

DUNKIRK CITY SCHOOL DISTRICT

SPECIAL EDUCATION DEPARTMENT

Standard Operating Policies and Procedures (SOPP)



Effective Date: September 8th, 2026

Adoption/Approval Date: September 8th, 2026

Review Cycle: Annual

Responsible Office: Office of Special Education

Authority: Brian Swatland, Superintendent of Schools / Board of Education

Applies To: All District staff participating in special education processes, including Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) operation

DUNKIRK CITY
SCHOOL DISTRICT

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ARTICLE I

PURPOSE, AUTHORITY, AND ADMINISTRATIVE FRAMEWORK

1.01 Purpose

The purpose of this manual is to establish uniform districtwide policies, procedures, and operating practices governing the identification, evaluation, eligibility determination, educational planning, placement, service implementation, and ongoing review of students with disabilities and preschool students with disabilities within the Dunkirk City School District.

This manual is intended to:

1. ensure compliance with applicable federal and state special education laws and regulations;
2. promote consistent district practice;
3. define administrative and staff responsibilities;
4. support legally defensible and educationally appropriate decision-making; and
5. provide an internal framework for operational implementation and quality assurance.

1.02 Legal Authority

This manual is adopted and implemented pursuant to:

- the Individuals with Disabilities Education Act (IDEA);
- Article 89 of the New York State Education Law;
- 8 NYCRR Part 200;
- 8 NYCRR Part 201;
- the Family Educational Rights and Privacy Act (FERPA);
- all applicable New York State Education Department (NYSED) guidance and directives.

NYSED's Part 200 regulations establish the governing framework for district special education responsibilities, including referrals, evaluations, CSE/CPSE processes, IEP development, placements, and service delivery. Part 201 governs disciplinary procedures for students with disabilities. (nysed.gov)

1.03 Scope

This manual applies to:

- the Office of Special Education;
- building administrators;
- all CSE and CPSE chairpersons/designees & school psychologists;
- special education and related service providers;
- general education staff participating in the CSE/CPSE process;
- clerical and support staff responsible for special education records, notices, scheduling, and compliance;
- Paraprofessionals (TA's and aides).

1.04 Administrative Responsibility

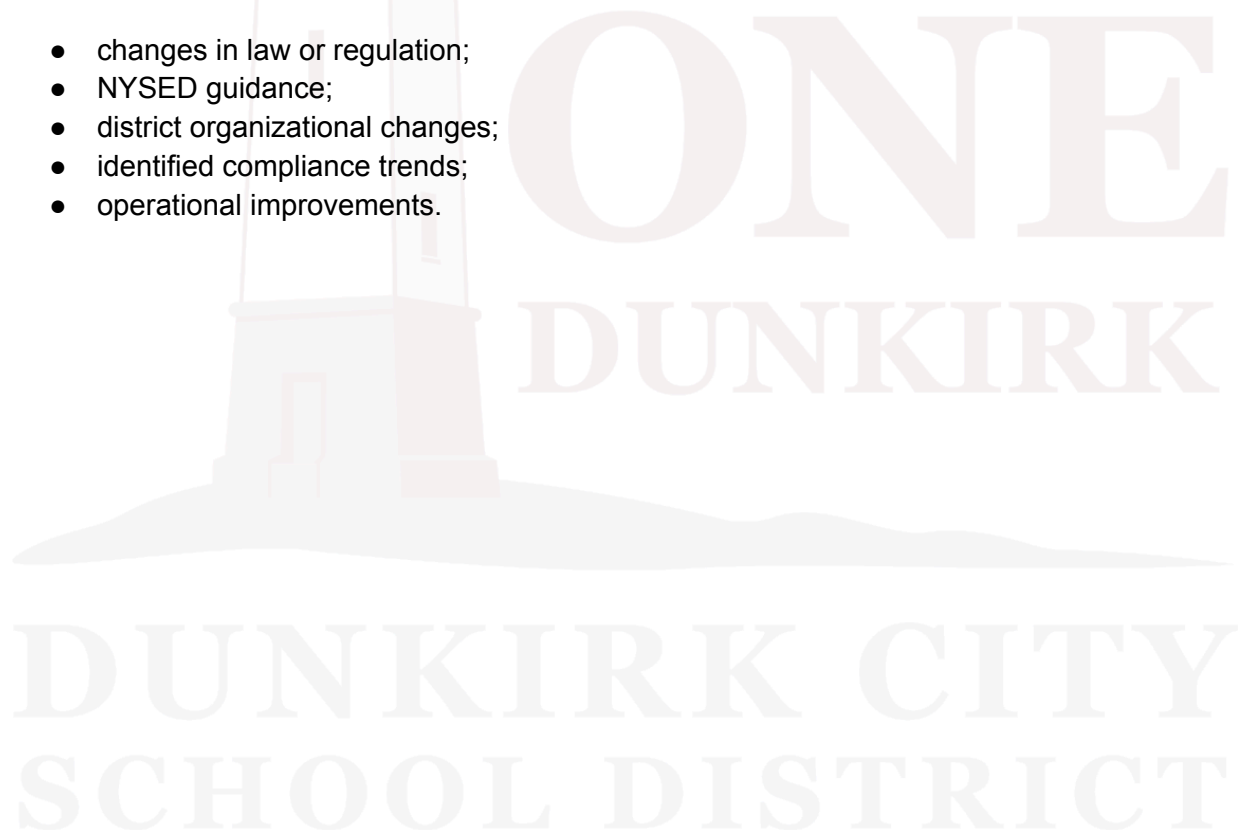
The Superintendent shall designate an administrator responsible for districtwide special education compliance and implementation annually. The designers' name and contact information for 2026-2027 School year is listed below.

