

**SPECIAL EDUCATION**  
**HYDE PARK CENTRAL SCHOOL**  
**DISTRICT**

**DISTRICT PLAN**

**2022 – 2023**



**Melissa Lawson**  
Assistant Superintendent  
for Pupil Services

**Joanna Murphy**  
Director of Special Education

## TABLE OF CONTENTS

Children with Disabilities	3
Definition of Terms	4
Description of Programs	21
Report of Pupils with Disabilities	22
General Program Objectives	23
Impartial Hearing Officers List	23
Individualized Education Program Access	24
District Letter	25
HPCSD District Programs	28

## **CHILDREN WITH DISABILITIES**

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of all children attending school in the District. In recognizing these differences the Board of Education supports a system of individualized special education services offered in the least restrictive environment which meets the special educational needs of children with handicapping conditions as required under Section 200.6 of Commissioner's Regulations. This continuum may include:

- a) All students with disabilities are afforded an equal opportunity to participate in all school district programs, extracurricular activities and services which are available to all other pupils enrolled in the district's public schools.
- b) Remedial education in regular classes, integrated co-teaching classes, resource room, education for part of the day in a special class, full time education in a special class, home instruction or education in a specialized setting, as well as related services.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Consideration of the location of a school program(s) to students residence, before placement into an education program.
- e) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- f) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- g) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.
- h) Appointing and training qualified personnel including the members of the CSE/CPSE.

The District Special Education plan establishes administrative practices and procedures to implement this Board of Education policy in accordance with the provisions of Section 200.6 of Part 200 of the Commissioner's Regulations.

## DEFINITION OF TERMS

- (a) **Adaptive behavior** means the effectiveness with which the individual copes with the natural and social demands of his environment.
- (b) **Adapted physical education** means a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.
- (c) **Annual review** means a review conducted at least annually by the committee on special education, of the status of each student with a disability, who receives services within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.
- (d) **Approved private school** means a private school which conforms with the requirements of Federal and State laws and regulations governing the education of students with disabilities, and which has been approved by the commissioner for the purpose of contracting with public schools for the instruction of students with disabilities.
- (e) **Assistive technology device** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such a device.
- (f) **Assistive technology service** means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
- (1) the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
  - (2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
  - (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - (4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
  - (5) training or technical assistance for a student with a disability or, if appropriate, that student's family; and
  - (6) training or other technical assistance for professionals (including

individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student. [SEP]

(g) **Change in program** means a change in any one of the components of the individualized education program of a student as described in section 200.4(d)(2) of this Part.

(h) **Change in placement** means a transfer of a student to or from a public school, BOCES or schools enumerated in articles 81, 85, 87, 88 or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student with a disability from the student's current educational placement under Education Law section 3214, change of placement is defined in Part 201 of this Title.

(i) **Class size** means the maximum number of students who can receive instruction together in a special class or resource room program and the number of teachers and supplementary school personnel assigned to the class.

(j) **Committee on preschool special education (CPSE)** means a multidisciplinary team established in accordance with the provisions of section 4410 of the Education Law.

(k) **Committee on special education (CSE)** means a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law.

(l) **Consent** means:

(1) the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;

(2) the parent understands and agrees in writing to the activity for which consent is sought; and

(3) the parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(m) **Consultant teacher services** means direct and/or indirect services, as defined in this subdivision, provided to a student with a disability in the student's regular education classes and/or to such student's regular education teachers.

(1) **Direct consultant teacher services** means specially designed individualized or group instruction provided by a certified special education teacher pursuant to subdivision (yy) of this section, to a student with a disability to aid such student to benefit from the student's regular education classes.

(2) **Indirect consultant teacher services** means consultation provided

by a certified special education teacher pursuant to subdivision (yy) of this section to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes.

(n) **Days** means calendar days unless otherwise indicated as school day or business day.

(1) **School day** means any day, including a partial day that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities, except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays.

(2) **Business day** means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

(o) **Fiscal year** means the period commencing on the 1st day of July in each year and ending on the 30th day of June next following.

(p) **Full-day preschool program** means an approved special education program for preschool students with disabilities that provides instruction for a full-day session as defined in subdivision (q) of this section, provided however that in the event a program is approved by the commissioner to provide instruction for less than a full-day session but more than a half-day session, such program shall be deemed a full-day program solely for purposes of development of a recommendation by the preschool committee on special education pursuant to subparagraph (i) of paragraph b of subdivision 5 of section 4410 of the Education Law and section 200.16(e)(3) of this Part.

