

FIRE ISLAND UNION FREE SCHOOL DISTRICT  
Ocean Beach, New York 11770

District Plan for the Education of Children with Disabilities  
(Ages 3 to 21)

September 2021 – September 2023

Board of Education Approved: September 14, 2021

## Philosophy and Objectives

It is the philosophy of the Fire Island Union Free School District that every student has the right to a free and appropriate public education. This right is extended to those students whose academic needs are both unexceptional as well as exceptional. The latter group of students falls within the domain of special education, students with disabling conditions.

It is the intent and practice of the school district to provide to disabled students, regardless of the nature and severity of their problems, a continuum of educational services that are deemed necessary to ensure academic, social, and emotional development. These services may range in intensity from inclusion programs to private residential or hospital programs for the more severely disabled.

It is also the intent and practice of the school district to provide students, where appropriate, instructional materials in a usable alternative format according to their individual education plans. Alternative formats might include but are not limited to Braille, large print, audio, or an electronic file. The school district heartily adopts the philosophy that special education students should receive instruction and services in the least restrictive environment. This means instruction and services with a minimal displacement from the regular classroom setting and in the local public school. The Fire Island UFSD provides full opportunities in physical education and athletics to students with disabilities. No disabled student shall be denied access or participation in a school program or curricular or extracurricular activities provided such activities are deemed appropriate to the student's needs.

In an effort to share the responsibility for the education of the disabled child, the Fire Island Union Free School District views parents as active partners in the process of educational planning and program review. It is the intent of the school district to inform parents of their procedural safeguards and due process rights. Parents must give informed consent prior to CPSE and CSE evaluations, prior to the implementation of special education services, prior to re-evaluations and prior to program changes. If and when parents disagree with CPSE or CSE recommendations, they are offered opportunities for mediation or an impartial due process hearing.

The individual needs of special education students and the validity of their programs are assessed on an ongoing basis. Since a student's needs and progress change over time, classifications, programs, and related services are formally reviewed at least on an annual basis.

The progress of each disabled student will be assessed in accordance with the goals, objectives, and criteria documented in the IEP. Evaluations may be both formal and informal, and may include teacher observations and testing, standardized tests, diagnostic tests, state tests, individual tests given by related services providers, and traditional quarterly report cards and progress reports.

The evaluation of program effectiveness is accomplished on an annual basis through formal meetings between the School Superintendent, the special education staff, and the CPSE/CSE Chairperson. The areas of discussion include budgeting, staffing, and space needs. It is the

policy of the Board of Education to ensure that appropriate space is allocated in the school to meet the needs of special education students in the least restrictive environment.

Fire Island Union Free School District  
Ocean Beach, New York 11770

Part A

District Plan for the Education of 3 and 4 Year Old  
Children with Disabilities

September 2021 – September 2023

Board of Education Approved: September 14, 2021

Chapter 243 of the Laws of 2007 establishes a system under which the Board of Education is responsible for identifying preschool children with disabling conditions and arranging for the delivery of special education services. The Board of Education will establish a Committee on Preschool Special Education (CPSE). The committee will be responsible for developing Individualized Education Programs (IEPs) for three and four year old children with disabling conditions and for reviewing, at least annually, the status of each preschool child receiving services from an approved Suffolk County provider.

After a written referral has been received by the CPSE Chairperson and with the consent of the parent, the district provides for an evaluation. The parent will be given a list of approved evaluation sites within the geographic area from which the parent will select a program to conduct the evaluation. Upon completion and review of the evaluation, the CPSE will determine if the pupil has an educationally disabling condition and, if so, will recommend an appropriate private or public program from those approved by the State Education Department (SED). The CPSE will provide its recommendation to the Board of Education for determination of services. The Board of Education will then notify the parent, the County, the program provider, and the SED of its determination.

Suffolk County will contract with the approved program selected by the parent and will ensure timely payment to providers. The State will then reimburse the County, to the extent provided under the law, for a percentage of the costs of approved programs and services. County officials will be authorized to perform fiscal audits of preschool programs in the County and will maintain responsibility for arranging transportation for children who receive special education programs and services.

