

**SAYVILLE UNION FREE SCHOOL DISTRICT SAYVILLE, NEW YORK**

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

**October 2020**

**APPROVED BY THE BOARD OF EDUCATION ON: \_\_\_\_\_**  
**STATEMENT OF ASSURANCES**

*The Board of Education of the Sayville School District as a part of a long standing commitment to excellence in education for all students, supports the provision of special education and related services for students with disabilities under the auspices of the Committee on Special Education and the Committee on Preschool Special Education.*

*In full support of State and Federal laws pertaining to students with disabilities, it is the intent of this Board of Education to assure that the educational needs of Special Education students are met. To this end, and in full compliance with the Regulations of the Commissioner of Education, the Board has reviewed this District Plan for Special Education.*

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

**ADOPTED**

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DISTRICT PLAN

**President, Board of Education**

**Date**

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# ***OVERVIEW***

## **PROGRAM OBJECTIVES FOR STUDENTS WITH DISABILITIES**

*The District is committed to the development and implementation of an appropriate education for students with disabilities who reside in the district in accordance with the following program objectives:*

1. To ensure the establishment of plans and policies for implementing school-wide approaches and prereferral interventions in order to remediate a student's performance prior to referral to special education.
2. To provide a free appropriate education in the least restrictive environment for resident students between the ages three and twenty-one or until a regular high school diploma has been achieved by the student, whichever shall occur first.
3. To ensure that students with disabilities have the opportunity to participate in school district programs, to the maximum extent appropriate to the needs of each student, including access to general education curriculum, extracurricular programs and activities which are available to other students enrolled in the public schools of the district.
4. To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and appropriate Subcommittees on Special Education for the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and the CSE will monitor the progress of all students with disabilities and will report annually to the Board of Education.
5. To ensure effective communication and collaboration between the CPSE, CSE school staff and school district administrators, parents and community.
6. To ensure that parents are advised of their due process rights and to establish procedures in this regard.
7. To ensure that each preschool student with a disability residing in the district has the opportunity to participate in an appropriate preschool program or services.
8. To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for consent for evaluation of a preschool or school age student.
9. To ensure the establishment of administrative policies, practices and procedures to implement the provisions of Section 200.6(a) of the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum.
10. To provide human and material resources necessary for the implementation of a full continuum of programs and services to meet the academic, social, physical and management needs of students with disabilities.
11. To provide to the greatest extent appropriate adaptation, and/or modification of instruction and materials to enable students with disabilities to benefit from instruction within the general education setting, whenever appropriate.



12. To ensure that students with disabilities have access to the full range of general education programs and services to the extent appropriate to their individual needs and to provide them appropriate opportunities to earn a high school diploma in accordance with Section 100.5 of the Regulations of the Commissioner of Education.
13. To ensure that a discipline code for student behavior is in place while protecting the rights to continuity of appropriate education for students with disabilities.
14. To ensure the confidentiality of personally identifiable data, information or records pertaining to student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
15. To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.
16. To provide professional development for all personnel who work with students with disabilities in order to assure that they have the skills and knowledge necessary to meet the unique needs of these students.
17. To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
18. To ensure that students attending school within the district receive the protection of all other applicable State and Federal regulations.

## **IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS**

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

The referral form to the CSE used by the district staff will describe in writing intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral including any supplementary aides or support services provided, or the reason why no such attempts have been made. The principal and/or building level team shall maintain a record of prereferral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

Within 10 days of receipt of a referral to the CSE, the building administration, may request a meeting with the parent or person in parental relationship, the student, and the teacher, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include but are not limited to Speech and Language Improvement Services, Educationally Related Support Services, Academic Intervention Services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of CSE, the parent or person in parental relationship, and the student if appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational

record file. If there is no written agreement reached at this meeting, the required timeline of the CSE will be maintained.

These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but shall be used to assess the ability of the student to benefit from regular education services.

## DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant the provision of special education services in accordance with an individualized program. Effective October 30, 1990, Congress substituted the term “student with disabilities” for the term “handicapped student” in the Federal Law establishing access to fair procedures and appropriate placements.<sup>1</sup> Hereafter, the terms “students with disabilities” and “students with handicapping conditions” will be used interchangeably.

### *The following statutory and regulatory definitions are controlling:*

The term “*student with a disability*” means a student with a disability who has not attained the age of twenty-one prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of New York State law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who require special services and programs approved by the department. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of instruction in reading (as defined in Part 200.4(c)(2)(i) or math or limited English proficiency.

The term “*all students*” applies to every student listed on the registry of the District.

- ***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.
- ***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.

The term “*special services or programs*” may include:

- Special classes, transitional support services, resource room, consultant teacher services, and home and hospital instruction.
- Contracts with other districts for special services or programs.
- Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES).

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<sup>1</sup> Legal Reference: Individual with Disabilities Education Act (IDEA), formerly the Education of the Handicapped Act (EHA), 20 U.S.C. Sections 1400-1485.

- Appointment by the Commissioner to a state or state-supported school in accordance with Article eighty-five, eighty-seven or eighty-eight of New York State law.
- Contracts with private non-residential schools which have been approved by the Commissioner and which are within the state.
- Contracts with private non-residential schools which have been approved by the Commissioner and which are outside the state.
- Contracts with private residential schools which have been approved by the Commissioner and which are within the state.
- Contracts with private residential schools which have been approved by the Commissioner and which are outside of the state.
- Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the State Department of Education.
- Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services, parent counseling and training, school health services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services.
- Contracts for residential or non-residential placements with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven.
- Contracts with New York State approved and funded schools (Article 89).

*Additional Definitions:*

- 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 3214, disciplinary change of placement is defined in Part 201 of the Regulations of the Commissioner Regulations (October, 2007).
- General Curriculum means the same curriculum as for students without disabilities.
- Individualized Education Program (IEP) means a written statement, developed, reviewed and revised in accordance with section 200.4(d)(2) of the Regulations of the Commissioner of Education to be provided to meet the unique educational needs of a student with a disability.

## **SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW**

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

**SCHOOL CALENDAR** Special education students participate in the same school calendar as their general education peers. School 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).

## **LEAST RESTRICTIVE ENVIRONMENT**

The District provides a wide continuum of services, ranging from placement in residential settings to placement in general education classes with support and related services. The District is committed to the policy of placing students in the least restrictive environment consistent with their needs. “*Least Restrictive Environment*” means that the placement of students with disabilities in special classes, separate schools or other removal from the general educational environment occurs only when the nature or severity of the disabilities is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

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

## **PROCEDURES TO IMPLEMENT LRE REQUIREMENTS**

- The student will receive a comprehensive, nonbiased, individual evaluation in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of instruction in reading or math or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student to participate, as appropriate, in the general curriculum.
- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program, including educationally-related support services, has been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that at least one of the student's general education teachers must be a member of the Committee (if the student is, or may be, participating in the general education environment). In addition, the representative of the school district qualified to provide or supervise the provision of special education services must be knowledgeable about the general curriculum and the availability of resources of the school district. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
- The Committee on Special Education or Committee on Preschool Special Education will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum; or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.
- Measurable annual goals, (including benchmarks or short-term objectives for those students determined to need Alternate Assessments), must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.
- Alternative placements, such as, special schools or other removal from the general education environment will be considered only when the CPSE/CSE determines that a student's education cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities. The parent or guardian and the board of education will be provided a recommendation from the CPSE/CSE which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CPSE/CSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic or educational achievement and learning characteristics, social development, physical development and management needs.
- The CPSE/CSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall

consider the educational progress of the student and the student's ability to participate in general education programs.

- The district is committed to the policy of placing youngsters in the least restrictive environment consistent with their needs. The district provides a full continuum of services as described in 200.6 of the Commissioner's Regulations.

### **SIMILARITY OF NEEDS**

Whenever students with disabilities are grouped together for purposes of special education, they are grouped by similarity of need. The CPSE and CSE identify educational needs in accordance with the following factors:

- Academic or Educational Achievement and Learning Characteristics – The levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.
- Social Development – The degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments.
- Physical Development – The degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process.
- Management Needs – The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

### **PROVISION OF APPROPRIATE SPECIAL EDUCATION SERVICES TO ENABLE INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM**

All students with disabilities who reside in the school District shall be provided with an appropriate individual educational program (IEP) that meets the student's unique educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual goals.

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



decrease of management needs that require environmental modifications or human resources shall also be considered as progress.

The District will ensure equal access to a diploma for all students with disabilities through its establishment of heterogeneous Regents classes, integrated co-teaching classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires an Skills and Achievement Commencement Credential program. If the student has the potential to achieve a regular High School diploma but requires a restrictive environment outside the District, the CSE will seek placement in a program that provides equivalent instruction.

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

## CPSE AND CSE

### APPOINTMENT AND TRAINING

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Preschool Special Education (CPSE) and a Committee on Special Education (CSE). The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Section 4410 of the Education Law which established the Committee on Preschool Special Education was signed into Law on July 5, 1989, and the CPSE established for the first time during the 1989/90 school year. Major functions of the CPSE and CSE include:

### RESPONSIBILITIES

The Committees have the responsibility to insure that all necessary procedures for the identification, diagnosis, placement and annual review of the status and progress of every student with a disability are carried out in accordance with federal and state law and regulations. Subcommittees are authorized to perform the function of the Committee on Special Education except when a student is considered for initial placement in:

1. a special class; or
2. a special class outside of the student's school of attendance; or
3. a school primarily serving students with disabilities in a school outside the student's district.

Upon a written request from a parent or a person in parental relationship of a student, the subcommittee must immediately refer to the CSE any matter in which the parent disagrees with the recommendation of the subcommittee regarding a modification or change in the identification, evaluation, educational placement or the provision of a free appropriate public education to the student.

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

### **TRAINING CPSE/CSE MEMBERS**

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

- Arranging for attendance at meetings of the Office of Special Education Services (OSSES) regarding CPSE/CSE issues;
- Conducting district based training on a regular basis;
- Providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age youngsters suspected of having a disability.
- Participating in annual CPSE/CSE training provided by the New York State Education Department.
- Scheduling workshops and training sessions in the district;
- Inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- Utilizing SETRC as a training resource; and utilizing the district's attorney as a resource person, if needed, to interpret specific information for the committee members.

### **GENERAL STAFF DEVELOPMENT**

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

In accordance with state law and board policy, prior to the implementation of a student's IEP, a copy of the IEP will be provided to all professionals responsible for implementing it. The CSE will designate a professional employee of the district with knowledge of that student's disability and program to inform teachers, service providers, assistants, and support staff of their responsibilities under the IEP and specific accommodations, modifications, and supports that must be provided for the student. The designated professional employee shall obtain the signature of each person receiving an IEP.

***COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION***

## **CPSE MEMBERSHIP**

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

- the student's parent;
- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- the CPSE chairperson who is a representative of the district qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities who is knowledgeable about the general curriculum and about the availability of the resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- the parent of a preschool or elementary school age student with a disability who resides in the district or neighboring district, provided that such parent is not a required member if the parent(s) of the child requests that the additional parent member not participate;
- for a student in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- other persons having knowledge of special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee in advance of the meeting. Written notice of CPSE meetings is provided to parents at least five days in advance of the meeting date. Meetings of the CPSE are held in the Administration Building as needed to review referrals throughout the school year and during the summer months.

### **DEFINITION: "PRESCHOOL STUDENT WITH A DISABILITY"**

***"Preschool Student with a Disability"*** refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the district. To be identified as having a disability, a preschool student shall either exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and

other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for student development, indicate:

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

***“First Eligible for Services”*** is the earliest date on which a student becomes eligible for services as defined in current regulations. Students in Early Intervention placements may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services under section 4410. A student can be considered a preschool student with a disability through the month of August of the school year in which they first become eligible to attend kindergarten.

The Committee shall first consider providing special education services in a setting where ageappropriate peers without disabilities are found.

## **CPSE PROCEDURES**

### **REFERRAL**

The Committee on Preschool Special Education (CPSE) is responsible for arranging for evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the school district.

The evaluation process begins when a written request for evaluation is made by either:

- the student’s parent or person in parental relationship
- a professional staff member of the school district in which the student resides or the public or private school the student legally attends
- a staff member of a preschool program approved pursuant to Section 4410
- a staff member of an approved program providing special instruction to students ages birth to 3
- a staff member of a program serving infants and toddlers or preschool students
- a licensed physician or judicial officer
- a representative of a public agency with responsibility for the welfare, care or education of students
- a staff member of the Early Childhood Direction Center

The referral can be made at any time during the school year. It should specify the extent to which the preschool student has received any services prior to referral. When the CPSE receives a referral, the chairperson will write to the parent, describing the evaluation procedures and requesting parental consent for the evaluation. A list of County approved evaluation sites will be included. Translations will be provided as needed. In the event that consent is not provided, the Committee shall implement the district’s practices for ensuring that the parents have received and understood the request for consent.

