

**Phelps-Clifton Springs Central School District
Office of Special Programs and Services**

Memo To: Members of the Board of Education

From: Tammy Wood, Director of Special Programs and Services

Subject: District Special Education Plan, Commissioners Regulations Part 200.2

Date of Anticipated Review: January 18, 2022

Date of Anticipated Approval: February 7, 2022

The regulations of the Commissioner of Education require that school districts have a special education plan.

Each plan shall include, but need not be limited to the following:

- (i) a description of the nature and scope of special education programs and services currently available to students and preschool students residing in the district, including but not limited to descriptions of the district's resource room programs and each special class program provided by the district in terms of group size and composition;
- (ii) identification of the number and age span of students and preschool students to be served by type of disability, and recommended setting;
- (iii) the method to be used to evaluate the extent to which the objectives of the program have been achieved;
- (iv) a description of the policies and practices of the board of education to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of students and preschool students with disabilities;
- (v) a description of the policies and practices of the board of education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by boards of cooperative educational services
- (vi) a description of how the district intends to ensure that all instructional materials to be used in the schools of the district will be made available in a usable alternative format, as such term is defined in paragraph (b) (10) of this section, for each student with a disability at the same time as such instructional materials are available to nondisabled students. To meet this requirement, the district plan may incorporate by reference the plan established by the board of education pursuant to paragraph (b) (10) of this section
- (vii) the estimated budget to support such plan; and
- (viii) a date on which such plan was adopted by the board of education.

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I. Introduction

A. Regulations Guiding Decisions

Part 200.2 (c) of the Regulations of New York State require school districts to develop a biennial special education plan. This plan includes how the district provides, modifies, and monitors its special education program. It is guided by federal legislation that is continuously reauthorized to significantly strengthen the requirements that school districts must adhere to when educating students with disabilities in the least restrictive environment (LRE). Three federal legislative mandates include:

1. **The Individuals with Disabilities Act (IDEA)**
 - a. Provides for Free Appropriate Public Education (FAPE) for eligible children with disabilities
 - b. Implementing regulations in 34 CFR Part 300

2. **Section 504 of the Rehabilitation Act of 1973**
 - a. Prohibits discrimination in any federally funded program due to a handicap
 - b. Provides for FAPE in a LRE
 - c. Provides accommodations/accommodation plans to students who have a substantial limitation to a life function/activity

3. **Conditions of Title II of the ADA when interpreted by the Office of Civil Rights**
 - a. Provides for implementing guidance for Section 504

Article 89 of the New York State Education Law in conjunction with **Part 200 Regulations** of the Commissioner of Education are the implementing legislation that provides districts in New York State with further clarification on the implementing of the aforementioned federal mandates.

B. Least Restrictive Environment Defined

With these guiding principles, the most important of these for district staff is to provide for a free and appropriate public education in the least restrictive environment. Part 200 regulations define the least restrictive environment (LRE), as a placement that provides special education services needed by the student, education to the maximum extent appropriate to the needs of the student with other students who do not have disabilities, and proximity of the placement must be as close as possible to the student's home school. Therefore, students with disabilities are to be given equal access to all components of a general education program. Alternative programs (special classes on or off-site) are to be considered only when the individual students' needs cannot be met within the general education setting with supplementary aids and services and/ or accommodations.

When special classes are deemed necessary for a student, the CSE, including parents as members, need to look at the level of exposure to the general education curriculum for the student. It could be that the student will have access to general education content instruction in a modified format taught by a special education teacher. Teachers of these classes need to be well-versed in curriculum and need to know and participate in curriculum writing with their general education counterparts to define what modifications to curriculum are to be made. For example, if a 4th grade math class is learning 4 different methods to multiply 2-digit numbers the students in the special class would learn 2 methods. It could also mean that a student participates in all specials including lunch, PE, and homeroom with their general education peers and has a special education teacher for the core classes of ELA, Math, Science and Social Studies. It could also mean that the students need a special class for their specials; if this is the case, it will be dually noted on the IEP.

Please see the description of the continuum of services for further details regarding the LRE.

Furthermore, Part 200.2 states that: "Any change to the allocation of space for special education programs shall be made in consideration of the needs of participating students with disabilities for

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placement in the least restrictive environment and for the stability and continuity of their program placements” (p. 26, October 2016).

C. District Vision, Mission and Strategic Plan

1. Vision

To create a community of learners and leaders who demonstrate the 21st century skills necessary to compete and thrive in a global society

2. Mission

The Phelps-Clifton Springs Central School District will enable students to demonstrate college and career readiness by displaying: Strong Moral Character, Critical Thinking Skills, Perseverance, Cultural Awareness, and Innovation.

a. **Strong Moral Character**: Our students will display compassion and respect for others. Students will be confident yet humble in their approach. When faced with a choice, students will make responsible decisions.

b. **Critical Thinking Skills**: Our students will demonstrate the ability to solve complex problems and to do so by remaining open-minded to all possible outcomes.

c. **Perseverance**: Our students will proactively demonstrate an ability to put forth the extra effort in order to accomplish tasks. With a focus on both short- and long-term goals, students will demonstrate the ability to work hard, build stamina, and ultimately attain goals.

d. **Cultural Awareness**: Our students will be mindful of cultural differences based on the ever-evolving global community. Our students will be culturally sensitive and collaborate with a diverse population.

e. **Innovation**: Our students will demonstrate an ability to take calculated risks, be creative, and not be fearful of showing vulnerability.

3. The Phelps-Clifton Springs CSD Strategic Plan consists of 4 primary areas of focus:

a. **Academic Excellence**: To provide programs and supports to improve student achievement.

b. **Midlakes Community**: to connect with parents and community members to support our students, create new opportunities for excellence, honor and sustain our traditions and ensure success for every member of the Midlakes Family.

c. **Strong and Empowered Staff**: All employees will feel valued in their commitment to student success.

d. **Student Life**: The Midlakes Community will provide a wide variety of inclusive opportunities that foster the development of all students' character and well-being in education, athletics and programs.

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D. Beliefs for the Education of Special Needs Students

In keeping with the District Vision and Mission, the staff working in conjunction with the Office of Special Programs and Services will lead students to growth through collaboration, communication and compassion in the beliefs stated below:

1. **All children can learn** given the necessary resources. It is our responsibility as a district to provide all children with opportunities for meaningful **educational benefit based upon their unique needs and skills.**
2. A **continuum of services** should exist for students ranging from the least restrictive environment to a more structured, restrictive setting to meet the needs of all students. This should mirror regulations set forth in general and special education law.
3. Students, where appropriate, should be **exposed to their grade level curriculum** using specially designed individualized or group instruction, special services or programs appropriate to meeting the unique needs of students with disabilities.
4. The District Academic Intervention Plan utilizing a **MTSS** model connects the general education efforts to provide research-based instruction with the referral process for special education services. The instruction that takes place in the general education classrooms and/or with reading specialist or academic intervention specialist are considered the pre-referral strategies utilized by teachers with students prior to a referral to special education. *It is important to note that identified special education students have the right to special education as well as academic intervention / MTSS services as they progress through the grade levels.* Therefore, they have the right to be doubly served in programming if their individual needs necessitate this.
5. **Communication between Special Services staff and General Education staff is essential** in planning for the needs of students and delivering an integrated, standards-based educational program. *Planning and discussion time for co-teachers will be scheduled into the school day as much as the individual building schedules will allow.* Special Class teachers of a building or District wide will be given opportunities to meet together to build the fluidity of program and vertical alignment of these multi-aged classrooms. Per the faculty contract and 408 Compliance regulations, all special education teachers will communicate with special area staff (health, PE, music, library, art, technology) regarding students with disabilities. All staff working with a student with an IEP will have electronic access through the District data base (School Tool) to that individual student's IEP.
6. **Transition Programming** is important for all students with disabilities especially those students of middle school and high school age whose program will focus on long term adult outcomes and independence at an individual level. Regulations state that those students with disabilities who achieve credentials can participate in these efforts and continued efforts towards a local or Regents diploma until they are 21 years of age. Expanding our current Community Based Work Program to capture more students with the Career Development and Occupational Studies Credentialing is a focus.
7. **Staff Development is critical** in meeting the needs of students, and in providing for continuity of programs and instructional approaches across the K-12 continuum. This **includes yearly training** for all staff in consultant teacher direct classrooms or vertical teaming for special classes. **Assistive technology**, standard-based **IEP writing**, and **explicit and specially-designed instruction** are focus areas for staff development (roles of teaching assistants or aides, education benefits, inclusion practices, SEL standards) The **NYSED Blueprint** necessitates ALL staff, general or special education, receive this training. Therapeutic Crisis Intervention System training, which began in February 2016, will also be a focus for general and special education staff of the District. Creating IEPs that are educationally beneficial to the

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students is also a focus. In an attempt to move our students with disabilities towards increased growth and scores on state assessments, it is our goal to participate in trainings offered by the Mid-West Regional Partnership Center. This center is part of the NYSED Office of Special Education. They offer professional development in aforementioned areas as well as promoting self-determination in students with disabilities and classroom management.

