SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL FOR STUDENTS WITH SEVERE DISABILITIES

Sections 100.5, 100.6, 100.9 and 200.5 of the Regulations of the Commissioner of Education have been amended to replace, beginning with the 2013-14 School Year and thereafter, the New York State (NYS) Individualized Education Program (IEP) diploma with a Skills and Achievement Commencement Credential for students with severe disabilities who are eligible to take the New York State Alternate Assessment (NYSAA).

In this context, students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for self-fulfillment and meaningful participation in society. Students with severe disabilities may experience significant speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and assistive technology devices.

The Skills and Achievement Commencement Credential will provide this group of students who are exiting school after attending at least 12 years, excluding kindergarten, with a commencement certificate similar in form to the diploma issued by the School District. The Skills and Achievement Commencement Credential must be accompanied by documentation of the student's skills and strengths and levels of independence in academic, career development and foundation skills needed for post-school living, learning and working.

Skills and Achievement Commencement Credential: Requirements:

The Board of Education or trustees of a school must (and the principal of a nonpublic school may) issue a Skills and Achievement Commencement Credential to each student with a severe disability in accordance with the following rules:

- Only students with disabilities who have been instructed and assessed on the alternate performance level for the State learning standards are eligible for this credential award.
- The credential may be awarded any time after such student has attended school for at least 12 years, excluding kindergarten or received a substantially equivalent education elsewhere; or at the end of the school year in which a student attains the age of 21.
- The credential would not be considered a regular high school diploma in accordance with State standards or for federal accountability purposes.
- The credential must be similar in form to the diploma issued by the school district or nonpublic school, except that there shall appear on the credential a clear annotation to indicate the credential is based on achievement of alternate academic achievement standards (see Attachment 1).
- The credential must be issued together with a summary of the student's academic achievement and functional performance and must include documentation of the student's:
 - achievement against the Career Development and Occupational Studies (CDOS) learning standards <http://www.p12.nysed.gov/cte/cdlearn/>;
 - level of academic achievement and independence as measured by NYSAA;
 - skills, strengths, interests; and
 - as appropriate, other achievements and accomplishments.
- For students less than 21 years old, the credential must be provided with a written assurance that the student continues to be eligible to attend the public schools of the school district in which the student resides without payment of tuition until the student has earned a regular high school diploma or until the end of the school year in which the student turns age 21, whichever occurs first.

New York State Career Development and Occupational Studies Commencement Credential:

Beginning with the 2013-14 school year and thereafter, students with disabilities will be able to earn a New York State (NYS) Career Development and Occupational Studies (CDOS) Commencement Credential. This credential will recognize each individual student's preparation and skills for post-school employment. Where in the past, many students graduated with an Individualized Education Program (IEP) diploma, this credential provides a more meaningful substitute for these students. For students with disabilities who are exiting with a regular high school diploma, it provides them with the additional opportunity to exit school with a credential that also recognizes the students' work readiness skills.

Effective transition planning and services for students with disabilities includes appropriate assessment of a student's needs, preferences, strengths and skills; realistic identification of post-secondary goals; development of an infrastructure to support instruction in the CDOS learning standards, participation in career exploration and work and community-based learning experience; increased opportunities for students to earn a diploma; and collaboration among regional partners responsible for the transition process and early referral to adult agencies. The establishment of a Regents-endorsed graduation credential that recognizes the accomplishments of students in these areas emphasizes the importance of this instruction for schools, helps to focus student commitment to career exploration and development, and provides potential employers with documentation on which students are exiting school with demonstrated knowledge and experience for entry-level employment.

Commencement Credential as the student's only exiting credential, provided they meet the requirements for award of the credential and have attended school for at least 12 years, excluding Kindergarten. If the NYS CDOS Commencement Credential is the student's only exiting credential and he/she is less than 21 years of age.

Effective July 1, 2013, an Individualized Education Program (IEP) diploma may no longer be awarded to students with disabilities. Most students with disabilities will be able to graduate with the NYS CDOS Commencement Credential as a supplement to their regular diploma (Regents or local diploma).

Students who are unable to earn a regular diploma because of their disability may graduate with the NYS CDOS award of the credential and have attended school for at least 12 years, excluding Kindergarten. If the NYS CDOS Commencement Credential is the student's only exiting credential and he/she is less than 21 years of age, the parent must be provided prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which he/she turns age 21.

It is the responsibility of each school to ensure that the student has been provided with appropriate opportunities to earn a Regents or local high school diploma. Each school must provide the student with meaningful access to participate and progress in the general education curriculum to assist the student to meet the State's learning standards. Access to the curriculum not only means that students are taking the appropriate courses needed to earn a regular diploma, but also that they are being provided with appropriate specially- designed instruction, accommodations, supports and services to progress in the curriculum. In order for students to also develop the knowledge and skills necessary to earn the NYS CDOS Commencement Credential, students must also be provided instruction that supports the achievement of the CDOS learning standards, access to career and technical education (CTE) coursework and opportunities to engage in school supervised work-based learning experiences, either in school and/or in the community. Schools should review their curriculum and instructional practices to ensure that all students with disabilities will be provided these instructional opportunities.

NYS CDOS COMMENCEMENT CREDENTIAL: REQUIREMENTS:

The NYS CDOS Commencement Credential is a credential recognized by the NYS Board of Regents as a certificate that the student has the knowledge and skills necessary for entry level employment. There are two options available for students to earn this credential.