The following guidelines highlight the major provisions of Chapter 243 of the Laws of 2007 and implementing regulations:

### Eligibility

The legislation provides that children are eligible to receive preschool services if they meet the following criteria:

- A child who is three years of age on or before December 31 is eligible for services beginning on September 1 of the calendar year in which the child becomes three.
- A child who becomes three years of age on or before April 1 of a particular year is eligible for services beginning January 2, unless the child is already receiving services under Section 236 of the Family Court Act.
- A child remains eligible for preschool programs and services through the month of August of the year in which the child first becomes eligible to attend school if the child is severely disabled, meets the requirements for 12-month programming, and 12-month programming is recommended on the child's Individualized Education Program (IEP).

- A child must be classified as having an educational disabling condition in accordance with the 12 disabling conditions specified in Part 200 of the Regulations of the Commissioner of Education. This does not represent any change for three and four year old pupils, since these classifications were required under the court order process.

The legislation includes additional provisions that address the transition of services for three and four year old children from the Family Court order process to procedures described in Section 4410 of the Education Law. The following provisions are included in the legislation:

### Role of the School Districts

As a result of the new State Legislation and implementing regulations, the school district will be responsible for assuring the rights and due process protections required under IDEA for preschool children with disabling conditions.

Each school district is required to take the following measures to implement the law and regulations:

- Preschool children with disabling conditions will be included in the register of pupils with disabling conditions which is maintained by the Board of Education. Preschool children with disabling conditions must be included in data reported to the State Education Department.
- The Board of Education will establish administrative practices and procedures, similar to those for school-age pupils with disabling conditions, to ensure that each preschool child with a disabling condition has the opportunity to participate in appropriate preschool special education programs.
- The Board will appoint a CPSE which is comprised of the following members:
  - o An appropriate professional employed by the district;
  - o An additional parent member of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program, [provided that such parent is not a required member if the parent(s) of the child request that the additional parent member not participate] if specifically requested in writing by the parent of the student or by a member of the committee at least 72 hours prior to the meeting;
  - o A professional who participated in the evaluation of the child;
  - o A certified or licensed professional designated by the agency charged with the responsibility for the child in the birth-to-two system, if any; and
  - o A certified or licensed professional may be appointed by the County;
  - o The child's teacher if she/he has one; if not, an appropriately certified teacher;
  - o For a preschool child in transition from early intervention, a professional designated by the Department of Health's Early Intervention Program shall attend the meeting.

- The Board will provide the parents of the preschool child suspected of having a disabling condition with a list of programs which have been approved by the State Education Department to conduct evaluations.
- Upon consent of the parent, the Board will arrange for the program provider which the parent has selected to conduct an evaluation.
- Within 30 days of obtaining parental consent, the CPSE will make a recommendation to the Board of Education. If the child is determined to be eligible, the CPSE may recommend for the Board's approval programs and services identified in accordance with Section 200.16 (I) of the Regulations of the Commissioner. The continuum of services described in this part pertains to eligible preschool children with disabling conditions. The CPSE may recommend any program on the list approved by the State Education Department which is appropriate for the child.
- As stated in Chapter 243 of the Laws of 2007, public and private programs are treated equally for purposes of placement of children with disabling conditions, ages three and four. Therefore, the district may recommend any program, public or private, from the SED list of approved preschool education programs.
- If the child is receiving regular education services in a program approved or licensed by an appropriate governmental agency and the child requires an itinerant related service, the CPSE may recommend such an itinerant related service from a list of providers maintained by Suffolk County. In its recommendation to the Board, the Committee will identify the location at which the itinerant service will be provided. If the preschool child requires two or more itinerant services, the Committee must recommend an SED-approved program to provide the services in conjunction with a program approved or licensed by an appropriate governmental agency.
- Within 30 days of the recommendation of the CPSE, the Board will make a determination and arrange for the preschool child to receive services. The Board will notify the parent, the County, the designated program, and the Commissioner of its determination.
- The CPSE will complete an SED System to Track and Account for Children (STAC-1) Form requesting special education, itinerant service(s), and maintenance, if appropriate, and sign the STAC-1 form attesting to the approval of the recommended services by the Board of Education. This STAC-1 form will service as notification of determination of placement to the County.