(q) **Full-day session** means a school day with not less than five hours of instruction for preschool students with disabilities and for students whose chronological ages are equivalent to those of students in grades K through 6, and not less than 5 1/2 hours of instruction for students whose chronological ages are equivalent to those of students in grades 7 through 12.

(r) **Functional behavioral assessment** means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of this Part and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

(s) **Guardian ad litem** means a person familiar with the provisions of this Part who is appointed from the list of surrogate parents or who is a pro bono attorney appointed to represent the interests of a student in an impartial hearing pursuant to section 200.5(j)(3)(ix) of this Part and, where appropriate,

to join in an appeal to the State Review Officer initiated by the parent or board of education pursuant to section 200.5(k) of this Part. A guardian ad litem shall have the right to fully participate in the impartial hearing to the extent indicated in section 200.5(j)(3)(xii) of this Part.

(t) **General curriculum** means the same general education curriculum as for students without disabilities.

(u) **Half-day preschool program** means an approved preschool special education program for preschool students with disabilities that provides instruction for a half-day session as defined in subdivision (v) of this section.

(v) **Half-day session** means a morning or afternoon session with not less than 2 1/2 hours of instruction for students whose chronological ages are equivalent to those of students in grades K through 6, and not less than three hours of instruction for students whose chronological ages are equivalent to those of students in grades 7 through 12, provided that for preschool students with disabilities such term shall mean a morning or afternoon session with not more than 2 1/2 hours of instruction per day.

(w) **Home and hospital instruction** means special education provided on an individual basis for a student with a disability confined to the home, hospital or other institution because of a disability.

(x) **Impartial hearing officer** means an individual assigned by a board of education pursuant to Education Law, section 4404(1), or by the commissioner in accordance with section 200.7(d)(1)(i) of this Part, to conduct a hearing and render a decision. No individual employed by a school district, school or program serving students with disabilities placed there by a school district committee on special education may serve as an impartial hearing officer and no individual employed by such schools or programs may serve as an impartial hearing officer for two years following the termination of such employment, provided that a person who otherwise qualifies to conduct a hearing under this section shall not be deemed an employee of the school district, school or program serving students with disabilities solely because he or she is paid by such schools or programs to serve as an impartial hearing officer. An impartial hearing officer shall:

(1) be an individual admitted to the practice of law in the State of New York who is currently in good standing and who has a minimum of two years practice and/or experience in the areas of education, special education, disability rights or civil rights; or be an individual certified by the State of New York as an impartial hearing officer on September 1, 2001;

(2) have access to the support and equipment necessary to perform the duties of an impartial hearing officer;

(3) be independent, shall not be an officer, employee or agent of the school district or of the board of cooperative educational services of which such school district is a component, or an employee of the Education Department, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall not have participated in any manner in the formulation of the

recommendation sought to be reviewed; and

(4) be certified by the commissioner as an impartial hearing officer eligible to conduct hearings pursuant to Education Law, section 4404(1) and subject to suspension or revocation of such certification by the commissioner for good cause in accordance with the provisions of section 200.21 of this Part. In order to obtain and retain such a certificate, an individual shall:

(i) successfully complete a training program, conducted by the department, which program provides information regarding State and Federal laws and regulations relating to the education of students with disabilities, the needs of such students, and the procedures involved in conducting a hearing, and in reaching and writing a decision;

(ii) attend such periodic update programs as may be scheduled by the commissioner;

(iii) annually submit, in a format and by a date prescribed by the commissioner, a certification that the impartial hearing officer meets the requirements of paragraphs (1), (2) and (3) of this subdivision;

(iv) possess knowledge of, and the ability to understand, the provisions of Federal and State law and regulations pertaining to the Individuals with Disabilities Education Act and legal interpretations of such law and regulations by Federal and State courts;

(v) possess knowledge of, and the ability to conduct hearings in accordance with appropriate, standard legal practice and to render and write decisions in accordance with appropriate standard legal practice;

(vi) be willing and available to accept appointment to conduct impartial hearings. Notwithstanding the provisions of section 200.21 of this Part, unless good cause has been provided to the commissioner including, but not limited to, cause resulting from poor health as certified by a physician, active military services or other similar extenuating circumstances, the certification of an impartial hearing officer shall be rescinded upon a finding that the impartial hearing officer was not willing or available to conduct an impartial hearing within a two-year period of time.

(y) ***Individualized education program*** means a written statement, developed, reviewed and revised in accordance with section 200.4 of this Part, which includes the components specified in section 200.4(d)(2) of this Part to be provided to meet the unique educational needs of a student with a disability.

