2. The terms of section 300.9(e)(2) of the Education Law of 2000, which provides for the enforcement of the rights of parents and children, are hereby incorporated into this Article. In accordance with section 300.9(e)(2) of the Education Law of 2000, the rights of parents and children are hereby secured and protected.

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Your child may not use the right to observe your child during the

Part 1: Independent Educational Evaluations

The school district is responsible for evaluating your child at any time during the

Part 2: Procedural Safeguards Notice

If you are dissatisfied with your child's educational program, you have the right to challenge the school district's decision. Your child's

Part 3: Buyer's Guide

Your child's education may not include an appropriate educational program, if you

Part 4: Consumer Information

The purpose of this document is to provide information about your child's

Part 5: New York State Education Department

If you are not satisfied with your child's educational program, you may challenge the school district's decision. Your child's

Part 6: Independent Education Evaluations

If you are not satisfied with your child's educational program, you may challenge the school district's decision. Your child's
NOTICE TO PARENTS

The information provided herein is based on the best available data and is intended to assist in making informed decisions about your child's education. However, it is important to note that this information is not comprehensive and may not reflect all aspects of your child's educational experience.

Confidentiality of Information

The information provided is intended to be confidential and may not be shared with third parties without the express consent of the parent(s) or guardian(s). Any questions or concerns regarding the accuracy or completeness of the information should be directed to the appropriate school district office.

Definitions

Confidentiality of Information

Part D: Procedures and Services

New York State Education Department

July 2017
STATE COMPLAINT PROCEDURES

1. Submit a written or electronic complaint. A complaint shall be in writing and shall include the following information:
   a. The name, address, and telephone number of the complainant.
   b. The name, address, and telephone number of the child.
   c. The nature of the complaint.
   d. The date on which the complaint was filed.
   e. Any supporting documentation, such as witness statements or records.

2. The complaint must be filed within 180 calendar days of the event giving rise to the complaint.

3. The complaint shall be filed with the appropriate state educational agency.

4. The appropriate state educational agency shall investigate the complaint and take appropriate action.

5. The complaint may be dismissed if it is determined that the complaint is not supported by evidence.

6. The complainant shall have the opportunity to appeal the decision of the appropriate state educational agency.

7. The appropriate state educational agency shall provide the complainant with a notice of the decision and the right to appeal.

STATE COMPLAINT PROCEDURES

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   a. The name, address, and telephone number of the complainant.
   b. The name, address, and telephone number of the child.
   c. The nature of the complaint.
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PART D: PROCEDURE COMPLAINT

FILE A DUE PROCESS COMPLAINT

New York State Education Department
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34 CFR section 300.510; 8 NYCCR section 200.6(f)

RESOLUTION MEETING

The child's placement while the due process complaint and hearing are pending (Pendency)

Except as provided below, under the procedures described in paragraphs (c) and (d) of this section, a child who is the subject of a due process complaint is entitled to receive a free appropriate public education (FAPE) while the complaint is pending. A child's FAPE is not limited to one held to be appropriate after a hearing. If the complaint is resolved before a hearing is required, the child's FAPE must continue until the complaint is resolved.

Impartial Hearing Officers (IHOs)

A hearing officer is a neutral person who is trained in mediation and in the education of children with disabilities. Hearing officers are paid by the parties to the dispute. The hearing officer must be impartial, meaning that he or she has no financial or personal interest in the outcome of the hearing.

The hearing officer is responsible for the following:

1. Conducting the hearing in a fair and impartial manner.
2. Ensuring that all relevant evidence is presented.
3. Making findings of fact based on the evidence presented.
4. Making a decision based on the findings of fact.

The decision of the hearing officer is final unless a party requests an appeal to the State Educational Agency (SEA) or the United States Department of Education (ED) within 30 days of the decision.

The mediator shall be paid by the agency or entity which is responsible for the program, or as directed by the parties, to a professional who is not an employee of the school district or State agency and who is qualified in accordance with the applicable provisions of the Individuals with Disabilities Education Act (IDEA)

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July 2017

3. Establish records of each child in the program and keep them for the duration of the program.
4. Submit copies of the forms and records to the state and local agencies.
5. Submit records of the children in attendance to the state agency.
6. Submit the required forms and records to the state agency.

Written statement:

By signing, I certify that the information submitted is true and correct.

Name of Program:

Date:

Signature:
null
Procedures When Disciplining Children With Disabilities

Part B: Procedures When Disciplining Males

New York State Education Department

3 Family Education Rights and Procedures

General

A school district shall not permit disciplinary action to be taken against a student with disabilities without first having been advised of the provisions of this section and of the procedures for the discipline of students with disabilities.
July 2017

The current status of school policies and procedures is to ensure that students are prepared for the next level of education.

Section 1: Introduction

1. The school adopts a comprehensive program of education, which includes the following:
   - A balanced curriculum that covers all subjects necessary for academic success.
   - Regular assessments to monitor student progress.
   - Opportunities for students to participate in extracurricular activities.

Section 2: Curriculum

2. The school curriculum is designed to meet the needs of all students.
   - It includes core subjects such as mathematics, science, and language arts.
   - It also offers electives to allow students to pursue their interests.

Section 3: Assessment

3. The school uses a variety of assessment tools to evaluate student performance.
   - These include tests, quizzes, and project-based assessments.
   - Regular feedback is provided to students and their parents.

Section 4: Extra-curricular Activities

4. The school promotes participation in extracurricular activities.
   - These activities range from sports to arts and music clubs.
   - They provide opportunities for students to develop skills beyond academics.

Section 5: Conclusion

5. In conclusion, the school is committed to providing a well-rounded education to all students.
   - It focuses on both academic and personal development.
   - The school encourages a love of learning and fosters a sense of community among its students.
Part B Procedural Safeguards Notice

Special circumstances

Whether or not the behavior was a manifestation of the child’s disability, school personnel may remove a student to an IAES (determined by the child’s CSE or CPSE) for up to 45 school days, if the child:

1. carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district;
2. knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district; or
3. has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1305 of title 18, United States Code.

Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (q) of section 921 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

34 CFR section 300.536; 8 NYCRR section 201.2

A removal of a child with a disability from the child’s current educational placement is a change of placement if:

1. the removal is for more than 10 school days in a row; or
2. the child has been subjected to a series of removals that constitute a pattern because:
   a. the series of removals total more than 10 school days in a school year;

b. the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and

c. of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

DETERMINATION OF SETTING

34 CFR section 300.531; 8 NYCRR section 201.10

The CSE or CPSE must determine the IAES for removals that are changes of placement, and removals under the headings Additional authority and Special circumstances, above.

APPEAL

34 CFR section 300.532; 8 NYCRR section 201.11

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. any decision regarding placement made under these discipline provisions; or
2. the manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of impartial hearing officer

A hearing officer who meets the requirements described under the sub-heading Impartial Hearing Officer must conduct the due process hearing and make a decision. The hearing officer may:

1. return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child’s behavior was a manifestation of the child’s disability; or
2. order a change of placement of the child with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

July 2017
approp. elementary school age or younger of the child.

4 CFR section 300.234: Protections for children not yet eligible for special education and related services

Education and Annual Eligibility

Procedures for Appeals

Appropriate educational services during appeals (appeals board)

Part A of IDEA

1. The child may appear at the hearing, if the parents so request.

2. The child’s parents may request that the child be accompanied by the child’s teacher.

3. The child’s teacher is requested to be present.

4. The parents and the child are entitled to express opinions and to participate in the hearing.

5. The child’s teacher is requested to be present.

6. The child is requested to be present.

7. The parties may request that the child be present.

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