8. **On-going planning** is essential if we are to develop long range plans to meet the needs of our students with disabilities. This occurs throughout the year administratively and with individual teachers and/ or teams and the Director. It occurs throughout the year with co-taught teams who have scheduled team time or common planning time. As programs are adjusted at building levels based on student needs, on-going planning ***must*** occur on a more frequent basis. Building schedules will adjust to make planning between or amongst co-teachers a priority. Special education staff will be involved alongside their general education counterparts in **curriculum planning**.

9. **Utilization of Protocols for CSE decision making will build standardization in programming.** The CSE office educates staff on the Part 200 regulations and creates protocols to be used for purposes of consistency and data-based decision making. A list of the protocols are below with their full description in the Appendix document attached:
 - One-to-One Aide Rationale
 - IEP Rubric
 - Tests Read Protocol
 - Foreign Language Exemption
 - One-to-One Nurse Rationale
 - Functional Behavior Assessments
 - Permission for Use of Time Out Room
 - Time Out Room Documentation
 - Positive Behavioral Intervention Plan
 - Rules for a Scribe
 - Declassification Document
 - Canvass Form
 - Five-Day Waiver Form
 - Permission to Share Information
 - CSE Meeting Follow Up Form
 - Learning Disability Worksheet
 - Manifestation Meeting Form
 - Missing Team Member
 - 408 Compliance Form
 - IEP Amendment Requests
 - Nurse Forms
 - Parent/Guardian Notification Forms
 - Regression Statement
 - Superintendent Determination of Local Diploma

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II. Committee on Preschool Education (CPSE)

A. Part 200 regulations state that the membership of a Committee on preschool education shall include:

1. Parents or persons in parental relationship to the student;
2. One general education teacher or representative;
3. One special education teacher or representative;
4. A school psychologist;
5. A supervisor of special education knowledgeable about the general education curriculum and the availability of resources in the school district;
6. An individual who can interpret the instructional implications of evaluation results; (Psychologist)
7. Municipality or County Representative.
8. Agency representative for student transitioning to school age.
9. The following staff members are only upon parent request within the time frame noted:
 - A school physician if requested in writing by the parent of the student at least 72 hours prior to the meeting;
 - An additional parent member of a student with a disability residing in the school district or neighboring school district providing that the parent has requested this at least 72 hours prior to the meeting;
 - Related service personnel (OT, PT , Speech, etc.) as appropriate per their expertise;

The Committee on Preschool Education is a collaborative effort between preschool agencies and/or independent providers, county municipalities and school districts to provide for the special education needs for children aged 3-5. Children younger than 3 years of age who have received early intervention services are eligible for services at the preschool level once the CPSE convenes and discusses the individual student needs. This particular process is an indicator with the New York State Performance Plan with the Special Education Quality Assurance office called Early Intervention Transition to CPSE. Districts need to complete and be at 100% compliance for this indicator which is VR 12 yearly. If not, we are subject to intervention and review. District results in the past and when we are up for this again.

B. Per Part 200 Regulations, to be identified as a preschooler with a disability one or more of the following must exist in the student's profile:

1. A significant delay or disorder in one or more of the functional areas related to cognitive language and communicative, adaptive, social-emotional or motor development
2. A 12-month delay in one or more functional areas or,
3. A 22 percent delay in one functional area or,
4. A 25 percent delay in each of two functional areas, or
5. A score of 2.0 standard deviations below the mean in one functional area or
6. A score of 1.5 standard deviations below the mean in two functional areas.

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C. Continuum of Services for Preschool Students with a Disability

A Preschool program means a special education program approved pursuant to section 4410 of the Education Law to provide special education programs and services, from the continuum of services set forth in section 200.16 (i) of this Part and to conduct evaluations of preschool students with disabilities if such program has a multidisciplinary evaluation component

1. **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, music therapy, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in the Part 200 regulations, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.
2. **Special Education Itinerant Services (SEIS)** Special Education Itinerant Teacher (SEIT) are special education services are provided directly to the child and/or indirectly provided to parents, teachers or other caregivers. The SEIT will work with the child and family or program at least two hours each week.
3. **Related Services in combination with Special Education Itinerant Services** This combination of services can be provided in the home or caregiver's residence or in a preschool classroom.
4. **Special Class in an Integrated Setting** This class is composed of both general education and children with disabilities. A special education teacher and assistants as well as a regular preschool or day care teacher are present in the classroom. Usually there are 15 to 20 students in the class. The minimum requirement of this class is 2 days a week, for at least 2.5 hours a day. It can be a full day or half-day program as well. Related services are delivered per individual student IEPs. Programs available in Ontario County include: **Happiness House, Roosevelt Children's Center.**
5. **Special Class** This is a class that has no more than 12 children. It is staffed by a special education teacher and one or more assistants. Related services are delivered per individual student IEPs. This will be at least 2 days a week, for at least 2.5 hours or half-day or full day. Programs available in Ontario County include: **Happiness House, Roosevelt Children's Center.**

D. Preschool Population

Preschool students with a disability receive services through Happiness House in Geneva and Canandaigua, Roosevelt Children's Center in Newark, and by independent providers in the home, at daycare, and in the preschool setting. These services can be in the form of full or 1/2 day special/integrated class programs and related services (special education itinerant teacher, speech/language therapy, occupational therapy, physical therapy, and counseling).

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1. Preschool Students

<u>Location/Program</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>	<u>2021-2022</u>	<u>Projected 2022- 2023</u>
New Referrals	24	31	31	29 as of 1/6/22	30
Happiness House	5	9	5	7	5
Roosevelt ARC	3	2	2	4	3
Itinerant Services (OT, PT, Speech)	17	17	17	14	20
Total Students Served	50	43	47	54	50
Declassified at Entrance of Kindergarten	12/17	5/9	16/24	Will be calculated in June 2022	NA
Number of Students Recommended to CSE from CPSE	5/17	4/9	8/24	Will be calculated in June 2022	Will be calculated in June 2023
Number of Students to Receive Speech, OT or PT Improvement Services/RTI Upon Entrance to Kindergarten	12/17	5/9	12/24	Will be calculated in June 2022	Will be calculated in June 2023
Transfer Students In	0	1	0	1	Will be calculated in June 2023
Transfer Students Out	0	1	2	0 as of 1/11/2022	Will be calculated in June 2023

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III. Committee on Special Education (CSE)

The Committee of Special Education is a collaborative team that includes general education and special education teachers as well as related service providers and parents. In order to determine whether a student will be classified as a student with a disability the CSE generates and reviews multiple assessment data including parent input to make educational decisions for the student.

A. CSE Membership

According to the NYS Part 200 Regulations 200.3 (a)(1) the Board shall designate the members of a Committee on Special Education, including but not limited to :

1. the **parents or persons in parental relationship** to the student;
2. **not less than one regular education teacher of the student** whenever the student is or may be participating in the regular education environment;
3. **not less than one special education teacher** of the student, or, if appropriate, not less than one special education provider of the student;
4. a **school psychologist**;
5. a **representative of the school district who is qualified to provide or supervise special education** and who is knowledgeable about the general education curriculum and the availability of resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education director, any BOE approved person or the school district psychologist. The representative of the school district shall serve as the chairperson of the committee;
6. An individual who can **interpret the instructional implications of evaluation results**. Such individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill this role on the committee;
7. a 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;
8. an additional **parent member** of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, **if specifically requested in writing** by the parent of the student, the student or by a member of the committee at least 72 hours prior to the meeting;
9. **Other persons having knowledge or special expertise regarding the student, including related services personnel as appropriate**, as the school district or the parent(s) shall designate. The determination of knowledge or special expertise of such person shall be made by the party (parents or school district) who invited the individual to be a member of the committee on special education; and
10. If appropriate, the **student**. At Midlakes, students are invited beginning at grade 7. Parents are encouraged to have their children attend and are told that it is a family decision to have the students present at the CSE meetings prior to seventh grade. Official invitations are generated from the CSE Office and given to the student.

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B. Classification Areas

To classify a student as a student with a disability, the CSE must meet and determine that the student meets the criteria from Part 200.1 of the Regulations of the Commissioner of Education and/or those defined by Federal legislation. There are 13 classification areas:

1. Autism

- a. A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before the age of 3, that adversely affects a student's educational performance. Engagements in repetitive activities, stereotyped movements, resistance to environmental change or change in daily routines or unusual or heightened responses to sensory experiences are other characteristics associated with Autism. At Midlakes we request a doctor's evaluation and recommendation in order to identify a person as having an Autism Spectrum Disorder.