(z) ***Independent educational evaluation*** means an individual evaluation of a student with a disability or a student thought to have a disability, conducted by a qualified examiner who is not employed by the public agency responsible for



the education of the student. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

(aa) **Individual evaluation** means any procedures, tests or assessments used selectively with an individual student, including a physical examination in accordance with the provisions of sections 903, 904 and 905 of the Education Law, an individual psychological evaluation, except where a school psychologist has determined pursuant to section 200.4(b) of this Part that a psychological evaluation is unnecessary to evaluate a student of school age, a social history and other appropriate assessments or evaluations as may be necessary to determine whether a student has a disability and the extent of his/her special education needs, but does not include basic tests administered to, or procedures used with, all students in a school grade or class.

(bb) **Individual psychological evaluation** means a process by which a New York State- certified school psychologist or licensed psychologist uses, to the extent deemed necessary for purposes of educational planning, a variety of psychological and educational techniques and examinations in the student's native language, to study and describe a student's developmental, learning, behavioral and other personality characteristics.

(cc) **Least restrictive environment** means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- (1) provide the special education needed by the student;
- (2) provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- (3) be as close as possible to the student's home.

(dd) **Mediator** means a qualified and impartial individual who is trained in effective mediation techniques to resolve disputes in accordance with Education Law, section 4404-a and section 200.5(h) of this Part and who is knowledgeable in laws and regulations relating to the provision of special education services. An individual who serves as a mediator may not have a personal or professional interest which would conflict with his or her objectivity in the mediation process and may not be an employee of a State educational agency that is providing direct services to a student who is the subject of the mediation process or a school district or program serving students with disabilities, provided that a person who otherwise qualifies to conduct mediation under section 200.5(h) of this Part shall not be deemed an employee of the State, a school district, school, or a program serving students with disabilities solely because he or she is paid by a community dispute resolution center through grant funds provided by the State Education Department to serve as a mediator.

(ee) **Medical services** means only evaluative and diagnostic services provided by a licensed physician, or by another appropriately licensed or registered health professional in consultation with, or under the supervision of, a licensed physician, to determine whether a student has a medically related disability which may result in the student's need for special education and related services.

(ff) **Native language** means:

(1) if used with reference to an individual of limited English proficiency, the language normally used by that individual, or, in the case of a student, the language normally used by the parents of the student, except that, in all direct contact with a student (including evaluation of the student), native language means the language normally used by the student in the home or learning environment; and

(2) for an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

(gg) **Occupational therapy** means the functional evaluation of the student and the planning and use of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the student in his or her daily life tasks.

(hh) **Supplementary school personnel** means a teacher aide or a teaching assistant as described in section 80-5.6(a) through (d) of this Title.

(ii) (1) **Parent** means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in Education Law, section 3212; an individual designated as a person in parental relation pursuant to title

15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides); or a surrogate parent who has been appointed in accordance with section 200.5(n) of this Part. The term does not include the State if the student is a ward of the State.

(2) A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

(3) Except as provided in paragraph (4) of this subdivision, when one or more than one party is qualified under paragraph (1) of this subdivision to act as a parent, the birth or adoptive parent must be presumed to be the parent unless the birth or adoptive parent does not have legal authority to make educational decisions for the student.

(4) If a judicial decree or order identifies a specific person or persons to act as the parent or make educational decisions on behalf of the student, then such person or persons shall be determined to be the parent for

purposes of this Part, except that a public agency that provides education or care for the student, or a private agency that contracts with a public agency for such purposes, shall not act as the parent.

(jj) **Participating agency** means a State or local agency, other than the public agency responsible for a student's education that is financially and legally responsible for providing transition services to the student.

(kk) **Parent counseling and training** means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's individualized education program.

(ll) **Physical therapy** means a related service provided in accordance with section 6731(a) of the Education Law.

(mm) **Preschool student with a disability** is a preschool child as defined in section 4410(1)(i) of Education Law who is eligible to receive preschool programs and services, is not entitled to attend the public schools of the school district of residence pursuant to section 3202 of the Education Law and who, because of mental, physical, or emotional reasons, has been identified as having a disability and can receive appropriate educational opportunities from special programs and services approved by the department. Eligibility as a preschool student with a disability shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team in accordance with all other requirements as described in section 200.4 (b) (1) through (5) of this Part.