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

### **EVALUATION AND RECOMMENDATION**

The individual evaluation of a preschool child shall include relevant functional and developmental information regarding the child's abilities and needs related to participation in age appropriate activities. This evaluation will include the following, at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- an observation;
- a social history; and
- other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

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

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

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled. The parents will be provided with a copy of the evaluation and summary statement prior to the meeting. The results of the evaluation will be provided to the parent in their dominant language or other mode of communication. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting. Prior notice means written statements developed in accordance with section 200.5(a) of the 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.
- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.

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

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within 30 school days. If the Committee determines the student is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which indicates the classification of the disability, the student's present levels of functioning including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short term objectives, and the type of special education program and/or services recommended.. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notices will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

## **PLACEMENT**

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

## **Annual Review**

An annual review is conducted for every preschool student who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. This review is conducted to consider continued eligibility for services and to determine whether the annual goals for the student are being achieved. The IEP is revised, as needed, to address any lack of expected progress towards annual goals, the results of any reevaluation, information about the student provided to, or by, the parents and the student's anticipated needs. A new IEP is prepared at the meeting.

## **CONTINUUM OF SERVICES**

### **PROGRAM RECOMMENDATIONS**

The CPSE must consider the appropriateness of services to meet the student's needs in the least restrictive environment in the following order:

- related services only
- special education itinerant services only
- related services in combination with special education itinerant services
- an integrated special education preschool program
- a half-day preschool program
- a full-day preschool program
- If the CPSE determines that a student needs a single service, then that service must be provided only as a related service or only as a special education itinerant service.

The Committee shall first consider providing special education services in a setting where ageappropriate peers without disabilities are found.

#### **1. RELATED SERVICES:**

Services defined in Section 4401 of Education Law, including speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school social work, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

Related Services are provided at a site determined by the BOE including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start Program
- The work site of the provider
- The student's home
- A hospital
- A state facility
- A child care location as defined in section 4410

The initial location for the delivery of one or more related services must be stated on the IEP.

#### **2. SPECIAL EDUCATION ITINERANT SERVICES:**

Provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the BOE, including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start program
- A student's home
- A hospital
- A state facility
- A student care location



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

The purpose of Special Education Itinerant Services is to provide:

- Direct Service: Specialized individual or group instruction to a preschool student to aid such student in benefiting from the early Childhood program.
- Indirect Services: Consultations provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment and/or modifying instructional methods to meet the individual needs of a preschool student with a disability who attends an early Childhood program.

Special Education Itinerant Services are not less than two hours per week, and total number of students with disabilities assigned to the special education teacher should not exceed twenty (20). Related services shall be provided in addition to SEIT services in accordance with the student's IEP.

### **3. INTEGRATED SPECIAL CLASS:**

No more than 12 preschool students staffed by at least one special education teacher and one paraprofessional. This class may be provided:

- In a class of no more than 12 preschool students which includes both students without disabilities and students with disabilities.
- In a class of no more than 12 preschool students with disabilities which is housed in the same space as a preschool class with non-disabled students taught by another teacher.

### **4. SPECIAL CLASS (Half or Full Day)**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program in a special class.

- Chronological age range shall not exceed 36 months.
- Maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional.
- Services are provided not less than 2-1/2 hours per day, 2 days per week.

### **5. RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES:**

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

# ***COMMITTEE***

***ON  
SPECIAL EDUCATION***

## **CSE MEMBERSHIP**

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

- the parents or persons in parental relationship to the student;
- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- a school psychologist;
- the CSE chairperson who is a representative of the district qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general curriculum and about the availability of the resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- the school physician, if specifically requested in writing by the parent or by a members of the school at least 72 hours prior to the meeting;
- a parent of a student with a disability who resides in the district or a neighboring school district, provided that such parent is not a required member if the parent(s) of the student request that the additional parent member not participate in the meeting;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE.
- whenever appropriate, the child with a disability;

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

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

## **CSE SUBCOMMITTEE MEMBERSHIP**

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

- the parents of the student;

- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- the subcommittee CSE Chairperson who is a representative of the district qualified to provide, administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of the resources of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- Such other persons having knowledge or special expertise regarding the student, including related service personnel as appropriate, as the committee or parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE;
- the student if appropriate;
- a school psychologist whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered.

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings are held in the Administration Building or school buildings as needed throughout the calendar year.

The term “*student with a disability*” includes the following classifications:<sup>2</sup>

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 associate 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.

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<sup>2</sup> Legal Reference: Regulations of the Commissioner of Education, Section 200.1

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 disturbance** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:
  - (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. 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 intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage.
7. **Intellectual Disability** means significantly below 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. **Multiply disabilities** means concomitant impairments (such as intellectual disability-blindness, 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 cENL 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, 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, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.
13. **Visually 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.

## **CSE PROCEDURES**

### **INITIAL REFERRAL**

#### ***Referral for an initial evaluation – section 200.4(a)(1)***

A student suspected of having a disability may be referred for an initial evaluation by the:

- student's parent (defined in section 200.1(ii) of the Regulations of the Commissioner of Education);
- designee of the school district in which the student resides or the public school district the student legally attends or is eligible to attend;
- commissioner or designee of a public agency with responsibility for the education of the student; and/or
- designee of an education program affiliated with a child care institution with CSE responsibility.

*Note: While only a referral by a parent or school district initiates the procedures to conduct an initial evaluation to determine if the student is a student with a disability, a school district must, in its child find procedures, consider a "request for referral" from the following individuals consistent with the procedures described below.*

#### **REQUEST FOR REFERRAL FOR AN INITIAL EVALUATION – SECTION 200.4(A)(2)**

A written request that the school district or agency refer the student for initial evaluation may be made by a:

- professional staff member of the school district in which the student resides, or the public or private school the student legally attends or is eligible to attend;
- licensed physician;

- judicial officer;
- professional staff member of a public agency with responsibility for welfare, health or education of children; or
- student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

The written request for referral must:

- state the reasons for the referral and include any test results, records or reports upon which the referral is based that may be in the possession of the person submitting the referral;
- describe in writing, intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral, including any supplementary aids or support services provided for this purpose, or state the reasons why no such attempts were made; and
- describe the extent of parental contact or involvement prior to the referral.

**PROCEDURES FOR REQUEST FOR REFERRAL – SECTION 200.4(A)(2) AND 200.4(A)(9)**

- When a written request for referral for an initial evaluation made to the school where the student resides or legally attends or is eligible to attend is received by the building administrator or any other employee of the school, it must be forwarded to the committee chairperson immediately upon its receipt.
- Upon receiving a request for referral, a school district must within 10 school days, either:
  - request parent consent to initiate the evaluation; or
  - provide the parent with a copy of a request for referral; and
  - inform the parent of his/her right to refer the student for an initial evaluation; and
  - offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with:
    - the building administrator or other designee of the school district authorized to make a referral;
    - the party making the request for referral if a professional staff member of the school district; and
    - upon request of the parent or school district, any other person making a request for referral must have the opportunity to attend such meeting. □ A professional staff member of the school district who made a request for referral that results in a parent referral for special education, must attend any meeting requested by a building administrator to determine whether the student would benefit from additional general education support services as an alternative to special education and receive a copy of any agreement to withdraw the referral.

All new entrants to the district are screened at the time of enrollment and such screening, if it indicates a possible disability condition, can lead to a CSE referral. All requests for referrals are made to the building principal or the Chairperson of the Committee. The referral must be written and dated.

Upon receipt of a referral, the Chairperson of the Committee or a building representative of the public school will contact the parent or guardian and request consent for evaluation. A copy of A Parent's Guide to Special Education and Due Process Rights are given to the parent at this time. Translations are provided to assist parents as needed.

**Referrals may be withdrawn under the following circumstances:**

- The parent and the person submitting the referral agree to the withdrawal.
- The building administrator, upon receipt of a referral or copy of a referral, may request a meeting with the parent or person in parental relationship to the student, and the student, if appropriate, to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of educationally related support services, speech and language improvement services, and academic intervention services. If the person requesting the referral is a professional staff member of the school district in which the student resides, that person shall attend such meeting. The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter, if necessary. Any other person making a request for referral shall have the opportunity to attend such meeting. If, at the meeting, the parent or person in parental relationship and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator shall provide the Chairperson of the Committee on Special Education, the person who made the referral if a professional staff member of the school district, the parent or person in parental relationship shall be in the native language of such person. Such agreement shall contain a description of the additional general education support services to be provided and the proposed duration of such program. A copy of the agreement shall also be placed in the student's cumulative education record file. The meeting:
  - (i) shall be conducted within 10 school days of the building administrator's receipt of the referral; and
  - (ii) shall not impede a Committee on Special Education from continuing its duties and functions under this Part.
- In the event the parent of the student to be evaluated does not grant consent for an initial evaluation, such parent shall be informed by the committee chairperson that, upon request, the parent will be given an opportunity to attend an informal conference with the committee or designated professionals most familiar with the proposed evaluation, the person who referred the student for such an evaluation, and counsel or an advisor of the parent's choice, at which time the parent shall be afforded an opportunity to ask questions regarding the proposed evaluation. If at this meeting the parent and the person initiating the referral agree in writing that the referral is not warranted, the referral shall be withdrawn. Except in the case of a preschool child, if the parent does not request or attend such a conference, or continues to withhold consent for evaluation otherwise required for a period of 30 days after the date of receipt of a referral, the board of education shall be notified that they may utilize due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent.
- In all circumstances, the withdrawal agreement will be in writing and will be placed in the student's cumulative educational file, with copies given to all parties involved. The agreement will specify in writing any alternative methods suggested to resolve the student's difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

### **EVALUATION AND RECOMMENDATION**

The initial evaluation and eligibility determination will be made within 60 calendar days of the receipt of consent to evaluate. The evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The evaluation will include a variety of assessment tools and strategies including information provided by the parent to gather relevant



functional and developmental information about the student and information related to enabling the student to participate and progress in the general education curriculum. The individual evaluation will include the following at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which will be reviewed by the Committee;
- an observation of the student in the current educational placement;
- a social history;
- other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory. The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the district. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, vocational evaluations and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time. The CSE shall maintain a list of appropriate resources and certified professionals for this purpose.

A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used in determining whether the student is a student with a disability and the content of the student's individualized education program, including information related to enabling the student to be involved in and progress in the general education curriculum. No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Assessment tools and strategies are used to provide relevant information that directly assists persons in determining the educational needs of the student.

### **Eligibility Determination**

In making a determination of eligibility for special education and related services, a student may not be identified as a student with a disability if the determinant factor is lack of instruction in reading, math or

limited English proficiency. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

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

- A written notice will be sent to the parent at least five days prior advising them of the meeting
- At least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call. The attempts will be documented.

Parents are provided with copies of the evaluation reports and documentation of eligibility prior to the CSE meeting. The results of the evaluation will be provided to the parent in their native language or other mode of communication. The CSE reviews the results to determine eligibility and submits a recommendation to the Board of Education. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade. If the Committee determines the student is ineligible for special education, written notification is sent to the parent/guardian and to the principal, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which specifies the classification of the disability. In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents, the results of the student's performance on any general, State or district-wide tests; and other factors unique to the student's disability. These recommendations shall include:

- the student's present performance and individual needs in the following areas: academic or educational achievement and learning characteristics, social development, physical development and management needs including how the disability affects student involvement and progress in the general curriculum;
- measurable annual goals, including benchmarks or short-term objectives for students determined to need alternate assessments, related to enabling the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the student's disability;
- special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel in order for the student to advance appropriately toward attaining annual goals, to be involved and progress in general curriculum, and to be educated and participate in activities with other students with and without disabilities;
- the extent, if any, to which the student will not participate with non-disabled students in the general education class and in other activities;
- if a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education including adapted physical education;
- any individual testing accommodations to be used consistently by the student in the administration of State or district-wide assessments of student achievement and in accordance with the State Education Department policy, that are needed in order for the student to participate;

- if the Committee determines that the student will not participate in a particular State or districtwide assessment or part of such assessment, a statement of why the assessment is not appropriate and how the student will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- how the student's progress towards the annual goals will be measured, how the student's parents will be regularly informed of their student's progress towards annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- indicate the general education classes in which the student will receive consultant services; and
- a description of assistive technology devices or services needed for the student to benefit from education.