Director of Pupil Personnel Services: Jennifer Sobilo, jsobilo@dunkirkcsd.org.

1.05 Annual Review and Revision

This manual shall be reviewed annually and revised as necessary to reflect:

- changes in law or regulation;
- NYSED guidance;
- district organizational changes;
- identified compliance trends;
- operational improvements.



ARTICLE II

GUIDING PRINCIPLES

2.01 Free Appropriate Public Education (FAPE)

The District shall provide each eligible student with a disability a free appropriate public education designed to meet the student's unique needs and enable access, participation, and progress in the educational program.

2.02 Least Restrictive Environment (LRE)

Students with disabilities shall be educated with nondisabled peers to the maximum extent appropriate, and removal from general education shall occur only when education in the general education environment, with supplementary aids and services, cannot be satisfactorily achieved.

2.03 Parent Participation

Parents shall be afforded meaningful opportunities to participate in educational planning and decision-making.

2.04 Data-Based Decision-Making

All recommendations shall be based on current, relevant, and individualized data.

2.05 Compliance and Timeliness

The District shall make reasonable efforts to ensure that procedural and substantive requirements are implemented accurately, consistently, and within required timelines.

**DUNKIRK CITY
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ARTICLE III

GOVERNANCE AND OVERSIGHT

3.01 Superintendent & Designee Responsibility

The Superintendent & Designee shall ensure that the District maintains systems, staffing, and administrative procedures sufficient to implement special education requirements. Furthermore, the Director of Pupil Personnel Services shall designate Assistant Director and/or CSE/CPSE Coordinator for responsibility of:

1. oversight of all CSE/CPSE operations;
2. monitoring legal and regulatory compliance;
3. supervision of district special education systems and processes;
4. implementation of corrective action where needed;
5. oversight of district service delivery and placement coordination.

3.02 CSE/CPSE Chairperson Responsibilities

The Chairperson or designee shall:

- coordinate referrals and evaluations;
- schedule and facilitate meetings;
- ensure required documentation is prepared and finalized;
- ensure legally required participants are invited;
- oversee case progression and timely completion.

3.03 Building Administrator Responsibilities

Building administrators shall support implementation of IEPs, ensure availability for CSE and facilitate student team meetings, discipline compliance, and timely communication with the Office of Special Education.

3.04 Staff Responsibility and Accountability

All district staff involved in special education processes are responsible for:

- timely completion of assigned tasks;
- accurate documentation;
- adherence to district procedure;
- professional communication;
- escalation of compliance concerns.