(1) Commencing July 1, 1993, to be identified as having a disability a preschool student shall either:

(i) exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio- emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

(a) a 12-month delay in one or more functional area(s); or

(b) a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or

(c) if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in

each of two functional areas; or

(ii) meet the criteria set forth in paragraphs (1), (2), (3), (5), (9), (10), (12) or (13) of subdivision (zz) of this section.

(2) Commencing July 1, 1991, in the calendar year in which such preschool student becomes three years of age, a student shall be first eligible for preschool programs and services on January 2nd of such calendar year, if the student's birthday falls before July 1st, otherwise a student shall be first eligible on July 1st of the calendar year; except that a student who, as of his or her third birthday, is already receiving services pursuant to section 236 of the Family Court Act or its successor, or section 4204-a of the Education Law, may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services pursuant to section 4410 of the Education Law. A student shall be deemed to be a preschool student with a disability through the month of August of the school year in which the student first becomes eligible to attend school pursuant to section 3202 of the Education Law.

(nn) **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.

(oo) **Prior written notice** means written statements developed in accordance with section 200.5(a) of this Part, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(pp) **Regular education teacher** means:

(1) for a school-age student, a teacher qualified to serve nondisabled students who is providing regular education instruction to the student. If the student is not receiving instruction from one or more regular education teachers, a teacher qualified to provide regular education in the type of program in which the student may be placed may serve as the student's regular education teacher;

(2) for a preschool child, a regular education teacher qualified to provide regular education services to nondisabled preschool or elementary-level students who is providing regular education instruction to the student. If the student is not receiving instruction from one or more regular education teachers, a teacher qualified to provide regular education in the type of program in which the student may be placed may serve as the preschool student's regular education teacher.

(qq) **Related services** means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes

speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.

(1) Services that apply to children with surgically implanted devices, including cochlear implants. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping), maintenance of that device, or the replacement of that device, provided that nothing in this paragraph:

(i) limits the right of a student with a surgically implanted device to receive related services that are determined by the CSE or CPSE to be necessary for the student to receive a free appropriate public education; or

(ii) limits the responsibility of a school district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or

(iii) prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

(rr) **Resource room program** means a special education program for a student with a disability registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day.

(ss) **School health services and school nurse services.**

(1) **School health services** means health services provided by either a qualified school nurse or other qualified person that are designed to enable a student with a disability to receive a free appropriate public education as described in the individualized education program of the student.

(2) **School nurse services** means services provided by a qualified school nurse pursuant to section 902(2)(b) of the Education Law that are designed to enable a student with a disability to receive a free appropriate public education as described in the individualized education program of the student.

(tt) **Social history** means a report of information gathered and prepared by qualified school district personnel pertaining to the interpersonal, familial and environmental variables which influence a student's general adaptation to school, including but not limited to data on family composition, family history, developmental history of the student, health of the student, family interaction

and school adjustment of the student.

(uu) **Special class** means a class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction as defined in subdivision (vv) of this section.

(vv) **Specially-designed instruction** means adapting, as appropriate to the needs of an eligible student under this Part, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

(ww) **Special education** means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

(1) Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.

(2) Such instruction includes specially designed instruction in physical education, including adapted physical education.

(3) For the purposes of this definition:

(i) The individual needs of a student shall be determined by a committee on special education in accordance with the provisions of section 200.4 of this Part upon consideration of the present levels of performance and expected learning outcomes of the student. Such individual-need determinations shall provide the basis for written annual goals, direction for the provision of appropriate educational programs and services and development of an individualized education program for the student. The areas to be considered shall include:

(a) **academic achievement, functional performance and learning characteristics** which shall mean the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style;

(b) **social development** which shall mean the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments;

(c) **physical development** which shall mean the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process; and

(d) **management needs** which shall mean the nature of and degree to which environmental modifications and

human or material resources are required to enable the student to benefit from instruction. Management needs shall be determined in accordance with the factors identified in each of the three areas described in clauses (a)-(c) of this subparagraph.

(ii) **Group instruction** means instruction of students grouped together according to similarity of individual needs for the purpose of special education. The curriculum and instruction provided to such groups shall be consistent with the individual needs of each student in the group, and the instruction required to meet the individual needs of any one student in the group shall not consistently detract from the instruction provided other students in the group.

(xx) **Special education provider** means an individual qualified pursuant to section 200.6(b)(3) of this Part who is providing related services, as defined in paragraph (qq) of this section, to the student. If the student is not receiving related services, an individual qualified to provide related services needed by the student may serve as the related service provider of the student.