***The IEP must also include:***

- Beginning at age 15 (or younger, if determined appropriate by the Committee) transition needs and services should be integrated into the IEP within applicable components of the IEP.
  - a) under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
  - b) appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment, and, where appropriate, independent living skills;
  - c) a statement of the transition service needs of the student that focuses on the student's course of study, such as participation in advanced-placement courses or a vocational education program;
  - d) needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living and functional vocational evaluation; and
  - e) a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

***Consideration of Special Factors:*** In the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive interventions, and supports to address that behavior;

1. in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP,
2. in the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the CSE determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the student; and

3. consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
  - consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education.;
  - include a statement in the IEP if, in considering the special factors listed above, the Committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

### **IEP IMPLEMENTATION**

If the Board of Education agrees with the Committee's recommendation, the parents will be notified of the decision. Placement of the student in the appropriate special education program or provision of appropriate services will take place within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or 60 school days of referral for review. If the recommendation is for placement in an approved in-state or out-of-state private school, programs and services shall be provided within 30 school days of the BOE receipt of the CSE recommendation. Initial placements require the written consent of the student's parent/guardian. The CSE ensures 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 IEP shall have a copy of the IEP; and each teacher and provider is informed of his or her specific responsibilities related to the implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. A copy of the IEP shall be provided to the student's parents at no cost to the student's parents.

The school district must provide special education and related services to a student with a disability in accordance with the student's IEP and must make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the student's IEP.

If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

## **ANNUAL REVIEW, REEVALUATION AND DECLASSIFICATION**

An annual review is conducted for every resident student who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. The review is conducted to determine the student's present levels of performance and educational needs, continued eligibility and need for special education services and whether any modification or additions to the special education and related services are needed to enable the student to meet the measurable annual goals of the IEP and to participate, as appropriate, in general education. If a revision of the IEP is recommended it must address:

- any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- the results of any reevaluation and any information about the student provided to, or by, the parent;
- the student's anticipated needs;
- or other matters, including a student's need for test accommodations and/or modifications.

As part of any reevaluation, a review of existing evaluation data, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, teacher and related service provider's observations, is conducted to determine what additional data, if any, is needed. The group may conduct its review without a meeting. If no additional data is needed to determine whether the student continues to be a student with a disability, the parents are notified of the determination and the reasons for it. The parent is notified of the right to request an assessment and that the district is not required to conduct such an assessment unless requested by the students' parents.

A comprehensive reevaluation is conducted at least once every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the ability to participate in instructional programs in general education and the student's continued eligibility for special education, assess the appropriateness of classification, program and placement. Reevaluations are also initiated prior to the triennial requirement if requested by the student's parent or teacher.

Parental consent is retained prior to conducting any new test or assessment as part of a reevaluation of a student with a disability. If the district takes reasonable measures to obtain such consent and the student's parent fails to respond, reevaluation may take place without parental consent.

If the Committee determines that no additional testing is needed, the CSE will notify the parent of that determination, the reasons for it, and the right of the parent to request an evaluation. The Committee will also indicate that it is not required to conduct such assessment unless requested by the student's parent.

Before determining that a student is no longer eligible to receive special education services, an evaluation must be conducted. When the CSE determines that a student no longer needs special education services, the Committee may recommend declassification support services for no more than the first year in general education. Such services may include psychological, social work, speech and language services or non-career counseling or they could consist of assignment of a consultant to the classroom teacher. Continuation of test accommodations upon declassification is not automatic. The CSE may determine that test accommodations previously documented in a student's IEP must continue to be consistently

provided to the student for the balance of his or her public school education. A school district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education.

## CONTINUUM OF SERVICES

### DECLASSIFICATION SUPPORT SERVICES

Students exiting special education may be considered for declassification services. Declassification support services are defined in the Part 100 Regulations. Testing accommodations may be continued as recommended by the CSE.

If a student has been receiving special education services but the Committee on Special Education determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the recommendation shall:

- identify the declassification support services
- indicate the projected date of initiation,
- frequency and duration of such services, not to be continued for more than one year

### TRANSITIONAL SUPPORT SERVICES

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

### RELATED SERVICES:

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech and language pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulations, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

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

### RESOURCE ROOM

The resource room program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental programs. Resource room services shall be provided in accordance with the following provisions.

- The instructional group in each resource room period does not exceed five students. Each resource room period is instructed by a special education teacher or a certified reading teacher, where appropriate.
- Students shall spend a minimum of 3 hours per week in resource room, except that the CSE may recommend that a student with a disability, who also needs consultant teacher services in addition to resource room services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week.
- Students shall not spend more than 50 percent of the day in the resource room program.
- The total number of students assigned to a resource room teacher will not exceed 20 at the elementary level and 25 at the middle and high school levels.

### CONSULTANT TEACHER SERVICES

Consultant teacher services will be for the purpose of providing direct and/or indirect services to students with disabilities enrolled full-time in general education classes including career and technical education. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and shall be included in the student's individualized educational program (IEP). Consultant teacher services shall be provided in accordance with the following provisions:

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

### INTEGRATED CO-TEACHING PROGRAM

A group of students with the same or different disabilities who are fully included into the general education environment but who are in need of a more intense level of support than can be provided in resource room. Students are integrated into age appropriate general education classrooms with appropriate support services including a special education consultant teacher and aide, in addition to other special education services as mandated by the student's IEP.

### SPECIAL CLASS

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than 16 years of age will not exceed 36 months. A student with a disability shall be placed in a special class to the extent indicated in his/her IEP.



### OUT-OF-DISTRICT PLACEMENT

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

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

### HOME AND HOSPITAL INSTRUCTION

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

- Instruction for elementary school students will be provided a minimum of 5 hours per week;
- Secondary school students will receive a minimum of 10 hours of instruction per week, preferably 2 hours daily.
- Youngsters who are awaiting placement may be assigned, on an interim basis and with their parent's consent, to alternate-site instruction. This instruction is identical to home teaching except that the actual instruction takes place outside the home.

## ***ADDITIONAL EVALUATION, IEP AND PLACEMENT CONSIDERATIONS***

## **ARRANGEMENT OF SPECIAL EDUCATION PLACEMENTS CPSE AND CSE**

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

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

For CSE, placement shall be completed within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or within 60 school days of referral for review of a student with a disability. For placement in approved in-state or out-of state private school placements the Board shall arrange for such programs and services within 30 days of receipt of the recommendation of the Committee on Special Education.

Because the placement of students is often a lengthy process, the Board authorizes the Superintendent of Schools, or designee, to act as its agent in making necessary arrangements to implement the program/services prior to the Board of Education meeting in cases where the placement timeline could not otherwise be met.

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

## **DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

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

In order to determine the nature of this reevaluation, the school staff including members of the CPSE and CSE and other qualified professionals may review the existing evaluation data on the student including

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

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

## **PROCEDURES FOR ASSESSING LIMITED ENGLISH PROFICIENT (LEP) STUDENTS**

### **SCREENING**

As part of the Kindergarten screening, students who have a language other than English spoken at home as reported on the Home Language Questionnaire (HLQ) are screened by an English as a New Language (ENL) teacher. The HLQ is a part of the District's registration process. In order to determine educational needs and whether the child is English language proficient, ENL an interview is completed in the student's native language and English. If the student speaks or understands the home language, the ENL teacher administers the NYS Identification Test for English Language Learners (NYSITENL) to determine English language proficiency.

If the student scores at or below the cut-off point on the NYSITENL, the student is determined to be limited in English proficiency and ENL services are provided. Placement on the appropriate level is made based upon these results. Students are screened annually to assess continued eligibility and to measure student progress in ENL.

ENLs who are referred for a bilingual assessment are typically referred by the ENL teachers who discusses the concerns with the building team regarding the possibility of a disability interfering with acquisition of academic and/or language skills.

Prior to referral, Tier 1 and Tier 2 supports are attempted to determine if the student can make progress through these interventions.

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

### CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR LIMITED ENGLISH PROFICIENT STUDENTS

The CPSE/CSE is responsible for evaluating students to determine the existence of a disability that may require special education services. In order to safeguard educational opportunities for students, whose native language is other than English, the CSE must ensure that all tests and assessment procedures are administered so as not to be racially and culturally discriminatory.

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

- The CSE referral will indicate the youngster's native language, as determined by the Home Language Survey and other assessments.
- The CSE referral includes a section that must be completed on youngsters who are Limited English Proficient and may also be suspected of having a disability.
- Dynamic assessment will be conducted by a team of professionals familiar with the culture and language dialect of the ENL being evaluated with bilingual methodology.
- If the parents' dominant language is not English, they will receive all notifications in their home language. They will also receive the Parent's Guide to Special Education in their native language.

Upon receipt of a referral that indicates that the home language is not English, due process notices will be mailed to parents in the home language. At the CPSE/CSE meeting, an interpreter will be present to explain the results of the evaluations and the proposed recommendations.

### **The bilingual evaluation will include the following considerations / evaluations:**

- The length of time the youngster has been in the United States;
- The amount of instruction that the youngster has received in the United States as well as his or her home country;
- The length of time the youngster has been receiving ENL instruction;
- Attendance in school;
- The ENL's proficiency in his native language as well as English proficiency; ● The types of general education supports that the ENL has received.
- A bilingual evaluator will be obtained who is knowledgeable about the youngster's geographic area of origin as well as its language and culture.
- BOCES and other agencies may be used for bilingual assessment.

- Dynamic Assessment that takes into account cultural and linguistic differences will be conducted.
- If needed, test instruments in the appropriate languages will be sought that are normed on the same or similar population as the country from which the student has come. Should sub-tests be considered inappropriate because of cultural disadvantage, the evaluator may prorate the results and explain the reasons for this decision in the report.
- Student work samples will be submitted to the CSE to provide an informal portfolio assessment that may indicate functional levels.
- Non-verbal assessment batteries will be used to supplement morph- linguistic-based measures.
- Age-appropriate adaptive behaviors will also be taken into consideration.
- All areas of suspected disability will be evaluated in the child's native language (e.g. speech).
- The bilingual evaluator will conduct a complete bilingual social history.
- The evaluation report will state the language in which the assessment was administered.
- If the tests normally used are not considered valid for an ENL, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

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

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

**EXTENDED SCHOOL YEAR (CPSE/CSE)**

The Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE) will determine whether a student requires a structured learning environment of up to 12 months to prevent substantial regression. "Substantial regression", as defined by Regulations, would be indicated by a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity so 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. A special program or service shall operate for at least 30 days during the months of July and August. In accordance with Section 200.6(j) and 200.16(h) of the

Commissioner's Regulations, students will be considered for twelvemonth special services and/or programs to prevent substantial regression if they are:

- preschool students/school age students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- preschool students/school age students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- preschool students/school age students who are recommended for home and hospital instruction or students/preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;
- preschool students/school age students whose needs are so severe that they can be met only in a seven-day residential program; or
- preschool students/school age students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or program provided in a structured learning environment in order to prevent substantial regression.

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

Parent consent is required for initial placement in a 12 month program or service.

## **ASSISTIVE TECHNOLOGY DEVICES AND SERVICES**

The school district is committed to ensuring that assistive technology devices and/or services are made available to a student with a disability, when appropriate, as part of the student's Individualized Education Program (IEP). The IEP must describe any specialized equipment and adaptive devices needed for the student to benefit from instruction. IDEA requires each school district to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education, related services or supplementary aids or services as described in the IEP. IDEA defines assistive technology devices and assistive technology services, as follows:

***“Assistive technology devices”*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

***“Assistive technology service”*** means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

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

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

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

## **EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT**

Students who entered the ninth grade during the 2001 – 2002 school year and thereafter, are required to complete one unit of study in a foreign language other than English before completing the twelfth grade. This requirement is established for all schools in the State by Section 100.2 (d) of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibits other learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most youngsters would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students who are completing sixth, seventh, or eighth grade, the CSE will take the following steps:

- Curriculum will be reviewed to determine whether the language requirement has been completed.
- If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors which may be relevant to ability to benefit from language instruction in the following year.
- In determining whether or not exemption is “appropriate”, particular attention will be paid to severity of the speech and language impairment. Exemption may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that exemption is warranted, reasons will be provided in a statement accompanying the IEP.
- If a student with a disability is assigned to a language class, a copy of the IEP showing necessary testing modifications and classroom modifications will be made available to the language instructor by the student’s special education teacher.

School district and State Education Department policies strongly favor fulfillment of the language requirement by all students prior to completion of ninth grade. Only students whose receptive or expressive language is severely impaired will be exempted unless there are specific factors which, in combination with language problems, make exemption necessary.