As of January 1, 2021, the following preschoolers have been identified with a disabling condition and are receiving the following programs:

<u>Student #</u>	<u>Date of Birth</u>	<u>Program/Services</u>
991111122	11/10/2017	Preschool Itinerant Services

Fire Island Union Free School District  
Ocean Beach, New York 11770  
Part B

District Plan for the Education of Children with  
Disabling Conditions – Ages 5 to 21

September 2021 – September 2023

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Part 200.3 of the Commissioner's regulations defines the board of education's responsibility for the appointment of a Committee on Special Education in accordance with Education Law, section 4402. The membership of the Committee on Special Education shall include, but not be limited to:

- (a) Each board of education or board of trustees shall appoint:
  - (1) Committees on special education in accordance with the provisions of Education Law, section 4402, as necessary to ensure timely evaluation and placements of students. The membership of each committee shall include, but not be limited to:
    - (i) the parents or persons in parental relationship the student;
    - (ii) not less than one regular education teacher of the student whenever the student is or may be participating in the regular education environment;
    - (iii) not less than one special education teacher of the student, or, if appropriate, not less than one special education provider of the student;
    - (iv) a school psychologist;
    - (v) a representative of the school district who is qualified to provide or supervise special education and who is knowledgeable about the general education curriculum and the availability of resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist. The representative of the school district shall serve as the chairperson of the committee;
    - (vi) an individual who can interpret the instructional implications of evaluation results. Such individual may also be the individual appointed as the regular education teacher, the special education teacher or the special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill this role on the committee;
    - (vii) a school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;

- (viii) an additional parent member of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, if specifically requested in writing by the parent of the student, the student or by a member of the committee at least 72 hours prior to the meeting;
- (ix) other persons having knowledge or special expertise regarding the student, including related services personnel as appropriate, as the school district or the parent(s) shall designate . The determination of knowledge or special expertise of such person shall be made by the party (parents or school district) who invited the individual to be a member of the committee on special education; and
- (x) if appropriate, the student.

Part 200.4 of the Commissioner’s regulations outlines procedures for the referral, evaluation, program development, placement, and review of students between the ages of 5 and 21 who are suspected of a disability and are subsequently identified as having a disability. These procedures are outlined below.

- (a) *Referral.* A student suspected of having a disability shall be referred in writing to the chairperson of the district’s committee on special education or to the building administrator of the school which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs and services.
  - (1) A referral may be made by:
    - (i) a student’s parent or person in parental relationship;
    - (ii) a professional staff member of the school district in which the student resides, or the public or private school the student legally attends;
    - (iii) a licensed physician;
    - (iv) a judicial officer;
    - (v) the commissioner or designee of a public agency with responsibility for welfare, health or education of children; or

- (vi) for purposes of referring one's self, a student who is over 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.
- (2) A referral submitted by persons other than the parent, student or a judicial officer shall:
- (i) 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;
  - (ii) 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
  - (iii) describe the extent of parental contact or involvement prior to the referral.
- (3) The *date of receipt of a referral* means the date on which either the committee chairperson or the building administrator receives the referral, whichever is earlier.
- (4) If a referral is received by the building administrator, it shall be forwarded to the committee chairperson immediately upon its receipt by the administrator.
- (5) If a referral is received by the committee chairperson, a copy shall be forwarded to the building administrator within five school days of its receipt by the committee chairperson.
- (6) A committee chairperson who receives a referral shall immediately notify the parent pursuant to Section 2005(a) of this Part.
- (7) In the event that the parent submitting the referral agrees in writing pursuant to Section 2005(a) of this Part that the referral shall be withdrawn, the chairperson of the committee on special education shall provide the parent and the referring person a copy of the agreement. Each such agreement shall specify any alternative methods suggested to resolve the identified learning difficulty of the student and shall provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress. A copy of the agreement shall also be placed in the student's cumulative educational record file.
- (8) In the absence of a written agreement to withdraw a referral, as described in paragraph (7) of this subdivision, and in the event that parent consent is not

obtained within 30 days of the date of receipt of referral, the chairperson shall document attempts made by the chairperson or other representatives of the committee to obtain parent consent, and shall request that the board of education initiate an impartial hearing in accordance with Section 200.5(b)(1)(i)(c) of this Part.