(yy) **Special education teacher** means a person, including an itinerant teacher, certified or licensed to teach students with disabilities pursuant to Part 80 of this Title who is providing special education to the student. For a student who is being considered for initial placement in special education, a teacher qualified to provide special education in the type of program in which the student may be placed may serve as the student's special education teacher.

(zz) **Student with a disability** means a student with a disability as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. The terms used in this definition are defined as follows:

(1) **Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph (4) of this subdivision. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

(2) **Deafness** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance.

(3) **Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(4) **Emotional disability** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

(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.

The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

(5) **Hearing impairment** means 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 in this section.

(6) **Learning disability** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, as determined in accordance with section 200.4(j) of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of an intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage.

(7) **Intellectual disability** means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student's educational performance.

(8) **Multiple disabilities** means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not



include deaf-blindness.

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

(10) **Other health-impairment** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.

(11) **Speech or language impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance.

(12) **Traumatic brain injury** means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, 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** means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

(aaa) **Substantial regression** means a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year.

(bbb) **Supplementary aids and services** means aids, services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment.

(ccc) **Surrogate parent** means a person appointed to act in place of parents or guardians when a student's parents or guardians are not known, or when after reasonable efforts, the board of education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth or the student is a ward of the State and does not have a parent who meets the definition in subdivision (ii) of this section, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

(ddd) **Transitional support services** means those temporary services, specified in a student's individualized education program, provided to a regular or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a regular program or to a program or service in a less restrictive environment.

(eee) **Twelve-month special service and/or program** means a special education service and/or program provided on a year-round basis, for students determined to be eligible in accordance with sections 200.6(k)(1) and 200.16(i)(3)(v) of this Part whose disabilities require a structured learning environment of up to 12 months duration to prevent substantial regression. A special service and/or program shall operate for at least 30 school days during the months of July and August, inclusive of legal holidays, except that a program consisting solely of related service(s) shall be provided with the frequency and duration specified in the student's individualized education program.

(fff) **Transition Services** means a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences and interests, and shall include needed activities in the following areas:

- (1) instruction;
- (2) related services;
- (3) community experiences;
- (4) the development of employment and other post-school adult living objectives; and
- (5) when appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

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

(hhh) **Homeless youth** means the same as the term homeless child as defined in section 100.2(x) of this Title.

(iii) **Limited English proficient student** means the same as the term pupils with limited English proficiency as defined in section 154.2(a) of this Title.

(jjj) **Universal design** means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(kkk) **Ward of the State** means a child or youth under the age of 21:

(1) who has been placed or remanded pursuant to section 358-a, 384 or 384-a of the Social Services Law, or article 3, 7, or 10 of the Family Court Act, or freed for adoption pursuant to section 383-c, 384 or 384-b of the Social Services Law; or

(2) who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

(3) who is a destitute child under section 398(1) of the Social Services Law.

(lll) **Behavioral intervention plan** means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

(mmm) **Interpreting services** means oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services and transcription services, such as communication access real-time translation (CART), C-Print and TypeWell for students who are deaf or hard of hearing; and special interpreting services for students who are deaf-blind.

(nnn) **Declassification support services** means those services provided by persons appropriately certified or licensed pursuant to Part 80 of this Title in the appropriate area of service, to a student or such student's teacher(s) to aid in such student's transition from special education to full-time regular education, including:

(1) for the student, psychological services, social work services, speech and language services, counseling (other than career counseling), and other appropriate support services; and

(2) for the student's teacher(s), the assistance of supplementary school personnel, and consultation with appropriate personnel.

## **DESCRIPTION OF PROGRAMS**

Hyde Park Central School District serves approximately 733 pupils (ages 3-21) with disabilities who have been placed by the Committee on Special Education or Committee on Preschool Special Education in appropriate programs. They range along the continuum from related services to resource room assistance, to integrated co-teaching settings, to full time placement in special classes. For the 2022-2023 school year within our own district buildings, we had 29.5 special education teachers at the elementary level, 14 teachers serving grades 6-8 and 15 teachers servicing the High School grades 9-12.

All Special Education students have been evaluated by a multidisciplinary team consisting of the School Psychologist, a Special Education Teacher Evaluator, Social Worker, Speech Language Therapist, Occupational Therapist and Physical Therapist (where appropriate). Individual Education Programs (IEPs) have been written for each student, and their placement is reviewed by the Committee on Special Education at least annually.

Students who are unable to progress within the context of these programs and need more extensive remediation and a more restrictive environment may be referred by the CSE to:

- 1) An appropriate public day program, such as BOCES.
- 2) An appropriate private day program.
- 3) An appropriate residential placement.