## **TRANSITION PLANNING**

### **DEFINITION**

“*Transition Services*” are defined in the IDEA and Article 89 as a coordinated set of activities for a student designed within an outcome oriented process, which promotes movement from school to post-school activities, including but not limited to post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment,



and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation (20 U.S.C. (1401 (a) (19))).

### **INDIVIDUALIZED TRANSITION PLAN**

Transition Services planning for secondary students with disabilities is outcome oriented and looks toward adult life. Professionals, students, and parents or other guardians work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes. The student's interests and needs are kept foremost in the decision-making process.

For students age 15 and older, the IEP as a whole must demonstrate the use of a coordinated set of activities as the means by which the student can achieve the long term adult outcomes. At age 15 and older, the coordinated set of activities must address instruction, related services, community experiences, and the development of employment or other post-school adult living objectives. Activities of daily living and functional vocational evaluation activities should also be included when appropriate to the student's needs.

At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel (e.g., administrators, psychologist, guidance counselors, related service provider, general education teacher) may be asked to participate in the process.

### **The Transition Services IEP contains the following elements:**

- Individualized long-term adult outcome statement
- Coordinated set of activities in the areas of instruction; employment/post-secondary activities; community experience; and, if appropriate, activities of daily living; functional vocational evaluation
- Responsibility for implementation

## **VOCATIONAL ASSESSMENTS**

### **GOAL OF THE VOCATIONAL ASSESSMENT PROCESS**

The goal of the vocational assessment process is the successful transition of students to postsecondary education or employment. The process serves to help students, parents, and staff focus on long-term planning leading to realistic outcomes. The ultimate goal is for the school, the family and community agencies to work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes.

Vocational assessment is an ongoing process involving the systematic collection of information about a student's vocational aptitudes, abilities, expressed interest, and occupational awareness. Based on the age, abilities, interests and needs of each student, an appropriate vocational assessment may include the following:

- review of existing school information
- the completion of informal interviews
- parent questionnaires
- one or more formal vocational evaluations
- job and student performance analysis made in real and/or simulated work settings.

Though the amount and type of information collected on each student may vary, it must be sufficient for the Committee on Special Education to make and substantiate appropriate occupational education program decisions.

### **LEVELS OF VOCATIONAL ASSESSMENT**

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

The Level I vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the student, the student's parent(s) or guardian(s), a special education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment.

When a vocational/career assessment raises issues that need clarification or does not provide adequate information for decision making, additional assessments may be recommended by the CSE. The additional assessments are not necessarily given in hierarchical order and a student can be recommended for a more formalized testing from a specialist in vocational assessment and/or a situational work assignment.

Level II vocational assessments are more focused and involve administration of standardized tests which look in further detail at interests, vocational skills, and specific aptitudes and abilities. It builds upon information that was recorded in the Level I assessment. Specialized vocational evaluation instruments, such as a vocational interest inventory, vocational aptitude battery and selected work samples, may be introduced at this level.

The Level III vocational assessment is a situational assessment conducted while a student is actually engaged in real or simulated work related or vocational activities. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting.

In all cases, the assessments keep the student's unique interests, needs and desires in the forefront during the evaluation and decision making process.

## **AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES**

Students with disabilities are no longer eligible for a free appropriate public education once they reach the age of 21 or attain a high school diploma. The district has a mandated responsibility to implement an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning services previously discussed in this plan.

Aging-out is specifically designed to meet the needs of students with severe disabilities.

*Procedures for referral of students in this category are as follows:*

- Identification of students likely to need adult service based on evaluative criteria
- Notification to parents or students
- Obtaining consent to release information
- Referral to agency(ies) such as OMH or OMRDD
- Submission of reports to the State Education Department (VESID)

## **OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS**

Students with disabilities are no longer eligible for a free appropriate public education once they reach the age of 21 or attain a high school diploma. The district has a mandated responsibility to implement an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning services previously discussed in this plan.

Aging-out is specifically designed to meet the needs of students with severe disabilities.

*Procedures for referral of students in this category are as follows:*

- Identification of students likely to need adult services based on evaluative criteria
- Notification to parents or students
- Obtaining consent to release information
- Referral to agency(ies) such as OMH or OPWDD
- Submission of reports to the State Education Department (ACCES-VR)

An exit folder is created and given to the student at their final CSE meeting. It consists of a current IEP, updated testing and any medical documentation we have on file. It also has contact information/websites to all trade schools and colleges on Long Island. It consists of all the paperwork an outside agency would need for any post-secondary placement.

The CSE with, with parental consent (or student consent, if over the age of 18), notify and invite a representative from the Office of Mental Health, Office of Developmental Disabilities, SED, as appropriate to participate in the development of adult service recommendations not later than the first annual review prior to the eighteenth birthday of a student with a disability who is placed by the CSE in a residential program or day program if the CSE has determined that student is likely to require adult residential services. With parental consent (or student consent, if over the age of 18), the CSE must release the student's name and other relevant student information in a report to the appropriate public agency(ies), upon request of such agency(ies), for purposes of determining appropriateness of an adult program for the student.

For students who receive nonresidential special education services 100 percent of the school day, have intensive management needs or a severe disability; and may need adult services:

- This notice must be provided upon the first annual review after the student attains the age of 15.

This is to provide notice that *NAME OF STUDENT* may require adult services when he/she is no longer eligible to receive tuition free educational services because of receipt of a high school diploma or when the student ages out of school at the end of the school year in which he/she turns age 21.

## **OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS**

It is policy of the school district to ensure that each student has been provided with appropriate opportunities to earn a Regents or local high school diploma. Students are provided with meaningful access to participate and progress in the general education curriculum designed to meet the State's learning standards. Access to the curriculum not only means that students are taking the appropriate courses needed to earn a regular diploma, but also that they are being provided with appropriate specifically-designed instruction, accommodations, supports and services to progress in the curriculum.

Access must be provided to the required courses, electives and exams as specified in Part 100 of the Regulations of the Commissioner in order to attain a Regents or local high school diploma. All students are required to earn a minimum of 22 credits in the areas listed below:

Content Area	Credit(s) Required
English	4
Social Studies	4*
Math	3
Science (1 year of Physical Setting and 1 year of Living Environment)	3
LOTE	1*
Health	0.5
Art/Music	1
Physical Education	2*
Electives	3.5

\*Social Studies-For students entering grade nine in September 2016 and thereafter must earn two credits in global history and geography, one credit in American history, one-half credit in economics and one-half credit in participation in government

\*LOTE- Students with a disability may be excused from the requirement from the required units of credit in LOTE if so indicated on the IEP but must still earn 22 units of credit to graduate. A LOTE exempt student who seeks a Regents diploma with advanced designation does NOT have to complete the 5 unit sequence in the Arts or CTE in lieu of LOTE in order to meet the assessment requirements for the advanced diploma

\*\*LOTE-For a Regents with Advanced Designation diploma students must earn an additional 2 units of credit in LOTE\*\* or a 5 unit sequence in the Arts or CTE.

\*Physical Education- Students who enter a registered New York State high school and have completed one or more semesters in a high school outside New York State shall be exempt from the required two units of credit requirement in physical education for a diploma. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school

In addition to the aforementioned coursework required for graduation, Part 100.5 of the Regulations of the Commissioner, students may obtain the diplomas by fulfilling the diploma specific requirements listed below:

Regents Diploma (all Student Population):

- 5 required Regents exams with a score of 65 or better as follows:
  - ELA
  - 1 Social Studies
  - 1 Math
  - 1 Science
  - 1 Pathway Assessment\*

\* Pathway Assessment- earning a 65 or higher on an additional social studies, math or science regents exam, or meet all the requirements of the CDOS Commencement Credential

Regents Diploma through Appeal (all Student Population)

- 4 required Regents exams with a score of 65 or better and 1 Regents exam with a score of 60-64 for which an appeal is granted by the local district
- 3 required Regents exams with a score of 65 or better and 1 Regents exam with a score of 60-64 for which an appeal is granted by the local district and meet all the requirements of the CDOS Commencement Credential

Regents with Honors (all Student Population)

- 5 required Regents exams(1) with a computed average score of 90 or better as follows: 1 math, 1 science, 1 social studies, ELA and either 1 Pathway Assessment Or meet all the requirements of the CDOS Commencement Credential

Regents with Advanced Designation (all Student Population)

Students may meet the assessment requirements in order to earn a Regents Diploma with Advanced Designation by passing any one of the following combinations of Regents examinations:

- Traditional Combination: ELA, Global History and Geography, US History and Government, 3 mathematics, 2 science (1 must be life science and 1 must be physical science) regents exams, and the FLACS B exam
- Pathway Combination: ELA, 1 social studies, 3 mathematics, 2 science (1 must be life science and 1 must be physical science) regents exams, meet the requirements for the CDOS Commencement Credential or have completed a 5 unit sequence in Art or CTE \*Students may earn a Regents with Advanced Designation diploma by earning a 90 average on the 8 requirements regents exams

\*\*Students may earn Mastery in Math by earning a score of 85 or higher on the three required math Regents exams

\*\*\*Students may earn Mastery in Science by earning a score of 85 or higher on three science Regents exams (1 Physical Setting and 1 Living Environment)

\*\*\*\*Students may earn the Seal of Biliteracy by completing the NYS approved requirements

\*\*\*\*\*CTE Endorsement achieved with passing score on State assessments as listed for specific diploma types and successfully completes the 3-part technical assessment designated for the particular approved career and technical education program which the student has completed

#### Local Diploma through Appeal (all Student Populations)

- 3 required Regents exams with a score of 65 or better and 2 Regents exams with a score of 60-64 for which an appeal is granted by the local district per
- 2 required Regents exams with a score of 65 or better and 2 Regents exams with a score of 60-64 for which an appeal is granted by the local district and meet all the requirements for the CDOS Commencement Credential

#### Local Diploma (Students with disabilities with an individualized education program (IEP) or if included on the student's Section 504 Accommodation Plan)

- 5 required Regents exams with a score of 55-64 or better as follows:
  - ELA
  - 1 Social Studies
  - 1 Math
  - 1 Science
  - 1 Pathway Assessment\*

\* Pathway Assessment- earning a 55-64 or higher on an additional social studies, math or science regents exam, or meet all the requirements of the CDOS Commencement Credential

#### Local Diploma via Low Pass Safety Net Option (Students with Disabilities with an individualized education plan [IEP])

- 3 required Regents exams with a score of 55 or better and 2 Regents exams with a score of 52-54 for which an appeal is granted
- 2 required Regents exams with a score of 55 or better and 2 Regents exams with a score of 52-54 for which an appeal is granted by the local district, and meet all the requirements of the CDOS Commencement Credential

- Scores between 45-54 on one or more of the five required Regents exams, other than the English language arts (ELA) or mathematics, but compensates the low score with a score of 65 or higher on another required Regents exam. Note: a score of at least 55 (or an approved appeal of 52-54) must be earned on both the ELA and 1 mathematics exam. A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45-54 is earned.

Local Diploma via the Superintendent's Determination (Students with Disabilities with an individualized education plan [IEP])

- A superintendent's determination made upon a parent's written request, based on review of documentation, as to graduation level proficiency in the subject area in which the student was not able to demonstrate proficiency of the State's learning standards through the assessment required for graduation.
- To be eligible for the superintendent determination:
  - The student must have a current individualized education program (IEP) and be receiving special education programs and/or related services.
  - The student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option.
  - The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents examination areas (English Language Arts (ELA), mathematics, social studies and science).
  - The student must have taken and received a minimum score of 55 on both the ELA and Mathematics Regents examinations or a successfully appealed a score between 52 and 54, except that on or after December 12, 2017, a student who was unable to achieve a minimum score of 55 or did not initiate an appeal of a score of between 52 and 54 on the English and/or Mathematics Regents examinations may be considered an eligible student for the Superintendent Determination option, provided that the student has completed the requirements for the New York State (NYS) Career Development and Occupational Studies (CDOS) Commencement Credential.
  - There must be evidence that the student participated in all Regents examinations required for graduation but has not passed one or more of these examinations.
  - In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the Regents examinations required for graduation (including ELA and/or mathematics if using the CDOS Commencement Credential to meet the eligibility condition(s)), there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area(s).