2. Deafness

- a. 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.

3. Deaf-Blindness

- a. Simultaneous hearing and visual impairments in which the combination causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for students with deafness or students with blindness.

4. Emotional Disturbance

- a. A condition that exhibits 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:
 - i. an inability to learn that cannot be explained by intellectual sensory or health factors;
 - ii. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - iii. inappropriate types of behavior or feelings under normal circumstances;
 - iv. a generally pervasive mood of unhappiness or depression; or
 - v. a tendency to develop physical symptoms or fears associated with personal or school problems.
 - vi. It includes a medical diagnosis of schizophrenia; however, it does not apply to students who are socially maladjusted, unless it is determined that they have or fit another emotional disturbance category.

5. Hearing Impairment

- a. An impairment in hearing, whether permanent or fluctuating that adversely affects the child's educational performance but that is not included under the definition of deafness.

6. Learning Disability

- a. A disorder in one or more of the basic psychological (brain functioning) processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think speak, read, write or spell or to do mathematical calculations. The term does include those persons who have perceptual disability conceptions such as brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. It does not include learning problems that are the primary result of visual, hearing or motor disabilities, of an intellectual disability, or emotional disturbance or of environmental, cultural or economic disadvantage and/or of environmental, cultural or economic disadvantage. There also must be proof of a District's efforts to provide appropriate, grade level instruction and (MTSS) interventions. This requires the CSE to fill

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out an extra worksheet that documents the efforts in building level services prior to the identification.

7. Intellectual Disability

- a. A significant sub-average general intellectual functioning that exists concurrently with deficits in adaptive behavior and manifested during a persons' development, that adversely affects a student's educational performance. This term was formally known as mental retardation.

8. Multiple Disabilities

- a. A simultaneously occurring impairment such as intellectual disability-blindness, intellectual disability-orthopedic impairment in which the combination causes severe educational needs that cannot be accommodated in a special education program solely for one of the impairments. It does not include deaf-blindness.

9. Orthopedic Impairment

- a. OI is a severe impairment to a limb that adversely affects a student's educational performance. The term does include impairments caused by congenital anomaly (club foot, absence of a limb), impairments caused by disease (cancer, bone tuberculosis) and impairment from other causes such as cerebral palsy, amputation, fractures or burns.

10. Other Health-Impaired

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

11. Speech or Language Impaired

- a. A communication disorder such as stuttering, impaired articulation, language impairment or a voice impairment that adversely affects a student's educational performance.

12. Traumatic Brain Injury

- a. 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 a person's educational performance. The term does include open and closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in or more areas including: cognition, language, memory, attention, reasoning, abstract thinking, judgement, 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.

13. Visual Impairment including blindness

- a. Impairment in vision that even with correction adversely affects a student's educational performance. The term includes both partial sight and blindness.

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IV. Section 504 Committee

A. Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against any person with a disability by any federally funded agency or organization. It requires states to provide programs for eligible students with disabilities that are equal to those for students without disabilities.

1. An individual is considered disabled under Section 504 if he/she:
 - a. Has a physical or mental impairment which substantially limits one or more major life activity,
 - b. Has a record of such an impairment,
 - c. Is regarded as having such an impairment.

B. Section 504 Eligibility

1. A qualifying impairment is one that restricts an individual's major life activity as to the conditions, manner or duration under which the activity can be performed in comparison to most people.
2. An individual must be restricted to a greater degree than a majority of people in order to qualify for coverage under Section 504. The impairment must be substantial, not mild or even moderate.
3. The primary frame of reference is not the individual student's ability or even the achievement of his/her peers in the school district; rather it is the performance level of the average student, in the same age/grade level in the national population as measured by the standardized instrument.
4. Eligibility determinations are made based on current needs.

C. Section 504 Documentation

1. The Phelps Clifton Springs School District develops Section 504 Accommodation Plans for eligible students with disabilities who require modifications and/or accommodations within the school setting to have an equal opportunity to access educational and extracurricular programs. These supports are contingent upon both a determination of eligibility and a demonstrated impact on school performance.
2. When a request for an accommodation is received, the section 504 Committee may require the following documentation:
 - a. An evaluation in the area of suspected disability which includes a definitive diagnosis, is applicable.
 - b. Current evaluations and/or assessments (within the last year) which include test results that compare the students' academic /sensory skills to their peers.
 - c. A description of the presenting problem along with a developmental history (initial).
 - d. A description of the educational impact of the disability as supported by test data and/or classroom performance.
 - e. In cases where the disability is a medical condition, a completed Medical Input Form is required (Nurse Form).
 - f. Evidence from the school setting of the need for accommodations and/or modifications. This information collected from a variety of sources within the school will include teacher observations, standardized and classroom test results and report cards.
 - g. Any evaluation submitted for considerations by the 504 committee must be conducted by an individual who possesses a valid license/certification in the area of evaluation.
 - h. Edited or partial reports will not be considered.
 - i. If eligible under Section 504, the child has a right to periodic reevaluations, generally every three years. 34 C.F.R § 104.35.
3. In instances where a parent submits an outside evaluation for consideration by the 504 Committee, the Phelps Clifton Springs School District reserves the right to conduct additional evaluations/assessments when necessary. In these instances, the parents will be notified and the assessment will be initiated upon informed consent of the parent. This consent is generated and looks similar in format to a Special Education referral. This is to be sure the evaluation is timely in nature and secures IDEA guarantees are upheld.

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4. Requests for evaluations or accommodations can be submitted to the school psychologist, a special educator, a school nurse and a classroom teacher. At the secondary level, the guidance counselor will also be part of the Committee. Parents are invited to attend and may bring any professionals who have worked with their child and maintain a relevant area of expertise.
5. The 504 committee will review all evaluations and documentation and will be responsible for all final decision regarding eligibility and accommodations. Completed 504's will be held in the District Special Education Database.

D. Notice of Procedural Safeguards to Parents and Guardians Section 504 of the Rehabilitation Act of 1973

1. Procedural Rights and Safeguards

- a. Phelps Clifton Springs School District affords each of the procedural rights and safeguards under Section 504 of the Rehabilitation Act of 1973 (Section 504), which are provided to all individuals qualified as disabled under those laws.
- b. You have the right to be fully involved in all educational decisions about your child and to be fully informed of each of your rights under the law.
- c. These procedural safeguards govern all disputes under Section 504 over the identification, evaluation, or educational placement of persons who, because of their disability, need and are believed to need, special instruction or related services.
- d. If you have questions or concerns regarding your child's identification, evaluation, or educational placement, you should call the 504 District Coordinator and Director of Special Programs and Services, [Tammy Wood at \(315\) 548-6440](#)

2. Fundamental Rights

- a. Have your child take part in, and receive benefits from, public education programs without discrimination based on your child's impairment.
- b. Receive prior notice with respect to any decision the District makes regarding the identification, evaluation, or educational programming for your child.
- c. Have your child receive a free appropriate public education. This means the District must provide your child, at no cost to you: "regular or special education and related aids and services that: (i) are designed to meet individual educational needs of {students with disabilities} as adequately as the needs of {nondisabled} persons are met and (ii) are based upon adherence to {Section 504} procedures." 34 C.F.R § 104.7 (b) (1).
- d. Placement decisions must be made by a group of persons (Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 C.F.R § 104.35.
- e. Have your child received educational services in facilities which are comparable to those provided to nondisabled students. This means the District must place your child in the school and class the child would attend if the child were not disabled. Your child cannot be removed from regular education class unless the child's needs cannot be met in that environment with the use of supplementary aids and services.
- f. Your child has a right to placement in the least restrictive environment. 34 C.F.R § 104.34.
- g. Examine your child's educational records in accordance with federal and state law and School Board Policy.
- h. Have your child protected under the discipline procedures of Section 504.
- i. Have evaluation and educational programming decisions made, based on a variety of information sources and by persons who know the child and who are knowledgeable about the child's evaluation data and placement options
- j. Have your child be given an equal opportunity, without discrimination, to participate in all nonacademic and extracurricular activities offered by the District, for which the child otherwise qualified.
- k. Have transportation provided to and from an alternative placement setting (if setting is a program not operated by the District) at no greater cost to you than would be incurred if the student were placed in a program operated by the District.