ARTICLE IV

CHILD FIND, REFERRAL, AND INITIAL CASE INTAKE

4.01 Child Find

The District shall identify, locate, and evaluate all resident students suspected of having disabilities, including preschool children and students enrolled in nonpublic schools by their parents, consistent with state and federal child find obligations. NYSED requires districts to maintain child find procedures and a register of students with disabilities and suspected disabilities. (nysed.gov)

4.02 Referral Sources and Intake Requirements

A referral for an initial evaluation may be made by a parent or person in parental relationship, a professional staff member of the school district, a licensed physician, a judicial officer, a representative of a public agency with responsibility for the child, or any other individual or entity authorized by applicable state or federal law.

All referrals shall be submitted in writing and should include information describing the concerns prompting the referral, along with any relevant supporting documentation available to the referral source. Upon receipt, referrals shall be date-stamped, documented in the District's tracking system within a reasonable timeframe, and promptly forwarded to the Committee on Special Education (CSE/CPSE) Chairperson or designee for review and processing.

The District shall process all referrals in accordance with applicable state and federal laws and regulations, including the procedural requirements and timelines established under NYSED Part 200. Referrals shall be reviewed and acted upon consistently, regardless of the referral source.

4.03 Pre-Referral Interventions and Referral Protections

General education intervention support may be considered implemented, as a part of the prereferral process. Such interventions shall not be used to delay, defer, or deny a written referral when a disability is suspected. Consistent with Least Restrictive Environment requirements, the district shall ensure that appropriate general education supports and interventions are considered and utilized, when appropriate, prior to referral to special education.

ARTICLE V

INITIAL EVALUATION PROCEDURES

5.01 General Evaluation Requirements

The District shall conduct a full and individual evaluation of a student suspected of having a disability before the initial provision of special education and related services.

5.02 Consent for Evaluation

Parent consent shall be obtained prior to conducting the initial evaluation.

5.03 Required Evaluation Components

The evaluation shall include all assessments necessary to determine:

- whether the student has a disability;
- the student's present levels of academic achievement and functional performance;
- the student's educational needs;
- whether the student requires special education and/or related services.

Depending on suspected areas of disability, evaluation components may include:

- social history;
- psychological evaluation;
- educational evaluation;
- classroom observation;
- physical examination;
- speech-language evaluation;
- occupational therapy evaluation;
- physical therapy evaluation;
- functional behavioral assessment;
- assistive technology evaluation;
- vision evaluation;
- other specialized assessments as appropriate.

5.04 Evaluation Standards

All evaluations shall:

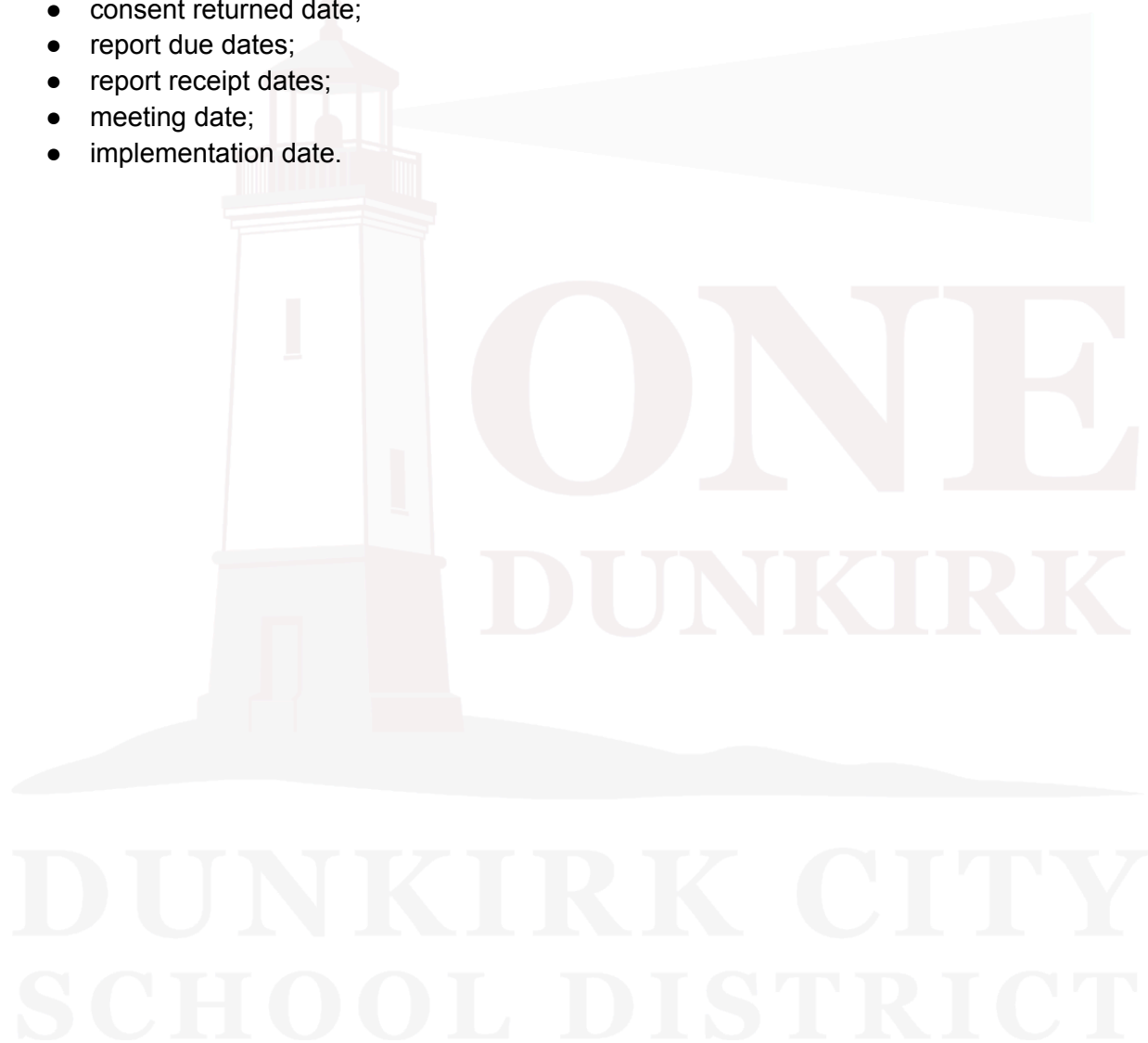
1. be administered by qualified personnel;
2. be selected and administered so as not to be discriminatory;

3. be provided in the student's native language, with an approved translator present or preferred mode of communication where appropriate;
4. assess all areas related to suspected disability;
5. use multiple sources of data and not rely on a single measure.

5.07 Operational Tracking Requirements

The District shall maintain a case-tracking system documenting, at minimum:

- referral date;
- consent sent date;
- consent returned date;
- report due dates;
- report receipt dates;
- meeting date;
- implementation date.



ARTICLE VI

REEVALUATIONS

6.01 Reevaluation Frequency

Each student with a disability shall be reevaluated:

- at least once every three (3) years unless the parent and District agree in writing that reevaluation is unnecessary;
- more frequently if conditions warrant or if requested by the parent or teacher;
- not more than once per year unless otherwise agreed.

6.02 Review of Existing Evaluation Data

The District and/or Committee shall review existing evaluation data, including:

- prior evaluations;
- classroom-based assessments;
- observations;
- teacher/provider input;
- progress data;
- current IEP and service information.

6.03 Determination of Need for Additional Assessment

Based on review of existing data, the District shall determine whether additional data are needed to:

- determine continued eligibility;
- identify present levels of performance;
- determine continued educational needs;
- inform changes to programming or services.

6.04 Notice, Consent, and Documentation Requirements

Where additional assessment is proposed, the District shall issue required prior written notice and obtain parent consent where required by law. The record shall clearly reflect:

- the data reviewed;
- the determination regarding additional assessment;
- parent notice and consent status;
- next procedural steps.

6.05 Independent Educational Evaluation

The district shall follow the procedures below when a parent/guardian requests an IEE in accordance with IDEA and part 200 regulations.



ARTICLE VII

ELIGIBILITY AND CLASSIFICATION

7.01 Eligibility Standard

Eligibility shall be determined by the CSE or CPSE based on current evaluation data and applicable legal standards.