### **Non-diploma High School Exiting Credentials**



Career Development and Occupational Studies (CDOS) Commencement Credential (all student population, other than those who are assessed using the NYS Alternate Assessment [NYSSA])

- Completes a career plan; demonstrates attainment of the commencement level Career Development and Occupational Studies (CDOS) learning standards in the area of career exploration and development, integrated learning and universal foundation skills; satisfactorily completes the equivalent of 2 units of study (216 hours) in Career and Technical Education coursework and work-based learning (including at least 54 hours of work-based learning); and has at least 1 completed employability profile
- Student meets criteria for a national work readiness credential Note: Credential may be a supplement to a Local or Regents diploma, or, if the student is unable to meet diploma standards, the credential may be awarded as the student's existing credential provided the student has attended school for not less than 12 years, excluding Kindergarten.

Skills and Achievement Commencement Credential (Students with severe disabilities that are assessed using the NYS Alternate Assessment [NYSAA])

- All students with severe disabilities who attend school for not less than 12 years, excluding Kindergarten exit with this credential which must be accompanied by documentation of the student's skills and strengths and levels of independence in academic, career development and foundation skills needed for post-school living, learning and working.

## ***PROCEDURAL SAFEGUARDS***

## **DUE PROCESS PROCEDURES**

A mandatory procedural safeguards notice has been provided to school districts by the State Education Department.

A copy of the procedural safeguards notice must be provided to parents one time a year and: □ upon initial referral or parental request for an evaluation of the child.

- whenever a parent requests a copy.
- upon receipt of the first due process complaint in a school year requesting mediation or an impartial hearing.
- the first time in a school year when the school district receives a copy of a State complaint that a parent submitted to the New York State Education Department (NYSED).
- when a decision is made to suspend or remove the child for discipline reasons that would result in a disciplinary change in placement.

### **Prior Written Notice**

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

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

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

### **Informed Consent (CSE and CPSE) "Consent"**

*means:*

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

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

**Written parental consent is required prior to:**

**Initial Evaluation** - Upon receipt of a referral to the CPSE/CSE of a student who is suspected of having a disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CPSE/CSE. The reason for the referral and the evaluation process are explained. The notice will include a description of the evaluation procedures. The parent is also provided with a copy of their due process rights, information describing the components of a comprehensive evaluation, and A Parent's Guide to Special Education. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to a conference to discuss the evaluation process. Outreach efforts will be made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a school age child for an initial evaluation does not provide consent within 30 days of the date of receipt of referral, the Chairperson will document attempts to obtain parental consent and notify the Board of Education that they may utilize the due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained.

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

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

**Initial Provision of Special Education Services** - If the CPSE/CSE determines the student has a disability and recommends special education services, parent consent to initial placement is requested. If a parent refuses to give written consent, the district may not deny the parent or child any other services, benefit or activity of the school district, except for the recommended special education services. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CPSE/CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of the student refuses to consent or fails to respond to a request to provide consent to the provision of special education programs and services, the school district shall not provide special education services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The school district will not be considered to be in

violation of the requirements to make available a free appropriate public education for the failure to provide the student with the special education program and services for which the district requests consent. The district will not be required to convene a meeting of the Committee on Special Education or develop an IEP for the special education program and services for which the school district requests consent.

**Initial Provision of an Extended School Year (12 Month) Program or Services** - The procedures detailed above apply.

**Reevaluation** - Parental consent will be requested prior to conducting a reevaluation of the student; however the district may proceed with the reevaluation if the parent/guardian does not respond and reasonable measures have been taken to obtain their consent. Reasonable measures are interpreted as:

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

**Requests for Records / Other Communications with Non-District Personnel** - Parent consent is requested for the following:

- Release of CPSE/CSE records to another agency / individual
- Request for copies of reports / evaluations from another agency / individual
- Request for verbal communications with another agency / individual (i.e.; private therapists)
- See section on Special Education Records: Access and Accessibility for further information in this regard.

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

## **INDEPENDENT EVALUATIONS**

At the time of CSE initial or reevaluation, the CSE Office will inform parents regarding their right to an independent evaluation by providing them with a copy of the Due Process Notice. When they disagree with the evaluation conducted by the CSE, parents may request an independent evaluation. The names, addresses and telephone numbers of appropriate public and private agencies and other

professional resources where independent educational evaluations may be obtained will be provided upon request. The school district has a right to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent does not meet school district's criteria through an impartial hearing. If a hearing officer determines that the district's evaluation was appropriate, or the evaluation obtained by the parent did not meet school district's criteria, the parent is not entitled to reimbursement at district's expense. Any independent evaluation, whether paid for by the parent or by the school district, will be reviewed by the CSE and taken into consideration in its final placement determination.

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

- The parent must request a copy of the board policy prior to seeking an evaluation and reimbursement.
  - The qualifications of the evaluator and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation. This includes, but is not limited to, the following:
    - Psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
    - Other evaluators should be appropriately certified in the area of their specialty by the State Education Department; and
    - The evaluation will take place in Suffolk or Nassau county; and
    - The tests performed must be norm referenced for individual evaluation, appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests.
  - The cost of an independent evaluation requested by a hearing officer shall be at district expense.
- 
- Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances, costs will be deemed reasonable and allowable in accordance with the following fee schedule:

Psychological Evaluation	\$650.00
Educational Evaluation	\$375.00
Speech/Language	\$325.00
OT Evaluation	\$200.00
PT Evaluation	\$200.00
Psychiatric Evaluation	\$900.00
Neuropsychological	\$2750.00
Audiological Evaluation	\$500.00
CAP Evaluation	\$750.00
Assistive Technology	\$750.00
Psycho-educational	\$750.00

**RESOURCES FOR INDEPENDENT EVALUATIONS**

The following are offered as possible resources for parents. The list does not limit the parent to these options. Parents may choose any evaluator as long as they meet the criteria set forth in this plan.

Achieve Beyond  
538 Broadhollow Road, Suite 202  
Melville, NY 11747

Metro Therapy  
1363 Veterans Memorial Highway  
Hauppauge, NY 11788

Complete Rehabilitation  
P.O Box 1025  
Remsenburg, NY 11960

New York Therapy Placement Services  
5225 Nesconset Hwy. Suite 30  
Port Jefferson Station, NY 11776

### **SURROGATE PARENTS**

***“Surrogate parent”*** means a person appointed to act in place of parents or guardians when a student’s parents or guardians are not known, or when after reasonable efforts, the board of education cannot discover the whereabouts of a parent or, the student is a ward of the State. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and

willing to serve as surrogate parents. The list is approved at the annual reorganization meeting of the Board.

### **QUALIFICATIONS**

- Persons selected as surrogate parents cannot be officers, employees or agents of the school district or State Education Department or other agency involved in the education or care of the student and, to the extent possible, shall:
- have no other interest which could conflict with their primary allegiance to the student they would represent;
- be committed to acquaint themselves personally and thoroughly with the student and the student's educational needs;
- be of the same racial, cultural and linguistic background as the student they seek to represent; and
- be generally familiar with the educational options available to students with disabilities.

### **PROCEDURES FOR ASSIGNING SURROGATES:**

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

1. Any person whose work involves education or treatment of students who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent, with the Committee on Special Education;
2. The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents or guardians at their last known address;
3. The Committee on Special Education shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education or other body responsible for the provision of special education programming and services within ten (10) days of the date of determination by the Committee.
4. Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
5. The foster parent of the student, who otherwise meets the qualifications of a surrogate parent, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.

### **SPECIAL EDUCATION MEDIATION**



Special Education mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator. By asking questions and discussing all information with both parties, the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive. Mediation can only be initiated upon a written request of a parent or guardian. Mediation is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial and have been trained in effective mediation techniques. 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 school district or program serving students with disabilities. Mediation will be scheduled in a timely manner and held in a location convenient to the parties. Mediation occurs at no cost to either the parents or the school district.

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

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. At the end of the mediation session, whatever the parents and the school district representative agree should be done is written down. Agreement may be reached on any or all of the concerns or issues which were discussed during the mediation session. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. Discussions during the mediation session are confidential and may not be used as evidence in any subsequent hearings or proceedings.

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

### **Resolution Session**

Prior to an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting where the parents of the student discuss their complaint and the facts that form the basis of their complaint, and the school district has the opportunity to resolve the complaint. The participants of the meeting shall include the parents and relevant members of the CSE who have specific knowledge of the facts identified in the complaint, including a representative of the district who has decision-making authority on behalf of the district. This meeting may not include the attorney of the school district unless the parent is accompanied by an attorney. The parent and the school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.

The parent and the district may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute. If the parent and district reach an agreement to resolve the complaint at a resolution session, a legally binding agreement shall be signed by both the parent

and a representative of the district who has the authority to bind the district. This agreement shall be enforceable in any State or District Court of the United States. Either the parent or school district may void the agreement within three business days of the agreement's execution.

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

### **APPOINTMENT OF IMPARTIAL HEARING OFFICERS**

The Board of Education annually establishes and maintains a list of names and qualifications of all Impartial Hearing Officers available to serve in the school district.

**A certified impartial hearing officer shall, beginning September 1, 2001, be:**

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

#### **Appointment**

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with all requests for impartial due process hearings. The list shall include the names of those certified IHOs who appear on the state list for the County of Suffolk or who have indicated their interest in serving in such capacity in the Sayville Union Free School District.

Upon receipt of a complete due process complaint notice, the rotational selection process for the IHO shall be initiated immediately and always within 2 days after receipt of such request. Should an IHO decline appointment, or within 24 hours the IHO fails to respond or is unreachable after reasonable attempts by the District Clerk or designee, such district representative shall then proceed through the list to determine availability of the next successive IHO.

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

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

The District Clerk or designee shall then proceed through the list to determine availability of the next successive IHO.

Upon identifying the next IHO on the list who is available to serve, the Board of Education President, shall appoint such person to serve as the IHO.

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

### **Procedures**

1. The selection of an impartial hearing officer must be made from a list of all hearing officers who are certified and available to serve in the school district.
2. The list must be established and maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.
3. Selection must be made on a rotational basis, beginning with the first name after the hearing officer who last served. If no hearing officer on the list has served, selection must be made beginning with the first name on the list.
4. If a hearing officer declines appointment, or if within 24 hours the Impartial Hearing Officer fails respond or is unreachable after reasonable efforts by the school district, each successive Impartial Hearing Officers whose name next appears on the list, shall be offered appointment until such appointment is accepted. These attempts will be documented.

### **Compensation**

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals, and overnight lodging accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will

also be reimbursed. The district will not reimburse hearing officers for administrative assistance, secretarial or other overhead expenses.

***For further information concerning the impartial hearing process, refer to the Notice of Due Process Rights.***

### **GUARDIAN AD LITEM**

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

A "*guardian ad litem*" is defined as a person familiar with the provisions of the Part 200 Regulations 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 and, where appropriate, to join in an appeal to the State Review Officer initiated by the parent or Board of Education. A *guardian ad litem* shall have the right to fully participate in the impartial hearing to the extent indicated in the Regulations.

# ***RECORDS ACCESS AND CONFIDENTIALITY***

## **NOTICE OF RIGHTS CONCERNING STUDENT RECORDS**

**Following is an explanation of the rights of parents/guardians concerning school records relating to their student pursuant to the Federal “Family Educational Rights and Privacy Act of 1974”:**

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data directly related to their students , including all material that is incorporated into each student’s cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified report of serious recurrent behavior patterns.
- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a student’s (their own) school records, in writing, to the Elementary Principal of the building to which such student is assigned or the Guidance Counselor in the Secondary School. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Superintendent of Schools.
- Student records and any material contained therein, which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials, and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The Board of Education’s Student Records Policy includes Directory Information regarding students. In the Policy, Directory of Information includes the following items: student’s name, address, telephone number, date of birth, parents’ names, and dates of attendance. Parents have the right to have their student’s name and the information indicated above removed from the Directory Information List. If a parent chooses to do so for the current school year, they are to advise the Office of the

Superintendent of Schools in writing by a designated date. Parents who choose to remove their student's name and other information from the Directory Information List should be advised that it will impact data which parents receive through the channels of the PTA/PTAs Organizations, including PTA/PTAs phone chains regarding pertinent school information.

***Terms, which are defined in Federal or State law, which are used in this statement, are explained below.***

***Student:*** any person who has received educational services or instruction within the District. This includes students who receive preschool services through the district CPSE.

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

***Parent:*** either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the District has received notice of such court order or document. The term "parent" also includes a guardian who has been appointed by a court or who had demonstrated, to the satisfaction of the principal, that he or she is the actual and only person responsible for the student and for making decisions on the student's behalf. Non-custodial parents have the same rights concerning access to their students' educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him or her the opportunity to present a court order or other binding instrument barring the release of the data requested.