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- l. Testing and other evaluation procedures must conform with the requirements of 34 C.F.R § 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, etc. 34 C.F.R § 104.35.
 - m. Your child has a right to an evaluation prior to an initial Section 504 committee determination and any subsequent significant change in eligibility. 34 C.F.R § 104.35.
- 3. **Mediation**
 - a. You have the right to request mediation related to decisions or actions regarding your child's identification, evaluation, education program or placement. In such cases, an impartial mediator will attempt to facilitate a dispute resolution acceptable to all parties. Mediation is completely optional.
- 4. **Grievance Process**
 - a. The district has adopted grievance procedures that incorporate impartial due process hearing standards, providing for prompt and equitable resolution of your complaint. 34 C.F.R § 104.7 (b)
 - b. You have the right to a hearing regarding all decisions or actions regarding your child's identification, evaluation, educational program or placement.
 - c. The District's grievance process includes the right to: prior notice of any legal action; inspect records; an impartial due process hearing; representation by counsel; a review procedure. 34 C.F.R § 104.36
 - d. If you, nevertheless, wish to challenge the actions of the school Section 504 Committee, you have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 C.F.R § 104.36. You should file a written Request for Hearing with the district's Section 504 Administrator. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing.

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5. Impartial hearing

- a. You must make your hearing request in writing to the Superintendent of the District, located at the following address:
 - i. [Matthew Sickles, Superintendent](#)
[Phelps Clifton Springs School District](#)
[1490 State Route 488](#)
[Clifton Springs, NY 14432](#)
- b. Following receipt of your hearing request, the District will obtain the services of an attorney not associated with Phelps Clifton Spring School District to handle this hearing.
- c. The hearing officer will schedule a hearing date and allow you and the District to present evidence. The hearing officer will then issue a written decision. You and your child may take part in the hearing. You have the right to be represented by counsel.
- d. Following the hearing officer's decision, pursuant to 34 C.F.R. 104.36, you have a right to a review procedure. You may request a review by the full School Board. The School Board cannot reject or modify the findings of fact made in the hearing officer's decision, unless the School Board determines the hearing officer's findings had no basis in fact, or that the proceedings on which the finding were based did not comply with essential requirements of law. Alternatively, you may request a review of the hearing officer's decision by bringing a civil action in a District Court of the United States or State court of competent jurisdiction.

6. Office for Civil Rights

- a. The Office for Civil Rights (OCR) is an agency of the U.S. Department of Education. OCR enforces Section 504, and other federal civil rights laws, which prohibit discrimination in programs or activities that receive federal financial assistance. Section 504 also prohibits retaliation against persons who engage in activities protected under those laws.
- b. You have the right to contact OCR regarding a complaint at any time. The complaint resolution process administered by OCR is voluntary, separate, and distinct from your right to seek a hearing. 34 C.F.R § 104.7 (b).
- c. Contact information for OCR's DC Office, which administers New York complaints is
 - i. [U.S. Department of Education](#)
[Office for Civil Rights](#)
[Lyndon Baines Johnson Department of Education Bldg.](#)
[400 Maryland Avenue, SW](#)
[Washington, DC 20202-1100](#)
- d. Following OCR's complaint investigation, the agency will general issue a Letter of Finding, deciding whether there was a violation. If OCR finds a violation, it will identify the specific violations and specify appropriate corrective actions.
- e. If you elect to file an OCR complaint, you must file it no later than 180 days from the date of the alleged discrimination. OCR has limited discretion to waive the 180-day filing requirement.

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V. Nature and Scope of Special Education Programs & Services

A. Continuum of Services for School-Aged Students with Disabilities

Part 200.6 of the Regulations of the Commissioner of Education describes the continuum of special education placement and services available to school-aged students with disabilities. In overview, these regulations specify that pupils with disabilities shall be provided with appropriate special education service in the least restrictive environment and in general education settings where possible.

In addition, the regulations specify that the educational programming be designed with certain guidelines in mind. Specifically, a student's Individualized Education Plan and subsequent service plan should be constructed to provide for the following conditions:

1. To meet the pupil's specific unique educational needs, as determined by a multi-disciplinary team consisting of appropriately trained and certified professionals, along with the child's parent or guardian. This includes the addition of assistive technology devices, testing accommodations, and/or supplementary aids to the student's program.
2. To have meaningful access to the general education curriculum via the grouping of students with disabilities together with pupils having similar age, education and /or programmatic needs. This also includes the participation of students with disabilities in State and Districtwide assessments.
3. To be taught by appropriately certified general and special education teachers.
4. To have liaison support for general education teachers who are providing instruction to pupils who have special education needs. This can be in the form of common planning time or set meetings and/or trainings.
5. To provide transitional services for those students of age 15 (and at a younger age, if determined appropriate) for post-school outcomes including a coordinated set of activities that include goals in education, employment, training, and independent living skills if applicable.
6. To be provided related services, such as speech and language therapy, occupational therapy, physical therapy, skilled nursing and counseling to meet specific pupil needs. Such related services are to be provided by appropriately trained and certified professionals.
7. To have school-to-work transition plan or exit summary developed in accordance with their interests and abilities. This plan is to include transition to services by outside agencies where appropriate and/or suggestions for employment or study. The following information is considered in preparing the exit summary: employability profile, career and technical education skills achievement profile, career plan, transcripts, functional behavior assessments, adaptive behavior assessments, psychological assessments, strength-based assessments, information from student, family and pertinent school staff or agency personnel.
8. Graduation Requirements: All New York students must earn a minimum of 22 high school credits in a course of study that includes English Language Arts, Math, Global History and Geography, US History and Government, Science, a Language other than English, the Arts, Physical Education and Health. Students' first entering grade 9 in September 2016 and thereafter will be REQUIRED to earn two units of credit in Global History and Geography as part of the four units of social studies credit currently required of all students. There is also the additional requirement for instruction in hands-on Cardiopulmonary Resuscitation (CPR) and the use of automated external defibrillators. Special Education students are only exempted from this requirement if due to the nature of their disability they are not physically or cognitively able to perform the tasks included in the instruction.

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B. Diploma Options

See the following link for more in-depth descriptions: <http://www.p12.nysed.gov/ciaai/multiple-pathways/>

1. **Local Diploma:** A student with a disability may use the low pass safety net (55-64%) on any or all Regents exams.
2. **Regents Diploma:** A student with a disability must earn 65% or higher on each of the Math, ELA, Science, and Social Studies Regents exams and may use the low pass safety net (55-64%) for the fifth Regents exam. *This is the newly adopted 4 + 1 Pathway option.*

3. Appeals:

Situation	Diploma
4 exams with a minimum score of 65% and 1 exam with a score of 60-64% for which an appeal has been granted by the district	Regents
3 exams with a minimum score of 65% with 2 exams with a score of 60-64% for which an appeal has been granted by a district	Local Diploma
Student with disability scored 55% on all required Regents exams (except ELA and Mathematics) can be compensated by a score of 65% or above on another required Regents exam including ELA and Mathematics	Local Diploma for Students with Disability
ELL student with either: <ul style="list-style-type: none"> • 4 exams with a minimum score of 65% and ELA with a score of 55-61% <li style="text-align: center;">OR • 3 exams with a minimum score of 65% and 1 exam with a score of 60-64% and ELA with a score of 55-59% for which an appeal has been granted by the district 	Local Diploma for English Language Learners

4. **Advanced Regents Diploma:** A student with a disability must pass a total of 8 Regents exams using one of the following combinations:
 - a. **Traditional Combination:** ELA, global history and geography or global II, US history and government, 1 mathematics, 1 science, **PLUS** 2 additional math and 1 additional science (for a total of two science; 1 must be a life science and 1 must be physical science) = 8 Assessments
 - b. **Pathway Combination (other than STEM):** ELA, 1 science, 1 social studies, 1 math, 1 pathway (other than science or math), **PLUS** 2 additional math and 1 additional science (for a total of two science; 1 must be life science and 1 must be physical science) = 8 Assessments
 - c. **STEM* (Mathematics) Pathway Combination:** ELA, 1 science, 1 social studies, 1 math, 1 math pathway **PLUS** 2 additional math (for a total of 4 math) and 1 additional science (for a total of two science, 1 must be life science and 1 must be physical science) = 8 Assessments
 - d. **STEM* (Science) Pathway Combination:** ELA, 1 science, 1 social studies, 1 math, 1 science pathway, **PLUS** 2 additional math (for a total of three math) and 1 additional science (for a total of three science, 1 must be life science and 1 must be physical science) = 8 Assessments

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C. Non-Diploma High School Exiting Credentials