7.02 Classification Decision-Making

A student shall be determined eligible only where the Committee finds that:

1. the student meets criteria for a disability classification under applicable regulations; and
2. the student requires special education and/or related services as a result of the disability.

7.03 Required Documentation of Eligibility Determination

The Committee record shall reflect:

- data reviewed;
- parent concerns considered;
- discussion of eligibility factors;
- classification determination;
- rationale for the decision.

7.03.1 Evaluation Components for Eligibility Determination

To establish eligibility, the evaluation must include a comprehensive set of assessments tailored to the student's suspected disability. Evaluation components include:

- Social history
- Psychological evaluation (unless determined unnecessary by the school psychologist)
- Educational evaluation
- Classroom observation
- Physical examination
- Speech-language, occupational therapy, physical therapy, functional behavioral assessments, or other specialized assessments as required by the suspected area of disability.

7.03.2 Informative Evaluation Criteria

For evaluation data to be effectively utilized by the CSE/CPSE to determine eligibility, the assessments must:

- Provide relevant, functional, and instructionally sound information regarding the student's strengths and areas of need.
- Document the adverse impact of the disability on the student's educational performance or participation in the learning environment.
- Utilize multiple sources of data rather than relying on a single measure.
- Include input from parents and teachers to bridge the gap between clinical findings and classroom performance.
- Clearly link findings to the necessary instructional supports, modifications, or services to ensure the student can progress in the general education curriculum.

7. 04 NYSED Eligibility Classifications

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

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

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

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

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

- (i) an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (iii) inappropriate types of behavior or feelings under normal circumstances;
- (iv) a generally pervasive mood of unhappiness or depression; or
- (v) a tendency to develop physical symptoms or fears associated with personal or school problems. The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disability.

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

(5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of *deafness* in this section.

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

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

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

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

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

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

(12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgement, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

(13) *Visual impairment including blindness* means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.



ARTICLE VIII

COMMITTEE COMPOSITION AND MEETING REQUIREMENTS

8.01 CSE & CPSE Membership

The CSE shall include legally required members in accordance with New York State part 200 regulation.

NYSED's committee composition requirements under Section 200.3 govern required CSE and CPSE membership, including required participants, excusal rules, and participation standards. (nysed.gov)

8.03 Required Participation

The District shall ensure that:

- parent participation is supported;
- legally required members are invited;
- attendance is documented;
- required input is available

8.04 Excusal of Members

Committee members may be excused only in accordance with IDEA and Part 200 regulations. A CSE/CPSE excusal form will be completed per excused member.

8.05 Parent Participation in Meetings

The District shall take reasonable steps to ensure parent participation in meetings.

8.06 Student Participation

Students shall be invited and/or involved in meetings when required or educationally appropriate, particularly for transition planning.

ARTICLE IX

PROCEDURAL SAFEGUARDS AND PARENT RIGHTS

9.01 Procedural Safeguards Notice

The District shall provide procedural safeguards notices to parents/guardians at least once each regular school year.

9.02 Parent Access to Records

Parents shall be afforded access to educational records in accordance with law.