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

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

### **Records Kept In The District, Their Location and Custodian**

The student cumulative record is initiated upon the student's entry into school, and follows the student through his/her school career. By the time the student completes secondary school, the record will include the following kinds of information: personal identification data; attendance records; health history; end-of-the-year development suggestions;

academic history including subjects and teachers by semester and year, units of study, summer school credits, subjects and grades failed and subjects dropped, secondary school subject sequences, type of diploma and date of graduation, report cards; standardized tests and follow-through letters regarding remedial services; high school transcript, correspondence which is pertinent to the educational development of the student; accomplishments; records of suspensions or other disciplinary matters; and honors and awards.

**CONFIDENTIAL**

	Central Administration	CSE Office	Main or Guidance Office	Principal	MS/HS Attendance	Teacher	Nurse	Clinician
Cumulative Academic			📁					
Health							📁	
Attendance			📁		📁	📁	📁	
Registration		📁	📁				📁	
Standardized Test Records	📁	📁	📁					
Psychological		📁						📁
Special Education		📁		📁				📁
Related Service Evaluations		📁		📁				📁

*The school psychologist maintains reports of evaluations and copies of professional reports provided by parents.*

**INSPECTION OF SCHOOL DISTRICT RECORDS**

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

1. The parent or eligible student should submit to student’s school principal in the elementary schools or guidance counselor in the secondary schools a written request to see the student’s file. If a student’s records are maintained in several locations, the school principal will, upon request, collect the records so that they may be inspected at one site (except for special education records, as described below). Such review will be scheduled promptly after receipt of the written request for access and in no case more than forty-five (45) days from the date of that receipt. For records containing information on more

than one student, parent/student access is limited to only the information which pertains to their student.

- Records may be obtained upon direct request to the Coordinator of Special Education. Appointments for review of special education records will be made upon a minimum of three days' notice at the mutual convenience of staff and parent or eligible student.
  - Upon request, record review will be arranged prior to any Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) meeting or any discussions regarding an Individualized Education Program.
2. Within five (5) school days of receipt of a written request for a record reasonably described, the principal or guidance counselor shall make such record available, deny such request in writing, or furnish a written acknowledgment of the receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the principal or guidance counselor acknowledges receipt of the request, failure to respond may be construed as a denial of access that may be appealed.
  3. Any person denied access to a record, within thirty (30) days from receipt of notice of such denial, may appeal the denial, in writing, to the Superintendent of Schools or a designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.
  4. Appropriate school district personnel will be present during record inspection to interpret and explain records. Records may be inspected between 9:00 AM and 3:00 PM. Copies of documents will be made available at a cost of \$.25 per page. Parents may be accompanied by any person in reviewing records or may have an appropriately authorized representative inspect and review only the information relating to their student.

### **RELEASE OF STUDENT RECORDS TO THIRD PARTIES**

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

Release Without Consent - *Records may be released without written consent only under the following circumstances:*

1. "Directory Information" may be disclosed, where appropriate, without consent.



2. Educational records concerning a particular student may be released only to staff members who have “responsibility for the student, and then only if it is educationally necessary to consult the records”.
3. Records in the custody of the Department of Special Education will be released to school officials and members of the Committees on Special Education or Preschool Special Education only for purposes set out in the Individuals with Disabilities Education Act (IDEA)<sup>3</sup>, including, but not limited to, identification of a student’s disabling condition and development of an individualized education program.
4. Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school under the circumstances indicated below:
  - where the student is also enrolled or receives services
  - if the principal of the school maintaining the record has received written notification of the student’s intent or
  - attempt to enroll there or if the Committee on Special Education has recommended placement in such school

***Records disclosed pursuant to this provision, without express written consent, will be only those deemed by the Coordinator of Special Education or Director of Student Services to be essential for the provision of educational services/ planning. The District shall give notice to parents or eligible students when such disclosure is made. They may request and receive a copy of any records released under this provision.***

5. Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs, or enforcement of federal legal requirements. Persons reviewing records under this provision must sign a written form, to be kept in the student’s folder, indicating their interest in the records.
6. With the approval of the Superintendent of Schools, records may be released without consent to organizations, public and private, conducting studies for, or on behalf of, educational agencies or institutions. The District shall require recipients of such information to provide written assurances that personally identifiable information received will be destroyed when no longer needed for the study.
7. Records may be released without consent to accrediting organizations to carry out their accrediting functions.
8. Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be “lawfully issued” when it is issued by a court, or when counsel to the school has reviewed it and found it to be lawfully

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<sup>3</sup> The Individual with Disabilities Education Act (IDEA) was formerly the Education of the Handicapped Act (EHA).

issued. Before making such a disclosure, the District must send written notice to the parent or eligible student.

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

#### **RECORDS OF REQUESTS FOR ACCESS TO EDUCATION RECORDS**

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

- The name of the person or agency that made the request, the interest the person or agency had in the information, the date of the request,
- Whether the request was granted, and if so, the date access was permitted.
- Such record will be maintained as long as the student's education record is maintained.

#### **PROCEDURES FOR MAINTAINING CONFIDENTIALITY OF CPSE AND CSE RECORDS**

Student records and files are kept in locked files in an office that is also locked when left unattended. An electronic alarm system is activated when the building is closed. The CPSE/CSE secretaries monitor access to student files. They acknowledge and are familiar with all staff who have access. Professionals visit the CPSE/CSE office when they need access to a file. The CPSE/CSE secretary obtains the file and the professional proceeds to a designated area where the review can take place. The access log is signed. When the professional's review is complete, the file is returned to the CPSE/CSE secretary.

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

## **PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS**

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

1. The parent or student shall notify the Principal or the Director of Student Services of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the Principal or the Director of Student Services will hold an information conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the Principal finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.
2. The Principal or the Director of Student Services will also advise the student or parent of the right to place in the education record a statement commenting on the challenged information and/or setting forth any reason for disagreeing with this decision. The district as part of the education record shall maintain an explanation placed in an education record under this paragraph as long as the district maintains the record. The district with the education record will release it whenever the provisions of this policy authorize such release.

An appeal from a hearing concerning the educational records of a general education student may be made to the FERPA Office of the U.S. Department of Education.

## **HEARING PROCESS**

1. A hearing pursuant to paragraph 1 will be held upon request and the parents will receive timely notice of the place, date and time. The hearing officer may be the Superintendent of Schools or a designated school official having no interest in the hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence.

After taking evidence, the hearing officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the hearing officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the principal or Director of Special Services to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commenting on challenged information as described in paragraph 2, above.

2. A review of the decision of a hearing officer may be obtained by either the parent or the Board of Education by appeal to a State review officer of the State Education Department. The telephone number of the officer is (518) 474-5548. The written decision of the State review officer, a copy of which will be mailed to the parent and the Board of Education,

shall be final. Thereafter, special education records or entries in the cumulative record may be reviewed, at the federal level, by the Family Policy and Regulations Office, U.S. Department of Education, Room 1087 FB 6, 400 Maryland Avenue, SW, Washington, D.C., 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office finds the District to be out of compliance with applicable law, and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U.S. Department of Education for a formal resolution of the conflict before an administrative law judge.

**SPECIAL PROVISIONS RELATING TO ALCOHOL OR DRUG ABUSE SERVICES AND AIDS**

Services provided within the school district to diagnose drug or alcohol abuse or to provide treatment or direct referral for treatment will be subject to Federal Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records. Information, verbal or in written form, indicating participation in such program will not be released without the student's written consent.

Effective February 1, 1989, all school personnel are required by law to protect the privacy of students or other people (i.e., family members) identified in student records as having AIDS or having tested positive for exposure to the AIDS virus. Each release of any such information requires the express written consent of the parent, or the student, if over the age of 18. A separate consent is required for each disclosure. Consent for release of information which allowed a school to receive such information does not authorize disclosure by school personnel. Information covered by this provision shall not be included in a student's records unless necessary for the provision of educational services and appropriate care, and, where it must be included, it shall to the greatest extent possible, be recorded separately from other information so as to allow the school to release other information, if authorized, without release of the AIDS-related information.

# ***DISCIPLINE***

## **SCHOOL CONDUCT AND DISCIPLINE**

In accordance with subpart 200-1 of the Regulations of the Commissioner of Education, the Sample School District has adopted and implemented a policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the district.

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

“Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:

1. for more than 10 consecutive school days; or
2. for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 consecutive school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

**Authority of School Personnel** - School personnel may change the placement of a student with a disability to the extent that such alternatives would be applied to students without disabilities: (1) to an appropriate interim alternative educational setting (IAES), or suspension, for not more than 10 school days; and (2) to an IAES for not more than 45 days if the student brings a weapon or knowingly possesses, uses, sells or solicits illegal drugs while at school or a school function. The Superintendent may order such change in placement of a student with a disability to an IAES, directly or upon recommendation of a hearing officer in the superintendent’s hearing, even where the CSE determines that the student’s behavior is a manifestation of the student’s disability. The setting shall be determined by the CSE.

Either before or not later than 10 business days after taking the disciplinary action described above: (1) the CSE will meet to develop an assessment plan to address that behavior; or (2) if the student already has a behavioral intervention plan, the CSE will review the plan and modify it, as necessary, to address the behavior.

## **Superintendent's Hearings on Disciplinary Charges Against Students with Disabilities**

Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:

The Superintendent of Schools or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty, the superintendent of schools or hearing officer shall determine whether a suspension or removal in excess of 10 consecutive school days in a school year or a disciplinary change in placement should be considered. If such a suspension or removal is considered, before the superintendent orders or the hearing officer recommends any such removal, the superintendent's hearing shall be adjourned until a manifestation determination is made by the Committee on Special Education, except in cases where an IAES has been ordered. If the superintendent or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.

Upon a determination by the CSE that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the CSE determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer shall dismiss the superintendent's hearing, except in case where an IAES has been ordered. For the penalty phase, the school district will transmit copies of the special education and disciplinary records to the superintendent or hearing officer for consideration.

**Manifestation Determination Review** - If any of the disciplinary actions above are contemplated or if a disciplinary action involving a change in placement for more than 10 days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the district that applies to all students : (1) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and (2) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take, a meeting of the CSE and other qualified personnel will be scheduled to determine the relationship between the student's disability and the behavior subject to the disciplinary action.

In carrying out the review, the CSE may determine that the behavior of the student was not a manifestation of such student's disability only if the CSE first considers, in terms of the behavior subject to disciplinary action, all relevant information, including: evaluation and diagnostic results, including such results and other relevant information supplied by the

parents of the student; observations of the student; and the student's IEP and placement; and ***then determines that:***

- In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the student's IEP and placement;
- The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
- the student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

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

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

**Determination of Setting** - An interim educational setting in which a student is placed by either school personnel or a hearing officer shall: (1) be selected to enable the student to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the IEP, that will enable the student to meet the IEP goals; and (2) include services and modifications designed to address the behavior described above so that it does not recur.

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

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

In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the student's behavior was not a manifestation of such student's disability consistent with the requirements of a manifestation determination review. In reviewing to place a student in an IAES, the hearing office shall apply the standards indicated in "Determination of Setting".

When a parent requests a hearing to challenge the interim alternative educational setting or the manifest determination, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period discussed in sections "Authority of School Personnel" and "Authority of a Hearing Officer", whichever occurs first, unless the parent and the district agree otherwise.

If the student is placed in an IAES and school personnel propose to change the student's placement after the expiration of the interim alternative educational placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), except where the student is again placed in an IAES by an impartial hearing officer in an expedited hearing, described below.

**Authority of an Impartial Hearing Officer**- An impartial hearing officer may order a change in placement of a student with a disability to an appropriate IAES in a dangerous situation for not more than 45 days if the hearing officer: (1) determines that the district has demonstrated substantial evidence that maintaining the current placement is likely to result in injury to the student or to others; (2) considers the appropriateness of the student's current placement; (3) considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and (4) determines that the IAES meets the requirements.

**Expedited Hearing** - If school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, the district may request an expedited hearing. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing, provided that the impartial hearing officer may grant specific extensions of time at the request of either the school district or the parent. The impartial hearing officer shall mail a copy of the written, or at the option of the parents, an electronic finding of the facts to the parents, Board of Education, and VESID within 5 business days after the last hearing date, but in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards indicated in "Authority of a Hearing Officer".



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

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

- The parent of the student has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the district that the student is in need of special education or related services;
- The behavior or performance of the student demonstrates the need for such services;
- The parent of the student has requested an evaluation of the student; or
- The teacher of the student or other personnel of the district, has expressed concern about behavior or performance of the student to the CSE or other personnel of the district.

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

**Referral to Law Enforcement Authorities** - Nothing prohibits a district from reporting a crime committed by a student with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities. A district reporting a crime committed by a student with a disability shall ensure that copies of the

special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports a crime.