Credential Type	Available To	Requirements
Local Diploma, Regents Diploma, Regents Diploma with Advanced Designation (with or without Honors) with a Career and Technical Education Endorsement	All student populations	<ul style="list-style-type: none"> • Credit: Completes all credit requirements as listed above for specific diploma types and successfully completes an approved career and technical education program • Assessment: Achieves a passing score on State assessments as listed above for specific diploma types and successfully completes the 3 part technical assessment designated for the particular approved career and technical education program which the student has completed <p>http://www.p12.nysed.gov/part100/pages/1005.html#carteched</p>
Career Development and Occupational Studies (CDOS) Commencement Credential	All students other than those who are assessed using the NYS Alternate Assessment (NYSSA)	<ul style="list-style-type: none"> • Completes a career plan; demonstrates attainment of the commencement level Career Development and Occupational Studies (CDOS) learning standards in the area of career exploration and development, integrated learning and universal foundation skills; satisfactorily completes the equivalent of 2 units of study (216 hours) in Career and Technical Education coursework and work-based learning (including at least 54 hours of work-based learning); and has at least 1 completed employability profile; OR • Student meets criteria for a national work readiness credential <p>Note: Credential may be a supplement to a Local or Regents diploma, or, if the student is unable to meet diploma standards, the credential may be awarded as the student's exiting credential provided the student has attended school for not less than 12 years, excluding Kindergarten</p> <p>http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm</p>
Skills and Achievement Commencement Credential	Students with severe disabilities that are assessed using the NYS Alternative Assessment (NYSAA)	<ul style="list-style-type: none"> • All students with severe disabilities who attend school for not less than 12 years, excluding Kindergarten exit with this credential which 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. <p>http://p12.nysed.gov/specialed/publications/SACcmemo.htm http://www.p12.nysed.gov/part100/pages/1006.html</p>

Superintendent Determination

All students with disabilities attending the Phelps-Clifton Springs CSD or component BOCES programming, due to the student's unique needs, must be held to high expectations and be provided with meaningful access to the general education curriculum. This includes opportunities to progress to graduation with a high school diploma. Due to individual disabilities, the progression of a student to graduation and a diploma can be challenging.

The New York State Education Department has set forth regulatory guidance for commencement options, to assist students with disabilities and their families in graduating the student within the first 12 years of education (Kindergarten is still optional in NYS) . The following steps are the protocol or procedures the Special Programs & Services Office will initiate with parents, high school counselors and other delegated staff (teachers) within the department. The provision of

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this option is to support students with disabilities, whom along with their parent(s), may find it necessary to request a Superintendent Determination Option to graduate from Midlakes with a local diploma with their cohort or after their cohort.

See appendix for full protocol for the Superintendent Determination for a Local Diploma.

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D. Special Education Programs within This District

1. Consultant Teacher Services (CT)

Consultant Teacher services are defined as direct and /or indirect services provided to a school-age student with a disability in the student's general education classes.

- a. **Indirect** - the special educator provides support or consultation to the general education teacher who has an identified student in the classroom. This service is provided for a minimum of two hours per week and consists of support in the area of curriculum and material development, teaching strategies, test modifications, and management needs. Special education teachers are given the opportunity to participate in the instructional planning process with the general education teachers of the students receiving this service.
- b. **Direct** - the special educator works directly with an identified student for a minimum of two hours per week in the general education classroom. It is not a pull-out service. There is delivery of specially designed instruction by a special education teacher so as to aid the student to benefit from the general education instruction.

Both models can be combined with each other and the resource program. Caseloads for Consultant Teacher teachers cannot be more than 20 students.

2. Resource Room Program (RR)

The special educator provides supplemental instruction, either within the general education classroom or in a separate location for a minimum of three hours per week. Supplemental instruction supports the student's regular education class assignments by providing basic academic skill remediation or study skill development. In addition, the special educator may provide guidance to the regular education teacher in administering test accommodations. Identified resource students need to be serviced in a group of five or less with similar needs. Non-disabled students may also participate in these groupings. A resource room program cannot be treated as a study hall. A special education teacher may use classroom related assignments as the vehicle to provide specialized supplementary instruction. This can be assigned in combination with consultant teacher services. The service provider caseload for grades K-6 is 20 and for middle school and high school service providers it is 25. This model is used mainly at the secondary school but is available at all grade levels if it best suits an individual student's needs.

Resource will also be utilized for students who may need supplementary instruction in reading, writing or math. A certified ELA or math instructor can in partnership or in the case of ELA, can provide explicit instruction by a reading specialist can count as special education minutes, under the resource model.

3. 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, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in the Part 200 regulations, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

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4. **Special Class (SC 12:1+1, or 15:1:1)**

This in-district program provides instruction in one or more areas to students who the CSE has determined require more support than those in the consultant teacher, resource room, or integrated co-teaching service areas. The special educator provides the primary instruction in grade level curriculum modified to individual needs. To determine the appropriate class size for an individual student the management needs of the student (environmental modifications or adaptations, human or material resources) are reviewed as well as the individual student's need for individualized instruction. The purposes of the smaller classes vary and are described below under the titles of the special class programs. 12:1:1 classes exist at K-6. 15:1:1 specific classes exist at the secondary level and are provided in content area classes at grades 9-12. These are further described on the next page.

a. **12:1+1: 12 students, 1 Special Education Teacher and 1 Teacher Assistant**

These special classes are dedicated to the development of communication skills of students. It is unique to the Elementary school. This class provides instruction in all areas to students who require significant modifications. Related services (speech, OT, PT, APE and individual counseling) are delivered in conjunction with individual IEP recommendations. Students are mainstreamed with teaching assistant services to specials (art, music, physical education, and library) and eventually, if individually appropriate, to general education classes.

The following are descriptors that are commonly associated with students who need a 12:1:1 classroom. While students who are recommended need not display all these characteristics, the majority of the descriptors should apply.

Present Levels of Academics:

Full Scale IQ: Standard Score (SS) 78 and below

Working Memory: (SS) 70 and below

Processing Speed: (SS) 70 and below

WIAT Reading Cluster: (SS) 70 and below

WIAT Math Cluster: (SS) 70 and below

DRA or other reading measure: 3 or more grade levels below that of their peers

Reading Comprehension Measure: significantly impaired

Listening Comprehension Measure: significantly impaired

Receptive Language: Moderately to significantly impaired

Expressive Language: Moderately to significantly impaired

Management Needs:

Requires highly modified assignments and material read

Requires alternative methods to demonstrate understanding

Requires support in understanding social situations

Requires speech and language therapy

May require activities of daily living skills

Learns best with visual support and hands-on activities

Requires new information simplified

Requires multiple examples of the same concept

Requires repetition of newly taught concepts

Works best in a small group or individually

Requires multi-step information to be broken down

Requires visuals or hands-on activities to understand difficult concepts

Lack of independent work skills

Limited organizational abilities

Limited to ability to think in abstract terms

Weak executive functioning skills

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Additional Program Components:

K-2 class includes speech group, counseling group, occupational therapy group, and APE
3-4 class includes occupational therapy group, counseling group, and APE.
5-6 class includes APE

b. **15:1+1: 15 students, 1 Special Education Teacher, and 1 Teacher Assistant**

This program is unique to the Secondary school. These students may receive instruction in the 4 core areas: Math, Science, Social Studies and English Language Arts due to unique student needs. Primary instruction is provided in the 15:1+1 setting separate from their general education peers. Students are mainstreamed fully except for the specially designed instruction provided by the special education teacher and teaching assistant. A focus on post-school outcomes or transition to a vocational trade or the Community Work Experience is the secondary focus of this 9-12 program. ***The program serves students who will be working towards achieving a Regents or Local Diploma with additional CDOS credentialing. Students who may earn a CDOS or Skills and Achievement Credential in 4 years will continue to be eligible for programming until the age of 21 or until they meet the requirements for a diploma.***

The following are descriptors that are commonly associated with students who need a 15:1:1 classroom. While students who are recommended need not display all these characteristics, the majority of the descriptors should apply.

Present Levels of Academics:

Full Scale IQ: Standard Score (SS) 80 and below
Working Memory: (SS) 80 and below
Processing Speed: (SS) 80 and below
WIAT Reading Cluster: (SS) 80 and below
WIAT Math Cluster: (SS) 80 and below
DRA or other reading measure: 2 or more grade levels below that of their peers
Reading Comprehension Measure: moderately to significantly impaired
Listening Comprehension Measure: moderately to significantly impaired
Receptive Language: moderately to significantly impaired
Expressive Language: moderately to significantly impaired

Management Needs:

Requires modified assignments and material read
May require alternative methods to demonstrate understanding
May require support in understanding social situations
May require speech and language therapy
May require activities of daily living skills
Learns best with visual support and hands-on activities
Requires new information simplified
Requires multiple examples of the same concept
Requires repetition of newly taught concepts
Works best in a small group or individually
Requires multi-step information to be broken down
Requires visuals or hands-on activities to understand difficult concepts
Limited independent work skills
Limited organizational abilities
Limited to ability to think in abstract terms
Weak executive functioning skills

Additional Program Components:

Modified Testing Accommodation: If the course culminates with a Regents exam, the teacher is given the option to utilize a class midterm or project and a class final exam or project to be averaged into the final average of a course, instead of a Regents exam score,

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with administrative approval. This means that a teacher may request administrative approval to not use a Regents exam score to be averaged into the final grade average calculation. This assists students in passing the course for credit.