9.03 Interpretation and Translation

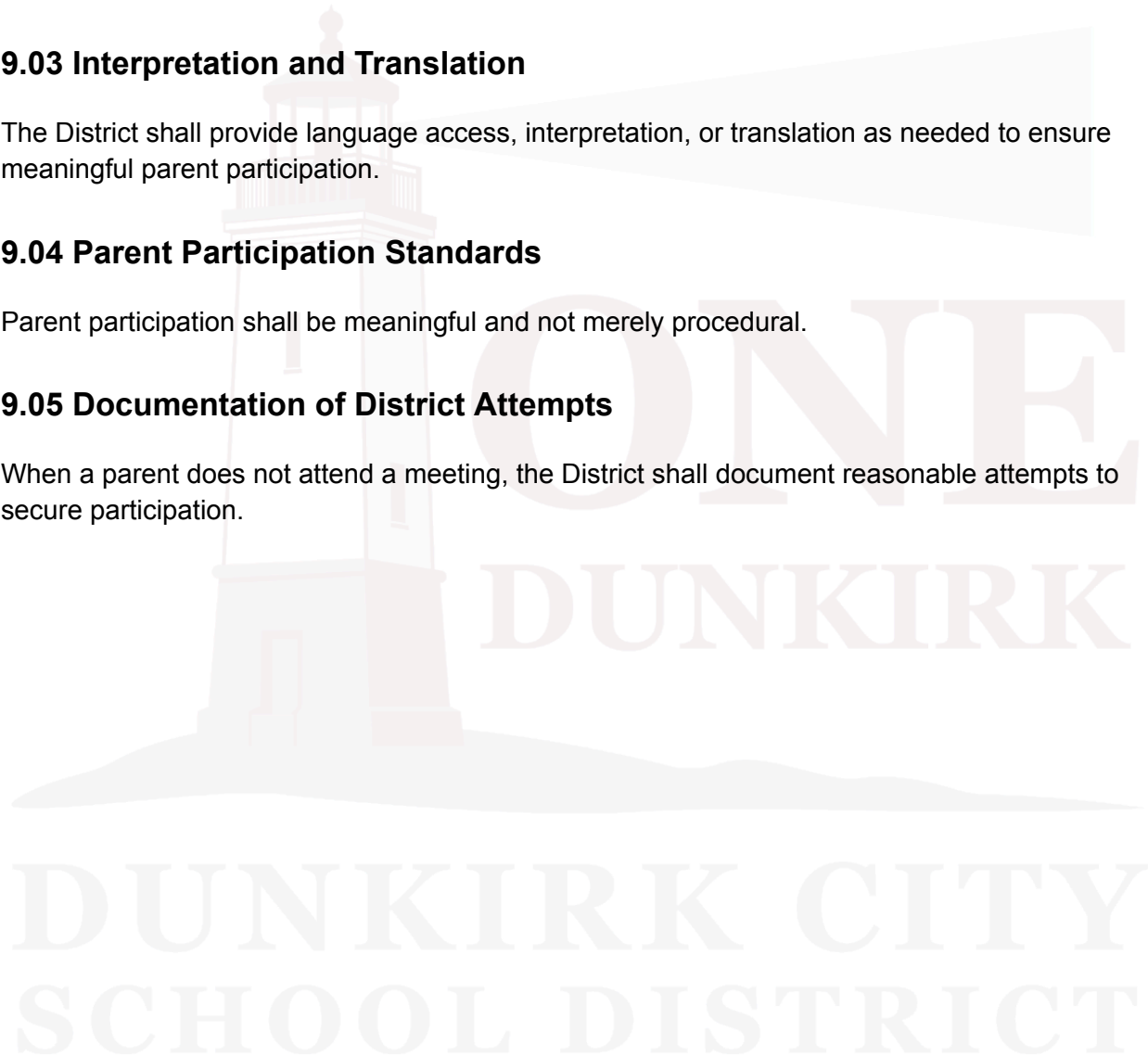
The District shall provide language access, interpretation, or translation as needed to ensure meaningful parent participation.

9.04 Parent Participation Standards

Parent participation shall be meaningful and not merely procedural.

9.05 Documentation of District Attempts

When a parent does not attend a meeting, the District shall document reasonable attempts to secure participation.



ARTICLE X

PRIOR WRITTEN NOTICE AND CONSENT

10.01 Requirement to Issue Prior Written Notice

The District shall provide prior written notice whenever it proposes or refuses to initiate or change:

- identification;
- evaluation;
- educational placement;
- the provision of FAPE.

NYSED guidance is clear that the IEP itself does not replace the requirement to issue prior written notice and that notice is still required when an IEP is amended without a meeting. (nysed.gov)

10.02 Required Contents of Prior Written Notice

Each prior written notice shall include:

1. a description of the proposed or refused action;
2. an explanation of why the action is proposed or refused;
3. a description of the evaluations, records, reports, or other factors relied upon;
4. a statement of options considered and rejected;
5. a description of any other relevant factors;
6. Access to procedural safeguards and sources of assistance.

10.03 Parent Consent Requirements

Parent consent shall be obtained where required by law, including but not limited to:

- initial evaluation;
- initial provision of special education services;
- reevaluation requiring additional assessment;
- release of records where required.