# ***ACCESSIBILITY***

### **ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES**

It is the policy of the school district to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to hearingimpaired parents who require such assistance. Parents requiring this or another accommodation (i.e.; translators, barrier-free site) to participate in meetings of the

### **ACCESS TO PROGRAMS AND EXTRA-CURRICULAR ACTIVITIES**

Committee on Special Education are requested to notify the Special Education Office.

Students with disabilities residing in the school district have the opportunity to participate in all programs and activities administered by the district and available to the students enrolled in district public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities.

### **ACCESS TO EDUCATIONAL OPPORTUNITIES**

#### **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

Employment and educational opportunities, including vocational educational opportunities, are offered by the Sayville School District to boys and girls on an equal basis without discrimination on the basis of sex.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The District official responsible for the coordination of activities relating to nondiscrimination is the Director of Student Services, who serves as the Title IX Coordinator. The Coordinator will provide information, including information on complaint procedures, to any student or employee who feels that the District or its officials may have violated her or his rights under Title IX. The office is at the Administration Building of the Sayville School District at 99 Greeley Avenue, Sayville or the telephone number is 631-244-6505. In addition, any student or employee may make an inquiry or a complaint directly to the Federal Office for Civil Rights or New York State Division for Human Rights.

## ***MISCELLANEOUS***

## SCREENING PROCEDURES

A comprehensive program has been developed by the school district to locate, identify and provide programs for those students who need special services, including students who are gifted. Diagnostic screenings are conducted for kindergarten students, new entrants into the district, and students scoring below reference points on State examinations.

The diagnostic screening includes a health examination, review of immunization records, and a determination of receptive and expressive language development, motor development, articulation skills and cognitive development. Results of the diagnostic screening conducted on each student are reported to the building principal/Guidance Department/Pupil Personnel Staff and the Special Education Department, if appropriate.

### **Screenings are conducted as follows:**

- Kindergarten screening – all pre-kindergarten students are screened in the spring prior to scheduled entrance into kindergarten.
- New Entrant Screening – all new entrants are screened no later than December 1 of the school year of entry or within 15 days of transfer.

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

The procedures to locate, identify, and evaluate all non-public private school students with disabilities, including religious-school children residing in the school district, must

## **GUIDELINES FOR PROVIDING PUBLIC SCHOOL SERVICES TO STUDENTS IN NON-**

### **PUBLIC SCHOOLS**

be comparable to activities undertaken for students with disabilities in public schools. The board of education shall consult with appropriate representatives of private school students with disabilities, that may include representatives of organizations of nonpublic school groups, selected parents of students with disabilities enrolled in nonpublic schools and selected representatives of the non-public schools in the school district, on how to carry out the activities described in the Regulations of the Commissioner of Education.

### **Referrals for Evaluation of Students Thought to be Disabled**

1. Resident students who attend non-public schools within the district may be referred to the Committee on Special Education of the school district in exactly the same manner as students who attend public schools.
2. In the case of the non-resident student, the referral will immediately be directed by the building administrator of the non-public school or by the CSE (if the referral is submitted to the CSE office) to the Committee on Special Education in the district of residence of the student. The Committee in the district of residence will determine what types of diagnostic testing are needed, and will obtain parental consent for evaluation.
3. In the case of a resident student, regular referral procedures are followed. The CSE (or building designee) obtains parental consent for evaluation and schedules the evaluation with the school psychologist.
4. In all cases, the Committee on Special Education of the district of residence will review the results of the evaluations to determine if special education services are warranted.

### **Services to Students Identified as Disabled**

1. If a student is identified by the Committee on Special Education as being in need of special education, the Committee must notify the parent that the student is entitled to an appropriate education at public expense. However, if the parent wishes to continue the student in non-public school, the district may offer related services or resource room instruction to assist the student to benefit from general education.
2. If a parent disagrees with any recommendation of the Committee with respect to either identification or choice of services, the parent may appeal the recommendation to an impartial hearing officer in accordance with Section 200.5c of the Regulations of the Commissioner of Education.
3. Related services and educational services for both resident and non-resident students will be provided within the district in which the non-public school is located, if at all possible, pursuant to the Section 912 Contract. Related services include counseling, speech and language therapy, occupational therapy, physical therapy, and any other health or welfare services.
4. Educational services (resource room) are not included in the Section 912 Contract, and will be provided at the expense of the home district. The home district may request resource room placement for the child in the district in which the non-public school is located, or may offer resource room placement within its own district. If the parent disagrees with the home district's choice of site for resource room instruction, the parent may initiate an impartial review of the determination of the home district. If the district in which the non-public school is located refuses access to its resource room program, the parent may appeal this determination directly to the Commissioner of Education.

If a parent refuses to accept any service, and the student appears to be in need of services, the district of residence has authority to initiate an impartial review of the parent's refusal to consent to such service. However, the district cannot compel the parent of a student with a disability to place the student in public school.

### **Reimbursement for Unilateral Placement in a Private School**

The school district is not required to pay for the tuition for a child with a disability placed in a private school or facility by a parent, including special education and related services, if the school district has made available a free appropriate public educational placement.

If the parents of a child with a disability, who previously received special education and related services under the authority of the district, enroll the child in a private elementary or secondary school without the consent of or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the

court of hearing officer finds that the district had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

***The cost of reimbursement may be reduced or denied:***

If, at the most recent IEP meeting that the parents attended prior to the removal of the child from the public school, the parents did not

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

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

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

## **IDENTIFICATION OF STUDENTS WITH DISABILITIES**

The district conducts an ongoing “child find” through the registration of students from birth to 18 years of age, and of children with disabilities to the age of 21 in accordance with Education Law §3242 and §4402(1)(a); 8 NYCRR § 200.2(a). The purpose is to locate and identify all students who reside within the district or attend schools within the district. Annual notice of the availability of Special Education Services is stated in the school calendar, which is mailed to all residents. Similarly, notice is sent to all private schools in the School District and all contiguous school districts.

The Attendance Office notifies the CSE or CPSE of any youngsters identified through registration or school screenings who are new to the district or who have been noted as “disabled”. Official notification to CSE is on the District Registration Form.

A register of disabled students identified is maintained by the Special Education Office.



## **SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS**

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

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

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services ("BOCES"). At least once per year, a staff member from the district's Department of Special Education will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

The district will continue to meet with Eastern Suffolk BOCES to work toward N.Y. State Education Department's requirement in developing the regional plan that reduces the number of special education students in center based non-integrated settings. In addition, in an attempt to provide the least restrictive environment for all students, the district will continue to provide space, to the extent available, for school-age students from other school districts who need special programs not available in their home schools. The district will also attempt to provide the Board of Cooperative Educational Services with grade appropriate space for resident and non-resident students if such space is available.

## **PROCEDURES FOR EVALUATING PROGRAM OBJECTIVES**

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, etc., formative data will be gathered relative to the success of the delineated objectives. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications for programs, services and procedures.

The goal of the special education program in the district is to provide each youngster with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential.

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

- ongoing evaluation of student achievement using various standardized diagnostic tests and other teacher made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries;
- triennial reevaluation of each student with a disability as outlined in NYSCR 200.4 (f)(4); and
- annual review of the district plan.

## ***DISTRICT PROGRAMS***

## **SUMMARY OF DISTRICT PROGRAMS**

The following is a summary of programs offered within the Sayville School District. The district recognizes that students with disabilities have unique and individual needs. As such, there may be students for which the CSE determines that an alteration to an existing program is needed. The district also recognizes that although all students will be considered for district programs, there are times when students present with such severe and/or unique needs that they require a placement outside of the Sayville School District in order to appropriately meet their needs.

### **Related Services**

*Grades K – 12*

The student with a disability may require a number of sessions per week of related or support services provided by a specialist. Other related services which are provided include counseling, occupational therapy, physical therapy, visually impaired program services, and hearing impaired program services.

### **Consultant Teacher**

*Grades K-12*

Consultant Teacher services are required for a minimum of two hours of services per week given to the student and/or general education teachers to support the disabled students in a general education class.

### **Resource Room**

*Grades K-12*

Resource Room services are provided for a minimum of 3 hours weekly in a group with no more than 5 students. Students cannot spend more than 50% of their day in resource room. The purpose of resource room is to supplement the instruction in the general education classes for students who are in need of supplemental instruction.

### **Integrated Co-Teaching**

*Grades K-11*

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students. Students with disabilities who receive Integrated Co-Teaching services are educated with age appropriate peers in the general education classroom. ICT provides access to the general education curriculum and specially designed instruction to meet students' individual needs and includes both a general education teacher as well as a special education teacher. At the elementary level, an aide is present during core instruction when the special education teacher is not. On the secondary level, special education students receive a daily period of academic support.

### **Special Class**

*Grades K-12*

Special class means a class consisting of students with disabilities who have been grouped together because of similarity of individual needs for the purpose of receiving specially designed instruction in a self-contained setting. Students in a self-contained setting receive their primary instruction separate from their nondisabled peers, with opportunities for mainstreaming and integration with typical peers as deemed appropriate by the CSE.

### **Declassification and Transitional Support Services**

*Grades K – 12*

Declassification support services are those services provided to a student to assist the student's transition from special education to a full time general education placement.

Declassification services may be provided for up to one year after a student exits the special education placement and are based upon the recommendations of the CSE. Declassification services are provided by the special education teacher or pupil personnel staff designated by the CSE.

Transitional support services are those temporary services, specified in a student's individualized education plan (IEP), provided to a regular or special education teacher to aid in the provision of appropriate service to a student with a disability transitioning to a general education placement. Transitional support services are provided by a special education teacher or related service personnel.

### **Home Instruction**

Homebound instruction is considered to be the most restrictive educational settings. Homebound instruction is generally considered to be a temporary placement to satisfy the immediate educational needs of a student until another placement is obtained or until the student is well enough to be placed in a different educational placement.

## **Program and Service Descriptions:**

### **SCHOOL PSYCHOLOGICAL SERVICES**

School Psychological Services include, but are not limited to the following: assessment; observation; test administration and interpretation; participation in the Committee on Special Education (CSE) referral process; participation in CSE meetings; evaluations; monitoring of student progress; consultation with teachers; student and parent counseling; and liaison with other professionals. Additional functions relating to special education students include: assisting teachers in the development of interventions to help students and the development of Individualized Education Programs (IEPs); monitoring the delivery of services to special education students; conducting three-year reevaluations; monitoring progress of students after placement; conducting functional behavior assessments and developing Behavior Intervention Plans. These services can be direct to the student or as a support for school personnel.

### **SOCIAL WORKER**

Social Work responsibilities include, but are not limited to the following: monitoring students' progress; consultation with teachers; providing transitional support services to students moving into programs that are less restrictive; parent education; student and parent counseling; intervening during crisis (i.e.. student abuse, bus problems, etc.); conducting functional behavior assessments and developing Behavior Intervention Plans; and liaison between school, home, and community agencies. These services can be direct to the student or as a support for school personnel.

### **SPEECH- LANGUAGE SERVICES**

Specialists in speech and language assist school staff with the identification and instruction of students with speech, language and hearing disorders. They provide diagnostic and remedial services for students with articulation disorders, stuttering and voice disorders, expressive and receptive language problems, hearing deficits, cerebral dysfunction, oral-motor disorders and cleft palate. These services can be direct to the student or as a support for school personnel.

### **PHYSICAL THERAPY**

Physical therapy is provided in order for a physically disabled student to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive need of the student; program planning and treatment program when indicated; consultation with general education teachers in the mainstreaming process; supervision and instruction of nonprofessional personnel in dealing with the physical needs of the students. These services can be direct to the student or as a support for school personnel.

### **OCCUPATIONAL THERAPY**

The occupational therapist serves students whose disabilities prevent them from functioning normally within the school environment. The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper extremities necessary for handwriting and other classroom fine motor tasks, modulating a student's sensory

responses that interfere with everyday activities, developing the activities of daily living, providing adaptive equipment as necessary and counseling students with disabilities around their participation in activities. The goal of the occupational therapist is to provide appropriate treatment to increase the student's ability to function independently in the school environment. These services can be direct to the student or as a support for school personnel.

### HEARING SERVICES

Hearing Education is designed to provide direct specialized instruction to students, ages 4.9 to 21 years of age, with hearing disabilities who are enrolled in a general or special education program. Specialized instruction in speech reading and auditory training are provided by a teacher of the deaf and hard of hearing. These services can be direct to the student or as a support for school personnel. These services can be direct to the student or as a support for school personnel.