- (9) 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, academic intervention services, and any other services designed to address the learning needs of the student and maintain a student's placement in general education with the provision of appropriate educational and support services. If the person making 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 referral shall have the opportunity to attend such meeting. If at such 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 to the student, and the student, if appropriate, with copies of the agreement. The copy of the agreement provided to 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.
- (b) *Individual evaluation.* Unless a referral is withdrawn pursuant to paragraph (a) (7) or (9) of this section, an individual evaluation of the referred student shall be initiated by the committee on special education and shall 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

(or for a preschool child, to participate in appropriate activities). The individual evaluation must be at no cost to the parent, and the initial evaluation must include at least:

- (1) a physical examination in accordance with the provisions of sections 903, 904 and 905 of the Education Law;
- (2) an individual psychological evaluation, except when a school psychologist determines after an assessment of a school-age student, pursuant to paragraph (2) of this subdivision, that further evaluation is unnecessary;
- (3) a social history;
- (4) an observation of the student in the current educational placement; and
- (5) 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.
- (6) a determination by a school psychologist of the need to administer an individual psychological evaluation to a student of school-age pursuant to Education Law, Section 4402(1)(b)(3)(a) and Section 200.1 (aa) and (bb) of this Part, shall be based upon an assessment conducted by the school psychologist to substantiate his or her determination. Whenever a school psychologist determines that a psychological evaluation is unnecessary, the psychologist shall prepare a written report of such assessment, including a statement of the reasons such evaluation is unnecessary, which shall be reviewed by the committee.
- (7) Notwithstanding any provisions of this subdivision or Section 200.1 (aa) of this Part to the contrary, the committee on special education may direct that additional evaluations or assessments be conducted in order to appropriately assess the student in all areas related to the suspected disabilities.
- (8) The committee on special education shall arrange for an appropriate reevaluation of each student with a disability if conditions warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but at least once every three 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. In accordance with paragraph (5) of this subdivision, the reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be

addressed by the committee on special education in reviewing and, as appropriate, revising the student's IEP.

- (9) Determination of needed evaluation data.
- (i) As a part of an initial evaluation, if appropriate, and as part of any reevaluation in accordance with section 200.4(b)(4) of this Part, a group that includes the committee on special education, and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers. The group may conduct its review without a meeting.
  - (ii) On the basis of that review, and input from the student's parents, the committee on special education and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine
    - a. whether the student has a particular category of disability, or, in the case of a reevaluation of a student, whether the student continues to have such a disability;
    - b. the present levels of performance and educational needs of the student;
    - c. whether the student needs special education, or, in the case of a reevaluation of a student, whether the student continues to need special education; and
    - d. whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.
  - (iii) The school district shall administer tests and other evaluation materials as may be needed to produce the data identified under subparagraph (ii) of the section.
  - (iv) If additional data are not needed, the school district must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services under this Part, the student continues to be a student with a disability. The school district is

not required to conduct the assessment unless requested to do so by the student's parents.