OPTION 1

- The student must have developed a Career Plan that includes documentation of the student's self-identified career interests; career-related strengths and needs; career goals; and career and technical coursework and work-based learning experiences that the student plans to engage in to achieve those goals; and
- The student must have demonstrated achievement of the commencement level CDOS learning standards in the areas of career exploration and development; integrated learning; and universal foundation skills; and
- The student must have successfully completed at least 216 hours of CTE coursework and/or work-based learning experiences (of which at least 54 hours must be in work-based learning experiences); and
- The student must have at least one completed employability profile that documents the student's employability skills and experiences; attainment of each of the commencement level CDOS learning standards; and, as appropriate, attainment of technical knowledge and work-related skills, work experiences, performance on industry-based assessments and other work-related and academic achievements.

OPTION 2

In lieu of a student meeting the requirements of option 1 to be awarded, the NYS CDOS Commencement Credential, a district may award a student this credential if the student has met the requirements for one of the nationally recognized work readiness credentials, including but not limited to:

- National Work Readiness Credential;
- Skills USA Work Force Ready Employability Assessment;
- National Career Readiness Certificate Work Keys - (ACT); and
- Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

Although the School District may provide individual students the option of earning the NYS CDOS Commencement Credential by meeting the requirements for one of the nationally recognized work readiness credentials, the national credential option should not be the only option available to students in the District to earn the Credential.

Superintendent Determination of Graduation with a Local Diploma

Currently, there are three safety net options available to students with disabilities to graduate with a local diploma:

1. Low Pass Rate Safety Net Option: 5 required Regents exams with a score of 55 – 64.
2. Low Pass Rate Safety Net Option with Appeal: Students who score up to three points below a score of 55 on a Regents exam would be eligible to receive the local diploma via appeal if all of the conditions of appeal are met.
3. Compensatory Safety Net Option: A student with a disability may receive a local diploma if he/she scores between 45-54 on one or more of the Regents exams required for graduation, other than English language arts (ELA) or mathematics, but achieves a score of 65 or higher on another required Regents exam which can compensate for the lower score.

A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45-54 is earned.

This option is open to students with disabilities with a current Individualized Education Program (IEP) **only**. It does not apply to students with section 504 accommodation plans or students who have been declassified from special education. Process Beginning with students with disabilities who are otherwise eligible to graduate in June 2016 and thereafter, a school superintendent (or the principal of a registered nonpublic school or charter school, as applicable) has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

Automatic Review

The superintendent must ensure that every student with a disability who does not meet the graduation standards through the existing appeal and safety net options is considered for the superintendent determination. This option does not need to be formally requested by the student or parent.

Conditions

1. The student has a current IEP and is receiving special education programs and/or related services.
2. The student did not meet the graduation requirements through the low pass (55-64) safety net option 1 or the compensatory option2 [section 100.5(b)(7)(vi)(c) and (d)(7)].
3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).
4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.
5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.

6. In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Review and Documentation

In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district. In making this determination, the superintendent must consider the student's final course grade as well as student work completed throughout the school year and/or interim grades on homework, projects, class work, quizzes, tests, etc., that demonstrate that the student has met the learning standards for the course; and
2. Actively participated in the exam required for graduation.

The school principal and superintendent must sign a document, on a form prescribed by the Commissioner, which describes the evidence reviewed and the decision rendered by the superintendent. The student and the parent of the student must receive a copy of this documentation and written notification of the superintendent's determination. Where the superintendent determines that the student has not met requirements for graduation, the notice must inform the student that he/she has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first. The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student's record and a copy must be submitted to the Department no later than by August 31st following the student's graduation. A determination by the superintendent is final. Allowance of Low Pass Appeal in Addition to Compensatory Option Under current regulations, students with disabilities who make use of the compensatory option described above are not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The proposed amendment removes this prohibition and allows these students to make use of both options in meeting graduation requirements.

PROVISION OF SERVICES TO SWD's DURING COVID-19 SCHOOL CLOSURES

Due to the COVID-19 pandemic, the Governor of the State of New York ordered that all schools close beginning in mid-march 2020. Subsequently and continuing to the date of this plan, the district followed guidelines provided by NYSED, DOH and the CDC in providing special education services to our students with disabilities. Students with disabilities were, and will continue to be, provided a free appropriate public education (FAPE) consistent with the need to protect their health and safety, as well as the health and safety of the individuals who provide them with their education, specialized instruction, and related services. NYSED acknowledged the need for flexibility with respect to IEP implementation for the delivery of services during the COVID-19 outbreak for programs and services delivered in-person, remotely, or a combination of both; this flexibility included the mode or manner services were provided. The school district continued to provide students with FAPE and aligned the provision of services accordingly with the NYSED guidance in that providers may not have been able to deliver all services in the manner they are typically provided.

AVAILABILITY OF COPIES OF THIS POLICY

The District Special Education Plan is on file for review in the Office of the Superintendent of Schools, the Office of Pupil Personnel Services, and each of the District's public school buildings.

The Special Education Plan may also be viewed on the District's website at www.westburyschools.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 Office of Pupil Personnel Services.

Policies with respect to special education records will be reviewed and revised, if necessary, every three years as part of the District's Three-Year Plan for Special Education.

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