PROGRAMS FOR STUDENTS WITH DISABILITIES
UNDER IDEA AND ARTICLE 89

The Board of Education shall make available to all students eligible under the Individuals with Disabilities Education Act and Article 89 of the Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board acknowledges its responsibility to offer, at public expense, special education and related services which are designed to provide educational benefits to students in conformity with their individualized education program. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the district, regardless of whether they are residents of the district. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within district boundaries who have refused district services. Nonpublic school students with disabilities who are not district residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with their services plan (SP). (Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York’s Education Law Article 89 for more guidance on this topic).

In addition, to the maximum extent appropriate to their individual needs, eligible students with disabilities residing within the district and attending the district’s public schools will be entitled to participate in school district academic, cocurricular and extracurricular activities available to all other students enrolled in the district’s public schools. Such cocurricular and extracurricular activities may include athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the school district and assistance in making outside employment available).

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma.

Students with disabilities may not be required to take medication as a condition for receiving a free appropriate public education.
I. Committee on Special Education

Consistent with the requirements of federal and state law and regulations, the Board will:

1. Appoint a committee on special education (CSE), and as appropriate, CSE subcommittees to assure the identification and placement of eligible students with disabilities.

2. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of federal and state law and regulations. As part of the periodic reevaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulations.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The district will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

To ensure the appropriate delivery of services to students with disabilities in the district, the Superintendent of Schools shall ensure that:

1. All children with disabilities residing in the district, including those attending private school are identified, located and evaluated.

2. School wide approaches and pre-referral interventions including, but not limited to, academic intervention services in order to remediate a student's performance prior to referral for special education are implemented.

3. The CSE shall consider appropriate declassification of students with disabilities as follows:
   a. the CSE and subcommittees shall, whenever the evaluations, grades and/or other data and reports submitted to the Committee or subcommittee so indicate, consider declassifying students with disabilities when they no longer satisfy the criteria under the Part 200 Regulations;
   b. the CSE or subcommittee will not declassify a student without conducting a re-evaluation of the student's educational, academic, psychological performance or other evaluations that the CSE determines are appropriate in accordance with the Part 200 Regulations;
c. upon declassification, the CSE shall recommend, as appropriate, and identify, in accordance with the Part 200 Regulations, such declassification support services and services as may be appropriate including, but not limited to, educationally related support services; academic intervention services; building level services; testing accommodations; related services; psychological services; speech and language improvement services and or non-career counseling. The IEP at the time of declassification shall indicate:

i. the projected date of the initiation of such service;
ii. the frequency of the provision of such services; and
iii. the duration of such services.

The Superintendent shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.

The Superintendent shall also develop and maintain a comprehensive system of personnel development plan so that professional and paraprofessional staff working with students with disabilities possess the skills and knowledge necessary to meet the needs of students with disabilities.

II. Preschool Special Education

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;
6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well students referred but not served and the reasons why they are not served; and
7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.
The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district’s children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board’s concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the district to try and resolve the complaint within 15 days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

Cross ref:  4321.1 Provision of Special Education Services in the Least Restrictive Environment  
4321.2 School-Wide Pre-Referral Approaches and Interventions  
4321.3 Allocation of Space for Special Education Programs and Students  
4321.4 Independent Education Evaluations  
4321.5 Confidentiality and access to IEP, IE Services Programs and Service Plans  
4321.6 Availability of Alternative Format Instructional Materials for Students with Disabilities  
4321.7 District-wide and Statewide Assessments of Students with Disabilities  
4321.8 Impartial Hearing Officer Appointment and Selection  
4321.9 Declassification of Students with Disabilities  
4321.11 Public Report on Revisions to District Policies, Practices and Procedures upon Finding of Significant Disproportionality  
4321.13 Preschool Special Education  
4321.14 Special Education Personnel  
5020.3 Students With Disabilities Under Section 504  
5313.4 Discipline of Students with Disabilities Under IDEA and Article 89  
5500 Student Records

Ref:  Education Law §§4401 et seq. (Article 89)  
20 USC. 1400 et seq. (IDEA)  
34 CFR Part 300  
8 NYCRR Part 200

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