- (10) School districts shall ensure that:
- (i) tests and other assessment procedures:
    - a. are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so;
    - b. have been validated for the specific purpose for which they are used;
    - c. are administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such tests or procedures; and
    - d. are administered so as not to be racially or culturally discriminatory;
  - (ii) if an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report;
  - (iii) tests and other assessment procedures include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
  - (iv) tests are selected and administered to ensure that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
  - (v) 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;
  - (vi) the evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with certification or knowledge in the area of the suspected disability;

- (vii) the student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities;
- (viii) students age 12 and those referred to special education for the first time who are age 12 and over, shall receive an assessment that includes a review of school records and teacher assessments, and parent and student interviews to determine vocational skills, aptitudes and interests;
- (ix) the evaluation is sufficiently comprehensive 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;
- (x) technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
- (xi) assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
- (xii) the results of the evaluation are provided to the parents or persons in parental relationship in their native language or mode of communication;
- (xiii) for purposes of eligibility and continuing eligibility determinations, a copy of the evaluation report and the documentation of determination of eligibility are provided to the parent;
- (xiv) the procedures for evaluating students suspected of having a learning disability are in accordance with sections 300.540 through 300.543 of title 34 of the Code of Federal Regulations (Code of Federal Regulations, 1999 edition, Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402: 1999 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, New York 12234);
- (xv) the procedures for conducting expedited evaluations are conducted pursuant to Part 201 of this Title;

- (xvi) materials and procedures used to assess a student with limited English proficiency are selected and administered 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.

(c) Eligibility Determinations

- (1) Upon completing the administration of tests and other evaluation materials, the committee on special education and other qualified individuals must determine whether the student is a student with a disability, as defined in sections 200.1(mm) or 200.1(zz) of this Part and the school district must provide a copy of the evaluation report and the documentation of eligibility to the student's parent.
  - (2) A student may not be determined to be eligible for special education if the determinant factor for that eligibility determination is lack of instruction in reading or math or limited English proficiency.
  - (3) A school district must evaluate a student with a disability prior to determining that the student is no longer a student with a disability, in accordance with section 200.4(b)(4) of the Part, and the school district must provide a copy of the evaluation report and the documentation of eligibility to the student's parent. 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.
  - (4) A free appropriate public education must be available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade.
- (d) *Recommendation.* Individualized education program (IEP). For a student not previously identified as having a disability, the committee on special education shall provide a recommendation to the board of education which shall arrange for the appropriate special education programs and services to be provided to the student with a disability within 60 school days of the receipt of consent to evaluate. For a student with a disability referred for review pursuant to subdivision (f) of this section, a recommendation shall be provided to the board of education which shall arrange for the appropriate special education programs and services to be provided to the student with a disability within 60 school days of the referral for review of the student with a disability. Prior to the development of a recommendation, the committee shall ensure that the appropriateness of the resources of the regular education program, including

educationally related support services, and academic intervention services, have been considered.

- (1) If the student has been determined to be ineligible for special education, the recommendation shall indicate the reasons the student was found ineligible.
  - (i) A copy of the recommendation and appropriate evaluation information shall be provided to the building administrator. The building administrator shall determine which educationally related support services, if appropriate, shall be provided to the student, and, to the extent available, shall ensure that such services are provided pursuant to section 100.2(v) of this Title.
  - (ii) A copy of the recommendation shall be provided to the parent pursuant to section 200.5(a) of this Part.
  - (iii) If the student has been receiving special education services, but it is determined by the committee on special education that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:
    - a. identify the declassification support services, as defined in section 100.1(q) of this Title, if any, to be provided to the student; and/or the student's teachers; and
    - b. indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of such services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.
- (2) If the student has been determined to be eligible for special education services, the Committee must develop an individualized education program (IEP). 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 for enhancing the education of their child; as appropriate, the results of the student's performance on any general State or districtwide assessment programs; and any special considerations in paragraph (3) of this section. The recommendation shall:
  - (i) report the present levels of performance and indicate the individual needs of the student according to each of the four areas listed in section 200.1(w) of this Part, including:

- a. how the student’s disability affects involvement and progress in the general curriculum; or
  - b. for preschool students, as appropriate, how the disability affects the student’s participation in appropriate activities.
  - c. For students age 15 (and at a younger age, if determined appropriate), a statement of the student’s needs, taking into account the student’s preferences and interests, as they relate to transition from school to post-school activities as defined in section 200.1(fff).
- (ii) indicate the classification of the disability;
- (iii) list measurable annual goals, consistent with the student’s needs and abilities, including benchmarks or short-term instructional objectives and evaluative criteria, evaluation procedures and schedules to be used to measure progress toward the annual goals and to be followed during the period beginning with placement and ending with the next scheduled review by the committee. Such benchmarks or short-term instructional objectives shall be measurable, intermediate steps between present levels of educational performance and the annual goals that are established for a student with a disability. The measurable annual goals, including benchmarks or short-term objectives, must relate to:
  - a. meeting the student’s needs that result from the student’s disability to enable the student to be involved in and progress in the general curriculum; and
  - b. meeting each of the student’s other educational needs that result from the student’s disability;
- (iv) indicate the recommended special education program and services as defined in sections 200.1(qq) and 200.1(wv) of this Part from the options set forth in section 200.6 of this Part; the class size, if appropriate; the 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 that will be provided for the student:
  - a. to advance appropriately toward attaining the annual goals;

- b. to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
  - c. to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (v) indicate the regular education classes in which the student will receive consultant teacher services;
- (vi) indicate if the student will not participate in particular State or local assessments (or part of an assessment), why the assessment is not appropriate for the student and how the student will be assessed;
- (vii) provide:
  - a. an explanation of the extent, if any, to which the student will not participate in regular education programs; or
  - b. for preschool students, an explanation of the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers; and
  - c. 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.
- (viii) provide for those students age 14 and updated annually, a statement of the transition service needs of the student under applicable components of the student's IEP that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;
- (ix) provide, for those students age 15 (and at a younger age, if determined appropriate) a statement of the student's projected post-school outcomes, based on the student's needs, preferences, and interests, in the area of employment, post secondary education, and community living and a statement of the needed transition services as defined in section 200.1(fff) of this Part including 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 postschool opportunities, or both, before the student leaves the

school setting. Needed activities shall be provided in each area specified in section 200.1(fff)(1) through (4) and, as appropriate, (5) of this Part;

- (x) provide a statement of how the student's parents will be regular informed of their child's progress, at least as often as parents are informed of their nondisabled student's progress, toward the 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;
  - (xi) indicate the projected date for initiation of special education and related services, and supplementary aids and services, the frequency, location and duration of such services, whether the student is eligible for a 12-month special service and/or program and the identity of the provider of services during the months of July and August, and the projected date of the review of the student's need for such services;
  - (xii) describe any assistive technology devices or services needed for the student to benefit from education;
  - (xiii) provide a statement of any individual testing accommodations to be used consistently by the student in the recommended educational program and in the administration of districtwide assessments of student achievement and, in accordance with department policy, State assessments of student achievement that are needed in order for the student to participate in the assessment; and
  - (xiv) indicate the recommended placement.
- (3) Consideration of special factors. The CSE shall:
- (i) in the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior;
  - (ii) 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;
  - (iii) 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;

- (iv) 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;
- (v) 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; and
- (vi) include a statement in the IEP if, in considering the special factors described in this paragraph, 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.

(4) Such recommendations shall:

- (i) be developed in meetings of the committee on special education.
  - a. If the recommended placement is to be in a school operated by an agency or school other than the school district in which the student would normally attend if the student did not have a disability or if the education of a student residing in a facility operated or supervised by a State department or agency is the responsibility of the school district, the school district must ensure that a representative of that agency or school attends. If the private school or facility representative cannot attend, the school district must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
  - b. Where a child is determined to be at risk of a future placement in a residential school, the committee must request in writing that a designee of the appropriate county

or State agency participate in any proceeding of the committee to make recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including but not limited to, community support services that may be available to the family. The committee must notify the local social services district when a student who is in a foster care placement is at risk of a future placement in a residential school. A copy of such request must be forwarded to the Office of Mental Health and the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities. In the event that such persons are unable to attend such meetings, the committee shall attempt alternative means allowing for their participation, such as individual or conference telephone discussions, and such attempts shall be documented.

- c. If the purpose of the meeting is to consider the need for transition services, the school district shall invite the student and a representative of the agencies likely to be responsible for providing or paying for transition services. If the student does not attend, the district shall take steps to ensure that the student's preferences and interests are considered. If an agency invited to send a representative to a meeting does not do so, the district shall take steps to involve the other agency in the planning of any transition services.