Within the context of our district programs, we have students who receive daily speech language therapy. Where appropriate, counseling, occupational therapy, physical therapy, and services for visually impaired and hearing impaired are also available as related service programs.

**REPORT OF PUPILS WITH DISABILITIES:**

As of January 2, 2023

Total number In District Students Age 5-21 654

Preschool Students 79

Students attending BOCES 37

Students Out of District Private Placements 35

Students not in a school program 3

## **GENERAL PROGRAM OBJECTIVES**

The long range goals of our district operated Special Education Programs are as follows:

- 1) To provide an appropriate education for each child in the least restrictive environment.
- 2) To meet each child's unique individual needs
- 3) To remediate areas in need of improvement
- 4) To bring each child as close to meeting the Common Core Learning Standards as possible
- 5) To aim toward fulfilling each child's potential

The program is monitored closely on a monthly basis with a summary submitted to the Board of Education. The program's goals and objectives are reviewed annually at team reviews and discusses the following:

- a) overall number of special education students
- b) placements of students
- c) effectiveness of programs
- d) number of students graduating and declassified
- e) review of parent correspondence

At the conclusion of the team meeting, program goals and objectives for the following year are established.

The short-term goals for each student varies according to their needs, and are specified clearly within their IEP (Individual Education Plan).

Building administrators, the Director of Special Education and Special Education Coordinators evaluate the teachers of Special Education and related services providers a minimum of two times per year for tenured and three times per non-tenured person. Their written observations include: classroom atmosphere, teaching styles, teacher-pupil interaction and management. Administrators confer with each individual teacher regarding observations and recommendations.

Each of our BOCES and Private Day students may be observed as part of a re-evaluation and are closely monitored.

## **IMPARTIAL HEARING OFFICERS LIST**

At the November 17, 2022 meeting, the Board of Education adopted policy 4321.8, in accordance with Section 200.2(e) of the Regulations of the Commissioner of Education which prescribes procedures that each board of education must use for the establishment and selection of impartial hearing officers. The Board policy can be accessed from Board Docs on [www.hpcsd.org](http://www.hpcsd.org).

### **INDIVIDUALIZED EDUCATION PROGRAM ACCESS**

The Board of Education believes that in order for each student with disabilities to receive the full benefit of the student's Individualized Education Program (IEP), individuals responsible for implementing the IEP must fully understand the scope of their responsibility and the specific accommodations, modifications, and supports to be provided.

Therefore, and in accordance with the state law, the Chairperson of the committee for Special Education (CSE) shall ensure that, prior to implementation of such program, a copy of a student's IEP is provided to all persons responsible for implementing the student's IEP, including:

1. general education teachers
2. special education teachers
3. related services providers; and
4. other service providers

Per policy 4321.5 Confidentiality & Access to Individualized Education Programs, individualized Educations Services Programs & Service Plans; All copies of a student's IEP must be identified as confidential and remain confidential, and shall not be re-disclosed to any other person, in accordance with the individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA).

In addition, for each student with an IEP, the CSE Chairperson shall designate a professional employee of the school district with knowledge of that student's disability and program to inform teachers, related service providers, and other service providers of their responsibilities under the IEP, and the specific accommodations, modifications, and supports that must be provided for the student, prior to implementation of the student's program.

**HYDE PARK CENTRAL SCHOOL DISTRICT**

Administration Offices: P.O. Box 2033, Hyde Park, New York 12538-8033

Telephone: (845) 229-4000

[www.hpcsd.org](http://www.hpcsd.org)

**Aviva Kafka**

*Superintendent of Schools*

**Melissa Lawson**

Assistant Superintendent  
for Pupil Services  
Phone: 845-229-4005

**Gregory S. Brown, Ed.D.**

Deputy Superintendent  
Phone: 845-229-4008

**Linda Steinberg**

Assistant Superintendent  
for Finance & Operations  
Phone: 845-229-4009

**MEMO**

To: All HPCSD Teachers and Related Service Providers  
From: Melissa Lawson, Assistant Superintendent for Pupil Services  
Re: Chapter 408 of the Laws of 2002  
Acknowledgement Regarding Individual Education Programs  
Acknowledgement of 504 Plans

---

NYSED requires the Board of Education to adopt a policy to "ensure that the regular education teacher, special education teacher, related service provider, and other services providers be given a copy of such student' s individualized education program prior to the implementation of such program."