10.04 Parent Written Requests and District Response

Written parent requests regarding identification, evaluation, placement, or services shall be reviewed promptly and responded to in accordance with applicable notice requirements.

10.05 Translation and Accessibility Requirements

Prior written notice shall be provided in an accessible format and language understandable to the parent to the extent required by law.



ARTICLE XI

DEVELOPMENT, REVIEW, REVISION, AND AMENDMENT OF THE IEP

11.01 Initial IEP Development

An IEP shall be developed upon a finding of eligibility.

11.02 Annual Review

Each IEP shall be reviewed at least annually.

11.03 Review and Revision of the IEP

The IEP shall be revised as appropriate based on:

- student progress;
- updated evaluations;
- teacher/provider input;
- Parent concerns with supporting information;
- changes in student need.

11.04 Amendments Without a Meeting

After the annual review, the District and parent may agree to amend the IEP without convening a meeting, where legally appropriate.

11.05 Documentation and Distribution Requirements

The District shall maintain and distribute required documentation, including:

- finalized IEP;
- prior written notice;
- implementation communication to staff;
- amended documents where applicable.

ARTICLE XII

REQUIRED COMPONENTS OF THE IEP

12.01 Present Levels of Performance

The IEP shall contain a clear description of the student's present levels of academic achievement and functional performance.

12.02 Management Needs

The IEP shall identify management needs necessary for the student to benefit from instruction and access the educational environment.

12.03 Measurable Annual Goals

The IEP shall include measurable annual goals designed to address identified student needs.

12.04 Special Education Programs and Services

The IEP shall specify all recommended special education programs and services.

12.05 Related Services

The IEP shall identify all related services required based on information provided to the team.

12.06 Supplementary Aids and Services

The IEP shall include supplementary aids and services necessary to support access and participation.

12.07 Testing Accommodations

The IEP shall include testing accommodations necessary for state, district, and classroom assessments.

12.08 Transportation

Transportation needs shall be documented where required.

12.09 Assistive Technology

Assistive technology devices and/or services shall be included where necessary.

12.10 Transition Planning

Transition planning shall be included where legally required.

12.11 12-Month Services

Extended School Year Serves are provided in accordance with NYSED Part 200.

NYSED Part 200 requirements for Extended School Year (ESY) services:

1. The Core Standard: Substantial Regression

Under NYSED Part 200.1(eee), ESY is required for students whose disabilities are severe enough to cause substantial regression during summer months.

- NYSED defines this as a student's inability to maintain developmental levels.
- It is measured by the amount of time required to relearn skills in the fall.
- If a student requires an excessive period of relearning (typically defined as 8 weeks or more) to regain previous skills, they qualify.

2. Eligible Student Profiles

Part 200.6(j) states that the Committee on Special Education (CSE) must consider 12-month services for students who require a structured learning environment to prevent regression. This typically includes students with:

- Highly intensive management needs, to be determined by the CSE
- Severe multiple disabilities.
- Severe orthopedic, emotional, or intellectual impairments.
- Autism spectrum disorders require highly individualized programming.

3. Program Structure & Duration

- **Timeline:** Approved July/August programs must operate for 6 weeks.
- **Funding:** Programs are funded for a minimum of 30 days of instruction.
- **Grouping:** Students must be grouped by similarity of individual needs (academic, social, physical, and management).
- **Staffing:** All services must be delivered by appropriately certified special education teachers or licensed related service providers.

4. IEP Focus during ESY

- ESY is not meant to teach new skills or move ahead in the curriculum.
- The IEP must specify which existing goals are being targeted.
- Instruction focuses strictly on maintaining the critical skills at risk of being lost.

12.12 LRE Statement

The IEP shall include an explanation of the extent, if any, to which the student will not participate with nondisabled peers.



ARTICLE XIII

LEAST RESTRICTIVE ENVIRONMENT AND PLACEMENT

13.01 Placement Standard

Placement shall be determined annually based on the IEP and in the least restrictive environment appropriate to the student's needs.

13.02 Continuum of Services

The District shall ensure availability of a continuum of services and placement options.