(ii) be developed in conformity with the least restrictive environment provisions of this Part.

- a. Placement shall be based on the student's individualized education program and determined at least annually.
- b. 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.
- c. 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

- d. 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.
- (5) A report of the evaluation upon which the recommendation is based shall be forwarded to the board of education along with the recommendation.
- (6) In the event that the parent does not choose to participate in the development of such recommendations, the committee shall forward its recommendation to the board of education and the parents as otherwise required by this subdivision.
- (e) IEP Implementation. (1) Within 60 school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability, the board of education shall arrange for appropriate special programs and services, except that if such recommendation is for placement in an approved in-state or out-of-state private school, the board shall arrange for such programs and services within 30 school days of the board's receipt of the recommendation of the committee.
  - (i) There may be no delay in implementing a student's IEP, including any case in which the payment source for providing or paying for special education to the student is being determined.
- (2) If on review of the recommendation of a committee on special education or a subcommittee on special education, the board of education disagrees with such recommendations, the board of education shall follow one of the following procedures:
  - (i) The board may remand the recommendation to the committee or subcommittee with a statement of the board's objections or concerns and a request that a timely meeting be held to review and consider the board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the board. If the board continues to disagree with the recommendation of the committee or the original committee or subcommittee for additional reviews of its objections or concerns, or establish a second committee or subcommittee to develop a new recommendation in accordance with subparagraph (ii) of this paragraph, provided that the board arranges for the programs and services in accordance with the student's IEP within 60 school days of receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability; or

- (ii) The board may establish a second committee on special education or subcommittee to develop a new recommendation for the student at a meeting held in accordance with the procedures prescribed in this Part. If the board disagrees with such new recommendation, the board may remand the recommendation to such second committee or subcommittee with a statement of the board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. Such second committee or subcommittee shall consider the board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the board. If the board continues to disagree with the recommendation of such second committee or subcommittee, provided that the board arranges for the programs and services in accordance with the student's IEP, as developed by such second committee or subcommittee, within 60 school days of receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability, or within 60 school days of the referral for review of the student with a disability. Nothing in this paragraph shall be construed to authorize the board to select the recommendation of the original committee or subcommittee once it has established a second committee or subcommittee to make a new recommendation for the student pursuant to this subparagraph.
- (3) The school district must ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP shall have access to a copy of the IEP; and each teacher and provider is informed of his or her specific responsibilities related to 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.
- (4) If the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree.
- (5) When consultant teacher services are specified in a student's IEP, the regular education teachers of the student for whom the service will be provided shall be given the opportunity to participate in the instructional planning process with the consultant teacher to discuss the objectives and to determine the

methods and schedules for such services following the development of the IEP.

- (6) If a participating agency fails to provide agree-upon transition services contained in the student's IEP, the district responsible for the student's education shall, as soon as possible, initiate a meeting to identify alternative strategies to meet the transition objectives and, if necessary, revise the student's IEP. Nothing in this Part shall relieve any participating agency of its responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet its eligibility criteria.
  - (7) 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.
- (f) *Annual review and reevaluation.* The individualized education program (IEP) of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually.
- (1) Any meeting to develop, review or revise the IEP of each student with a disability to be conducted by the committee on special education or subcommittee thereof, pursuant to section 4402(1)(b)(2) of the Education Law, shall be based upon review of a student's IEP and other current information pertaining to the student's performance. Such review shall:
    - (i) Consider the strengths of the student, the concerns of the parents of enhancing the education of their child, the result of the initial or most recent evaluation of the student, the results of the student's performance on any general State or district-wide assessment programs, the special factors described in paragraph (3) of subdivision (d) of this section, the educational progress and achievement of the student with a disability and the student's ability to participate in instructional programs in regular education and in the least restrictive environment; and
    - (ii) Upon consideration of the factors in subparagraph (a) of this paragraph, revise the IEP as appropriate to address:
      - a. any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
      - b. the results of any reevaluation and any information about the student provided to, or by, the parents;

- c. the student's anticipated needs;
  - d. or other matters, including a student's need for test accommodations and/or modifications.
- (2) Prior to the annual review, the committee on special education shall notify the parent of its intent to review the student's program and placement in accordance with section 200.5(a) of this Part.
- (3) Upon completion of the annual review, the committee on special education shall notify the parents of the committee's recommendation in accordance with section 200.5(a) of this Part.
- (4) The results of any reevaluations must be addressed by the committee on special education in a meeting to review, and, as appropriate, revise the student's IEP.

