

PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with handicapping conditions have the opportunity to participate in special programs and services from which they may benefit. Prior to July 1, 1991, the Board must ensure such opportunity only to the extent that an approved preschool program is available within a reasonable distance from the child care location. The Board authorizes the superintendent of schools to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include:

- A. Locating and identifying all preschool children with handicapping conditions who reside in the district and are eligible to attend a preschool program in accordance with the relevant provisions of the Education Law during the next year. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE).
- B. Ensuring that the parents of preschool-age children with handicapping conditions have received and understand the request for consent for evaluation of their child.
- C. Developing an individualized education program (IEP) for each preschool-age child with a handicapping condition.
- D. Appointing and training appropriately qualified personnel including the members of a CPSE.
- E. Maintaining lists of The State Education Department-approved preschool programs within the county and adjoining counties in which the district is located.
- F. Reporting to The State Education Department the number of children with handicapping conditions that are being served, as well as those not served.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a handicapping condition. The CPSE shall review, at least annually, the status of each preschool child with a handicapping condition.

Preschool Special Education (Continued)

It is ultimately the responsibility of the Board to determine the appropriate approved preschool program and services for the district's children. Should the Board's determination differ from parent or guardian preference or the CPSE recommendations, it must set forth its reasons for reaching a different conclusion. Placement may be appealed by a parent or guardian to an impartial hearing officer appointed by the superintendent of schools.

The Board directs the superintendent of schools to ensure that the district considers that adequate and appropriate space is made available for such programs and services.

Policy Adopted:
May 21, 1990

Policy Revised:
December 16, 1991

Policy Reviewed:
October 4, 1999

Administrative Regulations**PRESCHOOL SPECIAL EDUCATION****I. The Committee on Preschool Education (CPSE)**

The Board shall appoint a CPSE composed of:

1. An appropriate professional employed by the school district who shall serve as the chairperson of the committee.
2. A parent or guardian of a child with a handicapping condition who resides in the district and is enrolled in preschool or elementary level education; provided the parent is not employed by the district.
3. A professional who participated in the evaluation of the particular child.
4. An appropriately licensed or certified professional designated by the agency which is charged with the preschool child pursuant to Title I of the Public Law, if any.

The chief executive officer of the county in which the district is located also may appoint an appropriately licensed or certified professional to the committee.

The Board directs the superintendent of schools to ensure that all members of the CPSE are appropriately trained for their responsibilities on the CPSE.

II. Identifying and Evaluating Preschool Children with Handicapping Conditions

The district shall conduct a census in accordance with the Education Law to locate and identify all children with handicapping conditions who reside in the district and establish a register of such children who are eligible to attend a preschool program in accordance with Section 4410 of the Education Law. Such register shall be maintained and revised annually by the CPSE. Such census data shall be compiled and maintained in accordance with Section 200.2(a) of the Regulations of the Commissioner.

Upon the receipt of written notification that a preschool child is suspected of having a handicapping condition, the chairperson of the CPSE shall notify the child's parent(s) or guardian(s) that a referral has been made and request consent for the child's evaluation. Such notification shall be in the dominant language or dominant mode of communication of the parent(s).

Administrative Regulations (Continued)**Preschool Special Education (Continued)****II. Identifying and Evaluation Preschool Children with Handicapping Conditions (Continued)**

The parent(s) or guardian(s) shall be provided with a list of approved evaluators within the county and adjoining counties. This evaluation shall include a physical examination and individual psychological examination, social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which contribute to the suspected handicapping condition. Upon the receipt of the parent(s)' or guardian(s)' consent to the evaluation, the evaluation will be arranged and conducted. The approved evaluator shall provide a report of the results of the evaluation, which shall include a detailed statement of the child's individualized educational needs, and if the child is determined to have a handicapping condition, a recommendation as to the frequency and duration of services and the manner in which the child can be provided with instruction in the least restrictive environment.

The evaluator shall submit recommendations to each member of the CPSE and to a person designated by the municipality in which the preschool child resides. Upon request of the parent, the evaluator will provide the parent(s) or guardian(s) with a copy of the statement and recommendation of the evaluator. If the parent(s) or guardian(s) disagrees with the evaluation, the parent(s) or guardian(s) may obtain an independent evaluation at public expense.

III. Determining the Appropriate Preschool Program

The CPSE shall then consider the evaluation and its recommendation to the Board. Prior to the committee meeting, the CPSE shall provide the parent with a copy of the summary portion of the evaluation, including the recommendations of the evaluator. Upon the parent(s)' or guardian(s)' request, the CPSE shall provide copies of all written documentation to be considered by the committee in the development of the preschool child's Phase I individualized education plan (IEP).

The committee must review all relevant information before making its decision. If it determines that the child is ineligible for special education, it must indicate the rationale behind such determination.

Administrative Regulations (Continued)**Preschool Special Education (Continued)****III. Determining the Appropriate Preschool Program (Continued)**

Should the CPSE find that a child has a handicapping condition, it shall use the recommendation of the evaluator to develop a Phase I individualized educational program for the preschool child, with the participation of the child's teacher. The CPSE shall recommend appropriate services and programs based on the needs of the child as identified in the Phase I IEP. Such programs and services shall be selected from the list of approved preschool programs within the county and adjoining counties or the municipality's list of itinerant service providers. The CPSE shall notify the parent(s) or guardian(s) of the child and the Board in writing of its recommendation.

The Board shall select the appropriate services and program after consideration of the recommendation of the CPSE and any expressed preference of the parent(s) or guardian(s). The reason for its determinations shall be set forth in writing and furnished to the preschool child parent(s) or guardian(s) and the municipality in which the preschool child resides. Should the Board's determination differ from the recommendation of the CPSE or the parent, an explanation for not following either recommendation must be included in writing. The appropriate municipality, the program selected to provide services, the parent and Commissioner of Education shall be given written notice of the Board's determination.

Services of a program shall commence with the July, September or January starting date of the approved program. Should the recommendation of the CPSE be given thirty (30) days prior to, or after, such starting date of the program selected for the child, services shall be provided no later than thirty (30) days of the child's entry into the approved program the Phase II IEP's goals and objectives shall be developed in a meeting of the child's teacher and parent(s) or guardian(s). A representative of the district may attend such meeting. The CPSE shall review at least annually the status of each preschool child with a handicapping condition.

IV. Due Process Provisions

Should the parent(s) or guardian(s) of a preschool child disagree with the determination of the Board, or if the CPSE or the Board fails to make or to effectuate such a recommendation within the time periods set by the Commissioner, a request for an impartial hearing may be made pursuant to Section 4404 of Education Law.

Administrative Regulations (Continued)
Preschool Special Education (Continued)
IV. Due Process Provisions (Continued)

Until July 1, 1991, during the pendency of an appeal, unless the parent(s) or guardian(s) and Board otherwise agree, the child will remain in the current educational placement at the time the Board made the decision which is the subject of the appeal. If the child has not been previously served, the child may enter the Board recommended placement, if the parent(s) or guardian(s) consents. a preschool child who received services from an agency after having been placed by a family court during the previous year, may continue to receive services at the agency if it has been approved to provide preschool special education services appropriate for the child.

Regulation Adopted:
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