In February 2009, the Hyde Park Central School District Board of Education adopted a policy related to the confidentiality and access to IEPs and the Service Plans. Although reviewing 504 plans is not included in this policy, all staff should click on the 504 dot as well. This documents that all staff who provide support to a student with a 504 plan have access to the plan and have read the plan.

In order to ensure that appropriate staff m embers have access to required documents, a process through e-school has been implemented which delineates such records with the indication of a " dot ". When that "dot" is clicked, an e-signature is filed indicating that the staff member has viewed the document.

ALL STAFF who provide support to a student with a designation throughout the day, must acknowledge receipt of the information.

\*\*\* Please "click the dot" by October 7, 2022 \*\*\*



Please see the attached documents:

New York Education Department - Chapter 408 of the Laws of 2002  
Hyde Park Central School District Board of Education Policy section 4000:  
Instruction

## **CHAPTER 408 OF THE LAWS OF 2002**

**LAWS OF NEW YORK, 2002 CHAPTER 408 AN ACT** to amend the education law, in relation to providing teachers and other service providers with a copy of a student's individualized education program.

Became a law August 13, 2002, with the approval of the Governor. Passed by a majority vote, three-fifths - being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 4402 of the education law is amended by adding a new subdivision 7 to read as follows:

1. a. The board of education or trustees of each school district and the board of trustees of

each charter school shall adopt a policy to ensure that each regular education teacher, special education teacher related service provider, and other service provider who is responsible for the implementation of a student's

Individualized education program shall be given a copy of such student's individualized education program prior to the implementation of such program.

b. Such policy shall require that any copy of a student's individualized education program provided pursuant to this subdivision shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act.

c. Such policy shall require the chair of the committee on special education to designate a professional employee of the school district with knowledge of the student's disability and education program to, prior to the implementation of the individualized education program, inform each teacher, assistant and support staff person of his or her responsibility relating to the implementation of the individualized education program and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the individualized education program.

2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the amendment, addition and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is hereby authorized and directed to be made on or before such effective date.

Book HPCSD BOE Policies  
Section 4000: Instruction  
Title Confidentiality & Access to Individualized Education Programs, individualized Educations Services Programs & Service Plans  
Code 4321.5  
Status Active  
Adopted January 28, 2021  
Last Revised January 14, 2021  
Last Reviewed December 14, 2020

**HPCSD BOE POLICY 4321.5: CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS & SERVICE PLANS**

Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent/ guardian of such student), organization or agency unless the parent/ guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of their Individualized Education Program (IEP), Individualized Education Services Program (IESP) r, individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided.

To this end, the BOE directs the superintendent with ensuring that procedures are in place to provide electronic access of all IEPs, IESPs, to all staff members who have direct contact with a student has and IEP, IESP or with responsibilities for implementing the programs or plans delineated by these documents. These procedures must include a process for notifying staff members of their responsibilities to provide specific accommodations, program modifications supports and/or services for the student in accordance with the IEP, IESP. These procedures must also ensure confidentiality of these documents.

Cross-ref:

4321, Programs For Students With Disabilities Under The Idea And New York's Education Law Article 89  
5500, Student Records

Ref:

Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.  
Family Educational Rights and Privacy Act (FERPA), 20 USC §12329; 34 CFR Part 99 Education Law §4402(7)  
8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)  
New York State Education Department, ACCES-VR , SEO Guidance Document, Providing copies of the IEPs for Students with Disabilities, 5/13/03, [vesid.nysed.gov/specialed/publications/policy/chap408final.htm](http://vesid.nysed.gov/specialed/publications/policy/chap408final.htm)

## **HYDE PARK CENTRAL SCHOOL DISTRICT PROGRAMS**

### **K - 12 Programs**

Integrated co-teaching is available in all schools.

Integrated Co-Teaching:

1 special education teacher and 1 general education teacher

This class is designed as an inclusion model of instructional delivery. The classifications of students placed in these classes include all disabilities. Students are generally of Average to Low Average cognitive ability, with mild to moderate academic deficits. The goal is to strengthen students' academic skills, so that they will be able to transition into a general education classroom once those skills have been attained. The special education teacher is responsible for managing the goals and delivery of services recommended on student IEP's. However, the general and special education teachers work as a team, collaborating and providing differentiated instruction based upon student needs rather than upon whether students are classified or not. Lessons may be taught to the class as a whole, or students may be divided into smaller groups at their ability levels for a more individualized approach. Students' physical and management needs are generally mild to moderate. Related services are available to students as needed.

Resource Room is also available in all schools.