## Special Education Programs and Services Currently Provided by the Fire Island Union Free School District

The school district currently provides ten (10) month and extended year programs to meet the needs of its kindergarten through sixth (6) grade populations. Additional programs and services are currently provided by contract with Eastern Suffolk BOCES and private related service providers. Secondary school students attend the Bay Shore or Islip school districts. All resident Fire Island students who are receiving special education programs at the secondary level are under the jurisdiction of the Bay Shore or Islip Committees on Special Education.

Programs and services currently provided within the Fire Island School District are described below:

Resource Room Program: This is a special education program for students who require special supplementary instruction in order to meet success in their regular classes. This instruction may not exceed 50 percent of the academic day and is provided in small groups that may not exceed five (5) students. Each resource student receives at least three (3) hours of instruction each week. Efforts are made to insure that the composition of instructional groups is based upon the similarity of the students' needs in the areas of academic skills, learning characteristics, and social and physical development. A resource room teacher is a certified special education teacher who may not have a caseload that exceeds twenty (20) students.

Consultant Teacher Services: This is a program that may be provided either directly or indirectly by a certified special education teacher. Direct consultant teacher services are provided to special education students in regular classes in order to insure success in these classes. Services must be provided for a minimum of two (2) hours per week and it must be indicated in the student's IEP in which classes these services will occur. Direct consultant teacher services are often referred to as inclusion services because the services are delivered to the child without the need for removal from regular classes.

Related services to special education students that are currently offered in the Woodhull School:

- Speech/language therapy
- Counseling
- Occupational therapy

Currently, special education programs supported by the school district are servicing students with the following disabilities:

- Speech-Language Impairment
- Other Health Impairment
- Learning Disability

As of January 1, 2021, there are three (3) student between the ages of 5 and 21 that are being provided by programs under the umbrella of the Fire Island Committee on Special Education:

<u>Student #</u>	<u>Grade</u>	<u>Classification</u>	<u>Program Location</u>
1. 991111062	4	OHI	Woodhull School
2. 991111065	6	Section 504	Woodhull School
3. 991111109	4	OHI	Woodhull School

The Board of Education insures that special education students receive programs and services in properly allocated spaces and in a location that houses comparably aged students. It is the policy of the Board to attempt to educate all resident students in the District building. When this is not possible, efforts will be made to contract for programs and services in the least restrictive educational environment.

The Board of Education will develop policies and procedures as required under Part 200 of the Commissioner’s Regulations and these will be made available for review by written request.

Each year the Board of Education will authorize an updated census in order to plan for the future needs of the school community. Included in the census will be a search for unidentified disabled students and their impact on future school space requirements.

Estimated Budget for the 2021-2022 School Year

The estimated budget to support the above described District Plan for the education of disabled students is allocated as follows:

Instructional Salaries	\$ 52,016.00
Administrative Salaries	\$ 8,842.00
BOCES Services	\$ 161,908.00
Tuition	\$ 85,000.00
Supplies and Materials	\$ 1,500.00
Equipment	\$ 1,000.00
Textbooks	\$ 1,500.00
 Total Estimate Budget	 \$ 311,766.00

A one and a half (1.5) percent budget increase for the education of disabled students is projected for the 2022-2023 school year.

This comprehensive District Plan, with personally identifiable student information deleted, will be made available for public inspection in the Woodhull School Office at Surf Walk, Corneille Estates, Fire Island and will also be available for review by the State Commissioner of Education.