5. Declassification Support

Declassification support is given to students in their transition year between special education services and full-time integration to all general education curriculums and placement without special education supports. Test accommodation access as well as safety-net eligibility and reasoning for the declassification is documented at the last annual review or re-evaluation meeting. Declassification exit criteria has been established with needed skill development areas in math reasoning and calculation, writing, basic reading and comprehension, self-advocacy, social/emotional, and organizational management areas. The data pieces to support the declassification are rated for strength, competency or weakness by the service provider and then discussed at the last annual review or re-evaluation meeting for the student. General education Learning Center services for students in grades 7-12 are assigned on an individual basis if needed for the first year of transition. Guidance counselors and building psychologist under the direct supervision of principals ensure a smooth transition to full-time general education programming by holding transition information meetings to share and inform general education teachers of the declassification IEP. Declassified students who require accommodations past the first year of declassification will be reviewed by the building level 504 committee for eligibility. If eligible, a 504 plan will be developed in 504 Direct, a sub group in IEP Direct. Building psychologist will lead these meetings and reviews yearly.

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In-District Programs and Location---School-Age Students

Location/Program	2018-2019	2019-2020	2020-2021	2021-2022	Average Projected For 2022-2023
MIDLAKES ELEMENTARY					
CTD K	5	6	4	7	5.5
CTD 1	9	7	10	4	7.5
CTD 2	10	11	14	15	12.5
CTD 3	14	15	15	17	15.25
CTD 4	16	15	16	12	14.75
CTD 5	13	15	16	19	15.75
CTD 6	21	15	19	14	17.25
12:1:1(K-2)	10	11	11	10	10.5
12:1:1 (GR. 3-4)	7	8	9	11	8.75
12:1:1 (GR. 5-6)	9	9	11	11	10
RESOURCE	5	4	6	5	4
Homeschooled	1	1	1	1	0
Parentally Placed	0	0	0	0	0
MIDLAKES SECONDARY					
CTD 7	18	14	15	18	16.25
CTD 8	12	20	17	16	16.25
CTD 9	11	11	15	17	13.5
CTD 10	26	12	9	17	16
15:1:1(7-8)	11	10	9	10	10
15:1:1 ELA					
Gr. 9	7	11	8	5	7.75
Gr. 10	15	11	9	8	10.75
Gr. 11	18	10	9	7	11
Gr. 12	7	17	9	8	10.25
15:1:1 Social Studies					
Gr. 9	7	12	8	5	8
Gr. 10	15	12	10	8	11.25
Gr. 11	18	10	10	8	11.5
Gr. 12	7	17	9	8	10.25
15:1:1 Science					
Gr. 9	7	12	9	5	8.25
Gr. 10	15	12	10	9	11.5
Gr. 11	11	6	10	8	8.75
Gr. 12	4	3	1	5	3.25
15:1:1 Math					
Gr. 9	5	12	9	5	8.25
Gr. 10	14	9	10	9	10.5
Gr. 11	14	9	7	8	9.5
Gr. 12	4	3	5	3	3.75
Resource 7-12	48	49	46	30	40
Homeschooled	0	0	2	2	1
Parentally Placed	0	0	0	0	0

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Services Across District	2018-2019	2019-2020	2020-2021	2021-2022	Average Projected for 2022-2023
SPEECH*	206	223	270	253	238
OT*	105	111	125	128	117
PT*	79	82	100	101	90
COUNSELING**	109	116	104	114	110
504's	81	85	82	75	81
Special Education Transfers In	30	29	34	28 as of 1/13/22	30
Special Education Transfers Out	20	31	27	17 as of 1/13/22	16

*This number reflects combined numbers of students serviced at the building level (MTSS/RTI-Wise) and at the IEP levels.

Typically OT sees 45 general education students across therapist. PT sees 25 to 40 general education students across therapists per year. Speech therapist will focus heaviest on the UPK-2 and on average will see 35 general education students. Without the building level related services being part of the MTSS process, these students would need an IEP to receive the aforementioned related services.

**This number reflects just special education counseling.

PSO staff, social workers, school counselors and psychologist saw approximately 25 general education students on a weekly per year. During 2020-21 and 2021-2022, this has grown to be 35 to 47 additional general education students depending on what building the student attends.

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E. Special Education Programs Outside of the District:

School-age students with unique needs requiring a more intensive program or additional support are serviced through the Wayne-Finger Lakes BOCES or Monroe 1 BOCES (by cross-contract) in the following types of classes (descriptions were found in the Catalog of Services at the www.wflboces.org):

1. Functional Skill Development (WFL BOCES) – Newark Education Center

a. The 1:12:1 program provides services for mild to moderately disabled students with global developmental delays. Emphasis is placed on basic reading, writing and math skills, as well as social, self-care, language development, and pre-vocational training. Community – based work-study experiences are provided at the high school level. The 1:12(3:1) program provides instruction for students with multiple disabilities. The students function cognitively within a severe to profound range developmentally. Students in this program need moderate to maximum support to meet a range of management needs. Many of these students have severe physical disabilities and have some history of medical involvement (i.e.: seizure disorders, cerebral palsy, developmental syndromes). The program is individualized with emphasis on functional self-care skills, sensory and environmental awareness and experiences, physical and muscular development, language and communication and pre-vocational training. Related services staff, teachers and paraprofessionals work closely together to provide an integrated program that meets the student needs in this area.

2. Social Skill Development (Emotionally Disabled) (WFL BOCES)- Red Jacket + Williamson Education Center + Rushville Finger Lakes Secondary School

a. This program is provided for students with mild retardation to gifted ability that are unable to succeed in home-district programs because of unmet behavioral management needs. Instruction is two-fold, enabling the pupils to learn academic skills as rapidly as possible, as well as those skills needed to work and live with other people. It is hoped that students will ultimately be able to return to their home districts for instruction. There are optional day treatment programs at Red Jacket and Rushville.

3. Appropriate Social, Behavioral, and Communication Skills Program (WFL BOCES)(Autistic, Pervasive, Development Disorder, Multiple Disabilities) – Midlakes Education Center

a. This program provides students a supportive, structured teaching environment. Students are given individualized opportunities to learn and grow independently. This program meets the needs of students who are experiencing great difficulty in the areas of pragmatic language and communication, social awareness, social interactions, academic learning and behavior management. It serves students who are above average to those with more significant developmental disabilities.

4. Communication and Physical Mobility Development (Physically Challenged)(WFL BOCES) – Newark Education Center

a. This program is designed to meet the complex educational needs of students with physical/orthopedic disabilities and/or health impairments. These students have academic abilities ranging from mildly mentally retarded to average/above average. These students accept direction and authority and require varying degrees of physical assistance or intervention. This program has a strong emphasis on meeting the academic and related services needs of students with a wide range of learning styles and abilities. There is a focus on increasing independent communication skills and the students are provided individualized teaching strategies and therapy in the areas of augmentative and assistive technology.

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5. **Communication Skills Development (Severe Speech, Language & Hearing Impaired) (WFL BOCES) – Newark Education Center**
 - a. This program is primarily designed to meet the unique and comprehensive needs of the speech, language and/or hearing-impaired students whose management needs are mild to moderate. The ultimate goal of the program is to assist all students in the development of their communication skills to the greatest possible degree, which in turn will foster and enhance each child's academic, social and emotional growth. It is hoped that students' progress will ultimately allow them to return to their home district for their education.
 - b. **Career Creations**: Formally Business Ventures TOO, Career Creations is a 12:1:1 program in which students are gaining career opportunities within the community. Students can attend a half day or full day program in which they are provided a job coach to community businesses to learn skills to do a job at that site. Students work towards CDOS credentials at this program.

6. **Lois Bird Morgan School (Monroe 1 BOCES)**
 - a. This campus serves students Kindergarten through 8th grade. Small class size (6:1:1), high staff-student ratios, flexibility and parent outreach programs help students develop skills in academics, social interaction, communication and daily living. This program services students with emotional disturbances and other health impairments, especially those with high sensory or executive functioning needs.

7. **Creekside (Monroe 1 BOCES)**
 - a. Creekside School serves students with multiple disabilities ages 5-21 in a 12:1:4 classroom. Emphasis is placed on academic, communication and daily living skills, social interaction and vocational training. The students in this program qualify for alternate assessments.