Ratio: 1 special education teacher, up to 5 students

This a special education program for a student with a disability registered in either a special class or regular class who is in need of specialized supplementary instruction in a small group setting for a portion of the school day.

In addition, special classes are available and described below.

**Netherwood Elementary:**

Communication Development Special Class, grades K-5

Ratio: 8 students, 1 special education teacher, 2 classroom assistants

This class is designed for students with more severe disabilities in the area of speech and language. The classifications of students placed in these classes generally include Speech Impaired, Intellectually Disabled, Autistic, and Multiply Disabled; however, the students have in common a severe deficit in their ability to communicate with others. Students have cognitive and academic deficits as well. Some of the students also have physical disabilities that require additional services. Many students receive speech therapy as a related service, which is provided individually to students and is also integrated into the classroom setting. Students may also receive physical therapy, occupational therapy, or school health services, depending on their needs. Social skills instruction may be provided by a school psychologist or school social worker as part of the instructional program.

**Violet Avenue Elementary:**

Special Classes, grades K-5

Ratio: 8 students, 1 special education teacher, 2 behavioral teaching assistants

This class is for students who are in need of a small-class learning environment due to disabilities in social and emotional areas. The goal is to strengthen students' social and behavioral skills, so that they will be able to transition into a general education classroom once those skills have been attained. The students in this class are generally classified as Emotionally Disabled, or Other Health Impaired, but other classifications may be considered. Students are generally of Average to Low Average cognitive ability, with significant management needs. Training in Therapeutic Crisis Intervention for Schools (TCIS) is provided for all staff in the Social and Emotional Learning (SEL) program. Related services are available to students as needed.

**Ralph R. Smith Elementary:**

Special Class, grades K-5

Ratio: 12 students, 1 special education teacher, 1 classroom assistant

These classes are for students who are in need of a small class learning environment due to disabilities in specific academic areas. Students receive modified instruction of their grade-level curriculum at their level of learning ability in reading/language arts, math, science, and/or social studies. Students receive instruction in the general education class in academic subjects at which they are performing at or near grade level. They can also be mainstreamed into the general education classroom for activities outside of the major academic areas, as appropriate. Cognitive ability may be Low Average or Borderline. Students' physical and management needs are generally mild to moderate. Related services are available to students as needed.

**Haviland Middle School:**Special Class: grades 6 - 8

Ratio: 15 students, 1 special education teacher

These classes are for students who are in need of a small class learning environment due to disabilities in specific academic areas. Students receive modified instruction of their grade-level curriculum at their level of learning ability in reading/language arts, math, science, and/or social studies. Students receive instruction in the general education class in academic subjects at which they are performing at or near grade level. Students are mainstreamed in all other areas. The classifications of students placed in these classes generally include Speech Impaired, Intellectually Disabled, Autistic, and Multiply Disabled. Cognitive abilities are generally Low Average to Borderline. Academic achievement may be at or above grade level in some subjects and below grade level in others. Students' physical and management needs are generally mild to moderate. Related services are available to students as needed.

Special Class: grades 6-8

Ratio: 8 students, 1 special education teacher, 2 classroom assistants

Students placed in this program have significant learning disabilities or developmental delays. The classifications of students placed in these classes generally include Speech Impaired, Intellectually Disabled, Autistic, and Multiply Disabled; however, the students have in common a severe deficit in their ability to communicate with others. Students typically have severe cognitive deficits and academic delays. Related services are available to students as needed. Students in this program are generally alternatively assessed.

**F.D. Roosevelt High School:**Special Class:

Ratio: 15 students, 1 special education teacher

Students in this program require instruction in a smaller group and need a more supportive environment in which to learn. Regents instruction is adapted to accommodate learning issues but covers the curriculum and will lead to earning a Regents diploma. The classifications of students placed in these classes generally include Speech Impaired, Intellectually Disabled, Autistic, and Multiply Disabled. Cognitive abilities are generally Low Average to Borderline. Academic achievement may be at or above grade level in some subjects and below grade level in others. Related services are available to students as needed.

Special Class:

Ratio: 8 students, 1 special education teacher, 1 classroom assistant

Students placed in the pre-vocational program for either half- or full-days have significant learning disabilities or developmental delays. Vocational training School To Work is incorporated into the students' programs. The classifications of students placed in these classes generally include Speech Impaired, Intellectually Disabled, Autistic, and Multiply Disabled; however, the students have in common a severe deficit in their ability to communicate with others. Students typically have severe

cognitive deficits and academic delays. Related services are available to students as needed. Students in this program are generally alternatively assessed.