### VISION SERVICES

Vision Education is designed to provide direct specialized instruction to students, ages 4.9 to 21 years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. This related service includes direct instruction in the use of various optical aids, use of large print books and worksheets, tactile and recorded material and current technology. Teachers may also assist students in acclimating to new instructional environments and may assist other teachers in meeting the student's educational needs. These services can be direct to the student or as a support for school personnel.

### ORIENTATION AND MOBILITY SERVICE

Orientation and mobility training for students who are vision impaired or blind is based on a student's cognitive ability and geared to his or her specific vision deficit. This training assists students in traveling safely in a variety of environments and develops their independence.

### SPECIALIZED READING

Specialized reading is recommended when students require specially designed instruction in the area of reading. It is provided to a student with a disability who has significant reading difficulties that cannot be met through the general education programs.

### RESOURCE ROOM

Resource Program is designed for students who demonstrate specific skill deficits that interfere with their ability to learn and require supplemental instruction to progress toward their IEP goals. Resource Room is available in all schools for all grade levels. Students from any disability category can be accommodated in the resource room program. The maximum capacity is five (5) students per group with twenty (20) students per certified special education teacher. This model utilizes a pull-out service delivered by a special education teacher.

Specially designed instruction is delivered in small groups of up to 5 students with similar needs. The specially designed instruction addresses deficit areas identified through individual evaluation that negatively impact classroom performance. The program consists of identification and diagnostic assessment, small group and/or individualized instruction in basic academic skills, language, study and organizational skills. Ongoing consultation with general classroom teachers is an integral part of this program.

Resource Room services are provided for a minimum of 3 hours weekly. Additional periods may be provided in accordance with student needs as determined by the individual evaluations

## NEEDS

While the instruction in special education programs is consistently adapted to individual learning styles, the Resource Program serves students with the following similar educational needs:

- **ACADEMIC:** As determined by individual assessment, the student can progress in the general education curriculum with support and modifications provided by the general education teacher. Evaluation results indicate a significant weakness in reading, writing, or math that negatively impacts academic performance.
- **MANAGEMENT:** Students require the supplemental instruction that provides remediation for specific skill deficits. Program modifications and testing accommodations may be required.

## ELEMENTARY INTEGRATED CO-TEACHING

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students. The elementary integrated co-teaching model utilizes a co-teacher that provides instruction and support in a general education classroom through a combination of direct and indirect service to students with disabilities. The special educator and general educator collaboratively deliver instruction for 4 hours and 15 minutes daily in kindergarten through fourth grade and for 5 hours in fifth grade. A program aide is provided to assist with program modifications and adaptations necessary for the students with disabilities. Students with disabilities placed in an integrated co-teaching class are determined by the severity and similarity of the needs of students. According to the Part 200 Regulations, there will be no more than 12 students with disabilities in such classes. Related services may be required.

### *NEEDS:*

Students in the elementary integrated co-teaching program are grouped by similarity of individual needs. Students may have the following needs:

- **ACADEMIC:** Students recommended to integrated co-teaching may have deficits in reading, writing, math, and executive functioning. Specially designed instruction and academic instruction is provided to address deficits.
- **SOCIAL/EMOTIONAL:** Students may have varying levels of social-emotional needs in an integrated co-teaching class.
- **PHYSICAL:** Students may require adaptations and modifications in the environment due to individual areas of need such as vision, hearing, limited mobility, etc.
- **MANAGEMENT:** Students require the supplemental aids and supports throughout the academic day.

## ELEMENTARY SPECIAL CLASS 12:1:1

The maximum number of students with disabilities is 12, with the support of one paraprofessional. The maximum age range for students in any one class is 36 months. Although curriculum content will generally parallel that of general education, significant modifications are made to the



instructional delivery to provide maximum opportunity for the students to progress toward the New York State Learning Standards appropriate for their grade. Students have the opportunity for integrating into typical classes in subject areas as deemed appropriate by the CSE in accordance with the individual needs of each student.

#### NEEDS:

Students in the elementary special class program are grouped by similarity of individual needs. Students may have the following needs:

##### ACADEMIC

- Requires small group and individualized instruction
- Requires special education in all subjects
- Is unable to benefit from instruction in the general education setting, even with supports and accommodations
- Requires a language enriched classroom environment
- May require use of alternate communication strategies

##### SOCIAL/EMOTIONAL

- Requires training and reinforcement to develop and increase the usage of appropriate social skills

##### PHYSICAL

- May require adapted physical education.
- May requires help in developing fine/gross motor skills, visual perceptual motor skills and sensory integration skills.
- May require a multi-sensory approach.

##### MANAGEMENT

- Requires small group instruction to meet individual learning needs.
- Requires reinforcement of appropriate behavior responses in a school setting.
- Requires a small, structured classroom setting with predictable routines.
- May require use of behavior management techniques.
- May require a multi-sensory approach to learning.

#### ELEMENATARY PROGRAM TO ACCESS LEARNING FOR STUDENTS (PALS) 8-1-4

The PALS program is an 8:1:4 class primarily designed to meet the needs of Alternately Assessed students. The PALS program strives to promote confidence and independence among our students by providing them with skills and opportunities to be active participants in their school and community. The PALS program offers students a haven to learn and grow academically, socially and emotionally by providing opportunities that are tailored to meet their individual needs and learning styles. The goal is to provide a language-enriched environment where collaborative interventions can be implemented to meet the unique needs of students. Evidencebased strategies that adhere to the principles of Applied Behavior Analysis are utilized to increase language and communication skills, improve attention, focus, social skills, memory and academics.

#### NEEDS:

Students in the elementary 8:1:4 program are grouped by similarity of individual needs.

Educational Profile:

- Student may utilize discrete trial instruction
- Student may have intensive management needs
- Student requires a highly specialized educational program that facilitates the acquisition, application and transfer of skills across natural environments
- Student requires educational support services (i.e. assistive technology, personal care, health/medical services or behavior intervention plan)
- May require adaptive physical education
- Student requires a highly structured and predictable environment • Student may require adult support (aide)

### SECONDARY INTEGRATED CO-TEACHING

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students. The secondary integrated co-teaching model utilizes a co-teacher that provides instruction and support in a general education classroom through a combination of direct and indirect service to students with disabilities. This program is available daily in grades 6-11 in math, science, English, and social studies. A student may receive integrated co-teaching services in some academic areas, but not others. During parts of the academic day, the program aide is provided to assist with program modifications and adaptations necessary for the students with disabilities. Students with disabilities placed in an integrated co-teaching class are determined by the severity and similarity of the needs of students. According to the Part 200 Regulations, there will be no more than 12 students with disabilities in such classes. Related services may be required.

This model draws on the strengths of both the general educator, who understands the structure, content and pacing of the general education curriculum, and the special educator, who can identify unique learning needs of individual students and enhance curriculum and instruction to match these needs.

#### NEEDS:

Students in the secondary integrated co-teaching program are grouped by similarity of needs. Students may have the following needs:

#### ACADEMIC:

- Instruction in basic academic skills, language skills, study and organization skills, support for content areas.
- Significant instructional modifications in more than one academic area are needed. Evaluation results indicate significant weaknesses in reading, writing, and/or math (at least two areas).
- Students from any disability category can be accommodated in the integrated co-teaching program.

#### SOCIAL:

- Development and reinforcement of social skills
- Implementation of appropriate role models with the general education class setting

- Increase awareness of individual differences of self and others
- Identifying personal strengths and weaknesses MANAGEMENT:
- Minimal behavioral supervision
- Clarity of expectations
- Structured environment
- Require development and reinforcement of social skills
- Physical education requirements with adaptations or modifications made as necessary in areas such as vision, hearing, activity level and mobility
- Student requires educational support services (i.e. assistive technology, personal care, health/medical services or behavior intervention plan)
- May require adaptive physical education
- Student requires a highly structured and predictable environment

### SAYVILLE MIDDLE SCHOOL/HIGH SCHOOL SPECIAL CLASS PROGRAM

The 15:1:1 special class program at Sayville Middle School and Sayville High School are crosscategorical classes serving students whose primary disability is learning disabled, emotionally disturbed, speech and language or hearing impaired, or mild intellectual disabilities. The age range for students is three years up to 16 and the recommended capacity is 15 students. The students may also receive a daily period of academic support/skills.

The special classes are taught by highly qualified teachers, in accordance with federal and state regulations. Course content parallels general education curricula. The instructors modify the teaching techniques to enhance student participation and comprehension. In addition to course content, skill development is taught and reinforced. Teachers are guided by the student's IEP. Behavioral needs are addressed within the classroom setting.

#### NEEDS:

Students in the secondary 15:1:1 program are grouped by similarity of needs. Students may have the following needs:

#### ACADEMIC

- individualized and small-group instruction at a modified pace to meet student needs;
- cooperative learning techniques incorporate strengths and aid in student motivation; □ institutes structure, organization and accountability into students' self-concept.

#### PHYSICAL

- strengthening of fine motor skills;
- general physical education and electives are part of gross motor development.

#### SOCIAL/EMOTIONAL

- development and reinforcement of social skills - verbal and nonverbal communication;
- implementation of appropriate role models within the typical class setting;

- increase awareness of individual differences of self and others;
- identifying personal strengths and weaknesses;
- development of behavior management techniques to be incorporated

#### MANAGEMENT

- student requires moderate supervision in an academic and behaviorally oriented environment;
- continuous refocusing is essential.

#### SAYVILLE MIDDLE SCHOOL FUNCTIONAL ACADEMICS AND PRE-VOCATIONAL PROGRAM (8-1-2)

The FAPV program is an 8:1:2 class primarily designed to meet the needs of Alternately Assessed students. This program is designed to prepare students for the future transition from school into the workplace. Academic skills are taught in the areas of Math, science, English, social studies, and reading with a primary focus on how these academic areas will functionally be used in the real world. The Functional Academics and Pre-Vocational Program aligns with the New York State Alternate Assessment Standards and is reflective of the standards for ELA, Math, Social Studies, and Career Development/Occupational Studies. The FAPV program is an academic program with a pre-vocational component that strengthens the necessary skills to prepare students for community and career opportunities. The functional academics portion will address student needs regarding reading, writing, math, and activities of daily living to allow a student success within the community and in future career experiences. The pre-vocational portion will address the development of career awareness, job seeking skills, appropriate work behaviors, and appropriate socialization skills. Evidence-based strategies that adhere to the principles of Applied Behavior Analysis are utilized to increase language and communication skills, improve attention, focus, social skills, memory and academics. Elective classes are available to all learners in this program.

#### NEEDS:

Students in the secondary functional academics program are grouped by similarity of needs.

#### Educational Profile:

- Student may utilize discrete trial instruction
- Student may have intensive management needs
- Student requires a highly specialized educational program that facilitates the acquisition, application and transfer of skills across natural environments
- Student requires educational support services (i.e. assistive technology, personal care services, health/medical services or behavior intervention plan)
- May require adaptive physical education
- Student requires a highly structured and predictable environment
- Student may requires a Behavior Intervention Plan (BIP) ● Student may require adult support (aide)

## SAYVILLE HIGH SCHOOL FUNCTIONAL ACADEMICS AND CAREER DEVELOPMENT PROGRAM (81-1)

The FACD Program is designed to prepare students for the transition from school into the workplace. The FACD program is a vocational/academic program that strengthens the skills necessary to make this transition. The vocational academics portion of the classroom assignments are designed to develop soft skills, fine and gross motor skills, appropriate work behaviors, task orientation, and socialization skills. In addition, students will develop career awareness, job seeking skills, soft skills for successful employment and specific career skills. The academic portion of the classroom assignments will include functional reading, math, writing, social studies, science, and technology. The students' learning experiences will be supported by related services. The community work experience (work-based learning) is designed for students to generalize their skills to an actual work environment. The curriculum and instruction for the Functional Academics and Career Development Program aligns with the New York State Alternate Assessment Standards and is reflective of the standards for ELA, Math, Social Studies, and Career Development/Occupational Studies. Elective classes are available to all learners in this program.

By implementing classroom assignments, functional academics, vocational academics, and community work experience, our students will be prepared, upon exiting the Sayville School District, to be integral and contributing members of our community.

### NEEDS:

Students in the secondary functional academics program are grouped by similarity of needs. Students may have the following needs:

#### Educational Profile:

- Student may utilize discrete trial instruction; however, the focus is on generalization of skills into real-world settings
- Student may have intensive management needs
- Student requires a highly specialized educational program that facilitates the acquisition, application and transfer of skills across natural environments
- Student requires educational support services (i.e. assistive technology, personal care services, health/medical services or behavior intervention plan)
- May require adaptive physical education
- Student requires a highly structured and predictable environment
- Student may require a Behavior Intervention Plan (BIP)
- Student may require adult support (aide)