8. **O'Connor Academy/Day Treatment (Monroe 1 BOCES)**
 - a. The O'Connor Academy is a small, structured, special education (6:1:1) high school program for grades 9–12 that provides students with all necessary requirements to achieve a NYS Regents or Local diploma and/or CDOS credential. Students are eligible to participate in career and technical education classes in our building and/or in a vocational program on campus. This program services students with emotional disturbances and other health impairments, especially those with high sensory or executive functioning needs.

9. **Private School Placements**
 - a. **Mary Cariola Children's Center - SHAPE PROGRAM**
 - i. The SHAPE (Staff Helping Active Pupils Excel) Program provides an educational, therapeutic school program for students 5-21 years of age. The children have mild to significant cognitive delays and exhibit a variety of characteristics that make it difficult to learn without a high staff to student ratio and specialized instructional strategies. Some of the characteristics that the students may exhibit include: very short attention span and high activity level, significant communication and/or sensory needs, social/emotional delays and behavior problems that negatively impact their learning.

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b. **Crestwood Children's Center**

- i. This is a campus-based Residential / Day Treatment program for children 6-13 years old. It provides comprehensive mental health services to children and adolescents with serious emotional, behavioral or mental disorders, and provides these services in partnership with their families. This is run under the Hillside umbrella.

c. **Avalon School @ St. Joseph's Villa**

- i. Avalon is a specialized day school, on Dewey Avenue in Rochester, authorized by the New York State Education Department that offers a small class size (6:1:1) and individual support and attention to grades 7-12. It provides a specialized environment for students who have had difficulty achieving in their community schools due to a variety of emotional, psycho-social and behavioral needs. The school follows the Regents curriculum and provides ongoing support and encouragement to help students develop academically and socially, resolve issues and set positive educational, career and life goals.

d. **Norman Howard**

- i. Norman Howard is an independent, state approved, day school for students in grades 5-12. The school serves a variety of disabilities including Learning Disabled, Other Health Impaired, Speech and Language Impairment or Autism Spectrum Disorders. Students at this placement do not require a significant amount of behavioral and/or communication interventions. They are an Attuned trained school (adopted a philosophy based on *Schools for All Kinds of Minds*, by Mary-Dean Barringer, Craig Pohlman, Michele Robinson) and provide intensive remedial reading instruction using the Wilson Reading System.

e. **The Kessler Center**

- i. The Kessler Center is an approved private special education school offering both residential and day placements for students with developmental disabilities. The school program is licensed by New York State Education Department and the residential program is licensed through the Office for People with Developmental Disabilities. Students must be between the ages of 5 and 21 and have a developmental disability to be eligible to attend. They further specialize with autistic populations presenting with intensive behavioral needs.

f. **Holy Childhood**

- i. Holy Childhood serves children and adults with pervasive intellectual and developmental disabilities. Programs strive for maximum independence and integration in the community. The 8:1:3 classrooms h an emphasis on cognitive and language skills, fine motor, gross motor, social-behavioral, and self-help skills.

g. **Hillside Children's Center**

- i. Hillside Children's Center (HCC) is a provider of care for youth and families with a wide range of emotional and behavioral challenges. HCC offers mental health, child welfare, juvenile justice, special education, crisis support, and developmental disabilities services to children and families. Comprehensive pediatric, psychiatric, and medical consultation and coordination services complete the continuum of care. HCC services are customized based on the strengths and needs of individual youth, adults and families. There are residential and school-based programs. All classrooms have a ratio of 6 students, 1 teacher and 1 teaching assistant.

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OUT-OF-DISTRICT PLACEMENTS

Location/Program	2018-2019	2019-2020	2020-2021	2021-2022	Projected 2022-2023
BOCES/Monroe 1	5	4	5	2	2
BOCES/WFL MIDLAKES	10	11	10	11	12
BOCES/WFL NEWARK	7	3	3	5	8
BOCES/WFL RED JACKET	3	2	4	3	3
BOCES/WFL WILLIAMSON	3	3	4	3	2
BOCES/WFL RUSHVILLE SECONDARY	0	1	1	1	1
MARY CARIOLA	1	1	1	0	0
NORMAN HOWARD	0	0	0	0	0
HILLSIDE RESIDENTIAL ® /SCHOOL PROGRAM (SP)	® 2 0 SP	® 1 2 SP	® 1 2 SP	® 0 2 SP	® 0 2 SP
PENN YAN/DRIVE TRANSITION PROGRAM @ KEUKA COLLEGE (18-21)	1	0	0	1	1
VICTOR/LIFE PREP @ NAZ TRANSITION PROGRAM (18-20)	0	0	0	0	0
AVALON SCHOOL @ VILLA'S OF HOPE	1	2	2	3 to begin year 0 currently	0
HOMESCHOOLED STUDENTS WITH SPECIAL NEEDS	1	1	2	2	1
The Kessler Center	1	1	1	0	0
Holy Childhood	1	1	0	0	0
E-Academy	0	0	0	3	2 possibly if it is offered
Totals of Out-of-District Placements	36	33	36	33	34

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Pupil Data - Ages 3-21:

	2018-2019	2019-2020	2020-2021	2021-2022	Projected 2022-2023
Disability Category					
Autism	26	25	32	29	31
Emotionally Disturbed	6	7	6	6	8
Learning Disabled	78	82	79	92	90
Intellectual Disability	3	4	2	1	3
Hard of Hearing	0	0	0	0	0
Speech Impaired	52	51	45	38	45
Visually Impaired	1	1	1	2	2
Orthopedically Impaired	0	0	1	2	3
Other Health Impaired	90	82	81	87	80
Multiple Disabilities	12	8	8	6	7
Deaf and Blind	0	0	0	0	0
Traumatic Brain Injured	2	1	1	1	1
<i>School-Aged K-12</i>	270	261	256	264	270
<i>Preschooler with a Disability</i>	50	43	47	54	45
504	81	85	82	75	75
Totals	401	389	385	393	390

VI. Space Availability

It is the intent of the district to coordinate all planning for the provision of special education programs and services in order to insure that adequate and appropriate space is made available for those special education classes provided by the district, as well as those programs provided by the Wayne-Finger Lakes BOCES. Continual effort is made to insure that all district-served children ages 3 to 21 are appropriately located in the least restrictive educational environment, and have access to appropriate space based upon their individual needs. This review of space is done annually with the involvement of administration within the district and BOCES. Currently the space available is adequate for program needs and the building project appropriately addresses the needs of our special education programs.

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VII. Budget

The Special Programs & Services Office monitors a general fund budget and two to four IDEA Federal allocation grants via NYSED. The figures of these budgets are illustrated below with what was budgeted and expensed in each of these categories:

A. Budgeted & Expensed

Category	Budget	Expensed				
		2018-2019	2019-2020	2020-2021	2021-2022 *	Projected 2022-2023
Equipment	Fluctuates base on needs	\$3980	\$3,748 of \$10,000	\$3,637 of \$10,000	\$8,601 of \$10,000	Maintain @ \$10,000
Contractual	Fluctuates base on needs	\$29,014 of \$44,115	\$17,573 of \$44,115	\$58,906 of \$44,115 of original budget Adjusted -\$95,100	\$46,007 of \$100,000	Maintain @ \$100,000
Materials	\$25,000	\$20,746	\$18,428	\$22,252	\$19,000 of \$25,000	Maintain @ \$25,000
Tuition	Fluctuates based on needs	\$509,652 of \$250,120 originally budgeted	\$560,703 of \$350,000	\$604,871 of \$700,000	\$332,839 of \$700,000	Reduce to \$274,220
BOCES Services	Fluctuates based on needs	\$2,629,210 of \$3,749,337	\$2,648,794 of \$3,412,412	\$2,705,409 of \$3,162,500	\$2,812,500 of \$2,812,500	Maintain @ \$2,812,500
Extra Duty	Fluctuates based on needs	\$14,694 of \$7750	\$20,722 of \$17,771	\$15,824 of \$25,000	\$16,051 of \$25,000	Maintain \$25,000
Staff Salaries	Fluctuates based on needs	\$2,411,163 of \$2,580,022	\$2,566,580 of \$2,637,495	\$2,564,318 of \$2,704,318	\$2,420,193 of \$2,824,611	Increase due to projected wage & benefit increases
IDEA 611	Federal Mandate w/State calculation	\$411,723	\$409,846	\$424,526	\$435,733	ARP \$82,383
IDEA 619	Federal Mandate w/State calculation	\$22,051	\$23,546	\$23,647	\$22,579	ARP \$9172

*Expenditures for 2021-2022 include expensed and encumbered funds.
ARP Grants have a rolling due date and must be spent by September 2024.

