STUDENTS WITH DISABILITIES

A child with a disability means a student under the age of twenty-two who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if their educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

The Board of Education is committed to providing all students with disabilities a free appropriate public education. The Board shall appoint a Committee on Special Education (CSE) to identify, evaluate and recommend the classification, program and placement of each student with a disability as defined under the Individuals with Disabilities Education Act. The Board shall also appoint subcommittees, if necessary, to ensure the timely evaluation and placement of students.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

1. Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

2. Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

3. Ensuring each student with a disability has the opportunity to participate in the programs and services of the School District, to the maximum extent appropriate to the needs of the student including extracurricular programs and activities, which are available to all other students enrolled in the District's public schools.

4. Ensuring that students with disabilities are provided with appropriate special education in the least restrictive environment and, to the maximum extent appropriate, participate and progress in the general education curriculum with their non-disabled peers.

5. Identifying and maintaining data on and information about students with disabilities residing in the District, including students who are homeless or wards of the State, and for reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

6. Ensuring the confidentiality and non-disclosure of personally identifiable information or records, including individualized education plans (IEPs) and amendments thereto, pertaining to a student with a disability except in accordance with federal and state laws.

7. Implementing school-wide approaches and pre-referral interventions in order to remediate a student's performance prior to referral for special education.

8. Ensuring that all instructional materials used by the District are available in a useable alternative format in accordance with the needs of a classified student who is blind or print disabled and in compliance with the National Instructional Materials Accessibility Standard.

9. Ensuring that measurable efforts are made to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.

10. Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

    a. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

    b. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

11. To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

    a. Addressing appropriate universal design principles in IEP;

    b. Ensuring the Library Media Specialist and/or Deputy Superintendent for Teaching and Learning keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

    c. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

    d. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

    e. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

12. Consideration of the location of a school program(s) to a student's residence, before placement into an educational program. All rights under School Choice pertain to the extent that the District is able to deliver the student's program within the student's zone.

13. Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

14. Selection and appointment of Impartial Hearing Officers.

15. Provision of Special Education services and programs for preschool children with a disability.

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The **district wherein the nonpublic school is located** (district of location) is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

1. Child Find;

2. Provision of Special Education Services; and

3. Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

NYSSBA Ref: Programs for Students with Disabilities Under the IDEA and New York's Educational Law Article 89 (4321) – Required Policy
Provision of Special Education Services in the Least Restrictive Environment (4321.1) – Required Policy
Availability of Alternative Format Instructional Materials for Students with Disabilities (4321.6) – Required Policy

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

Notes: Adopted August 20, 1998; Amended April 13, 2006 pursuant to Resolution No. 2005-06: 736; February 16, 2012 pursuant to Resolution No. 2011-12: 555; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841; Modified November 2, 2021 pursuant to Resolution No. 2021-22: 253; Amended April 25, 2024 pursuant to Resolution No. 2023-24: 772

ct