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Consistent communication between the Business Administrator and Director of Special Programs & Services is paramount. At monthly meetings the following topics are addressed:

- **Budget Lines**: Close scrutiny of when a budget line needs to be expanded by “borrowing” from another budget line is communicated and put in writing for documentation of the reason for the transferring of funds.
- **Out-of-District Placements**: Periodic checks on the placements of students is completed throughout the year by reconciling the monthly BOCES bills or monthly bills from placements.
- **Medicaid Reimbursement**: Sharing of information on registered staff, electronic receipt of reimbursement, Medicaid Cost report data points and any reimbursement funds received.
- **STAC/High Cost Aide Reimbursement**: The Special Programs & Services Office enters the information into the STAC system based on figures provided by the Business Administrator for any student in-district who hits a threshold that NYSED dictates as well as any out-of-district student. The Business Administrator verifies the input and is provided all back-up paperwork necessary to do so from the CSE Office.
- **Staffing Needs**: As students transfer in or out of the District, costs associated with their individual needs fluctuates, therefore a discussion point is recommended monthly as to the current status of transfers in and out.

What is not illustrated in expensed charts are items in which the building general fund budgets have expended for students with disabilities or those requiring academic intervention services (AIS including ENL services). AIS or MTSS staff as well as ENL staff have responsibilities to work with students with disabilities if the students learning profile dictates it.

The IDEA grants are specific amounts given to NYSED by the Federal government based on a formula that has been dictated through legislation. The Special Programs & Services Director writes the program budget for the IDEA grants. Staff salaries including secretarial support as well as dictated (mandatory) flow-through monies to private agencies and preschools are the grant expenditures in both the 611 and 619 IDEA grants. At times, benefits for the included staff members can be partially covered. A careful review of what staff member salaries are allowed in the IDEA grants is vital. Any staff member who bills Medicaid or may have an opportunity to have their salary noted in a high cost/STAC reimbursement figure cannot be covered in an IDEA grant. The Federal and State governments do not allow the double dipping into Federal programs. Therefore, staff assignments are crucial to have defined prior to the writing of the IDEA program budgets.

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VIII.Objectives of the Special Programs and Services

- A. The department will continually work towards developing programs consistent with the learning standards and state regulations specifically with the Blueprint of Student with Disabilities in mind. This will ensure high expectations for all. Building level and department meetings will focus on this task, with ongoing self-evaluation of the process.
 - 1. **Continual team data reviews of student progress on local screeners and MTSS driven assessments.**
 - 2. **Continue deep dives into grade level and student progress on state assessments as indicated by District Report Card.**

- B. Programming decisions are always based on the individual student's unique needs. Administration attempts to match staff strengths to the program options or students so that the student can find positive growth in the weak skill areas. The results are apparent during annual review, when less restrictive recommendations are made for the following year and at the building level, where parents and staff can observe students moving from grade to grade with success.
 - 1. **Student progress and growth towards goals are measured and documented by teachers and therapists daily and weekly with reports to parents at trimesters or quarters.**
 - 2. **Student overall progress for a year or a three-year period is documented and proven at annual review meetings and reevaluation meetings.**

- C. Our number one objective in the special program and services department is to grow individual student skills. We believe that through collaboration, communication and compassion with parents, the community and general education teachers we can lead students to this growth.
 - 1. **Continual review of special education data at the building and District level.**
 - 2. **Parental, staff and student surveys via the State Performance Plan Indicators or in-house development will continue to grow department goals and student performance.**

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IX. Future Objectives for the Special Programs and Services

In the next 18 months the department will continue to work towards effective programming for student growth in the following ways:

- A. Increase data-analysis of the success of our students. We need to increase staff understanding of data, how it should drive all instruction, and student programming. This includes scheduling at all levels. Staff will need the TIME to process the information to be sure they are utilizing the information to make program changes to initiate student growth.
- B. Empower staff to voice concerns and provide student detail as to how scheduling and programming changes are needed due to student abilities across grade levels. Provide staff with time to plan for the implementation of new programming with fidelity.
- C. Continue to train all staff in any and all of the following topics: transporting students with disabilities safely, educational benefit of IEPs, implicit bias, best practices with developmental learners, communication, coping strategies for students with high anxiety, co-teaching, and student-led IEPs.
- D. Further the development of the consultant teacher direct program to ensure quality specialized instruction in the areas of math and ELA at all grade levels, with the inclusion of science and social studies whenever possible. This includes continual discussion with staff on the strategies for co-teaching, explicit and specially-designed instruction and the investigation of flexible scheduling options including opportunities to visit or explore models at other districts.
- E. Continue to monitor and consult with building and district administration in the implementation of Multi-Tiered Systems of Support a Response to Intervention model for Academic Intervention Services (AIS) programming and the K-12 special education referral process. Also, ensure all students progress towards NYS SEL Standards.
- F. Develop, with general and special education staff, Career Development Occupational Studies options to earn the CDOS credential by creating and building an expanded community work program.
- G. Increase awareness of appropriate management of children with social and/or emotional needs within the general education classroom as well as the special education classroom. The incorporation of NYSED Social-Emotional Learning Standards is being fused into the management of social/emotional needs. The SEL District committee will focus on building tiered services that are curriculum-based in which all staff are responsible for implementing. The confidentiality parameter training and limited sharing of student information will be key in the implementation of the SEL standards.
- H. We have and will continue to train staff in TCIS (Therapeutic Crisis Intervention Systems). This program offers and teaches preventative strategies to support appropriate behavior management techniques/conflict resolution to be used in any classroom (general or special education).
- I. Increase the number of high functioning, learning disabled or college-bound types of students to work towards independence or declassification with the use of accommodations, self-management, and/or assistive technology for their production of school-related tasks.
- J. Continue to develop protocols for clear expectations and procedures for accommodations of students with 504 Plans, IEPs and shared services of ENL or AIS/MTSS services.
- K. Review the District accessible technology efforts and create, with the technology team, the accessible instructional material (AIM) plan for later Board of Education approval.

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- L. Continue efforts to vertically align department special education to ease the transitions for students from grade to grade or building to building.
- M. Continue to educate parents and staff as to how decisions are made regarding appropriate program placement based on student needs to ensure access to general education curriculum in the Least Restrictive Environment. Create flowcharts or pamphlets for each step of the process to better educate parents on each step of the process.
- N. Work with PSO staff to develop protocols for students with severe mental health concerns. This would include strategies to inform staff of students with trauma or high ACE scores or those experiencing an acute crisis while being mindful of confidentiality.
- O. Empower students to self-advocate during the special education process, participate in student-led meetings, have an understanding of their disability, and how it impacts learning in order to facilitate self-determination.

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X. Links to pertinent special education regulations

- A. <http://www.p12.nysed.gov/specialed/lawsregs/part200.htm>
- B. <http://www.p12.nysed.gov/specialed/publications/2015-memos/blueprint-for-improved-results-for-students-with-disabilities.html>
- C. <https://www.p12.nysed.gov/specialed/aim/>
- D. <https://www.p12.nysed.gov/specialed/formsnotices/>
- E. <https://www.p12.nysed.gov/specialed/gradrequirements/home.html>
- F. <https://sites.ed.gov/idea/>
- G. <http://www.p12.nysed.gov/specialed/spp/apr2011/att-ind13.htm>
- H. <http://www.p12.nysed.gov/sedcar/sppschedule.html>

XI. Appendix of Protocols

- One-to-One Aide Rationale
- IEP Rubric
- Tests Read Protocol
- Foreign Language Exemption
- One-to-One Nurse Rationale
- Functional Behavior Assessments
- Permission for Use of Time Out Room
- Time Out Room Documentation
- Positive Behavioral Intervention Plan
- Rules for a Scribe
- Declassification Document
- Canvass Form
- Five-Day Waiver Form
- Permission to Share Information
- CSE Meeting Follow Up Form
- Learning Disability Worksheet
- Manifestation Meeting Form
- Missing Team Member
- 408 Compliance Form
- IEP Amendment Requests
- Nurse Forms
- Parent/Guardian Notification Forms
- Regression Statement
- Superintendent Determination of Local Diploma

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The Phelps-Clifton Springs Central School District Special Education Plan is provided in accordance with the Regulations of the Commissioner of Education, Part 200, Section 200.2(c). This plan was formally approved by the Phelps-Clifton Springs Central School District Board of Education on [February 7, 2022](#).

Respectfully submitted by,

Tammy Wood,
Director of Special Programs and Services

Jessica VanDamme,
Administrative Intern to the Director of Special
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With collaborative input from the following staff members:

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Laura Robbins-Milliman, 7-8 Special Education Department Chair

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