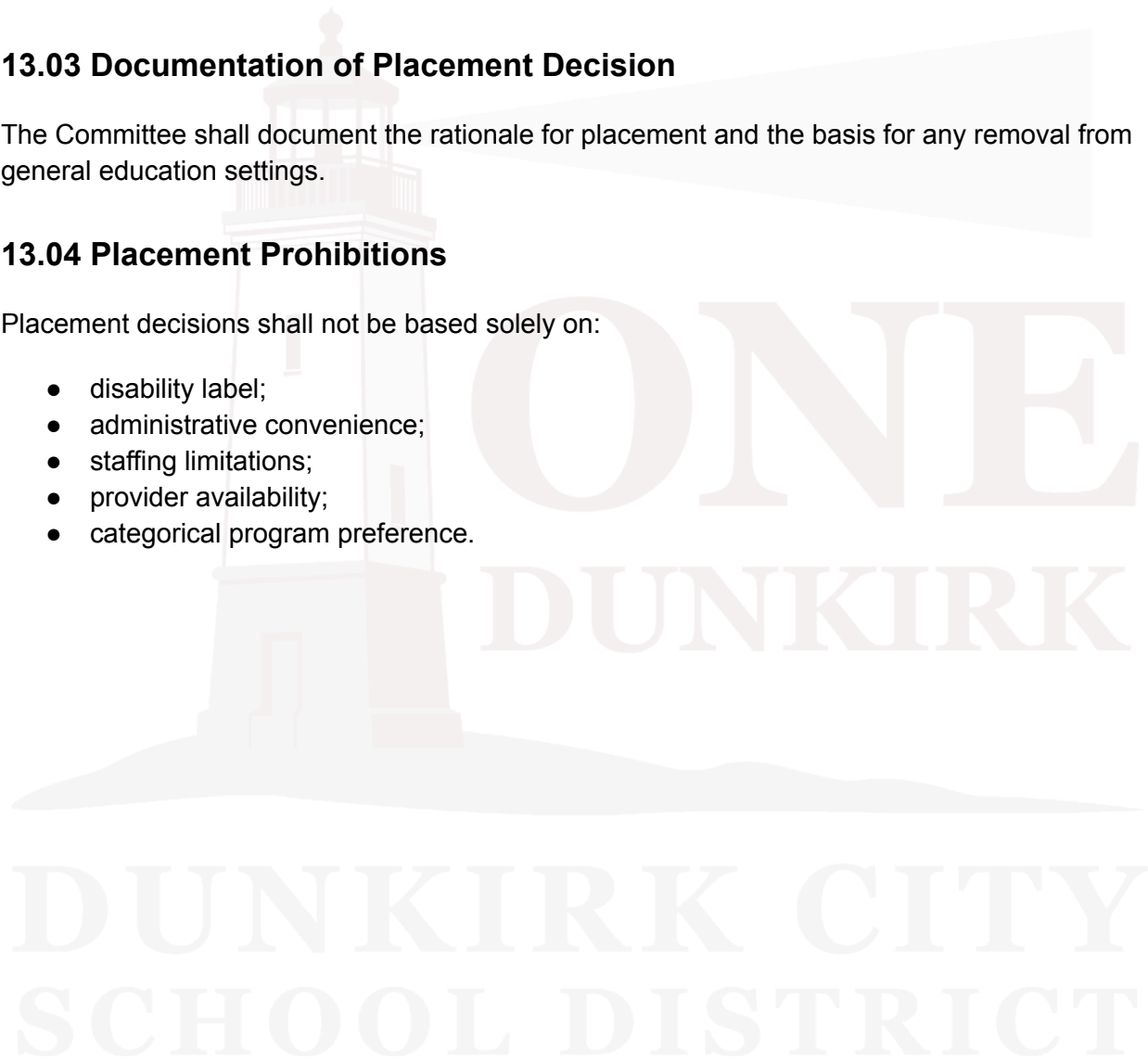
13.03 Documentation of Placement Decision

The Committee shall document the rationale for placement and the basis for any removal from general education settings.

13.04 Placement Prohibitions

Placement decisions shall not be based solely on:

- disability label;
- administrative convenience;
- staffing limitations;
- provider availability;
- categorical program preference.



ARTICLE XIV

CONTINUUM OF SERVICES

14.01 School-Age Continuum

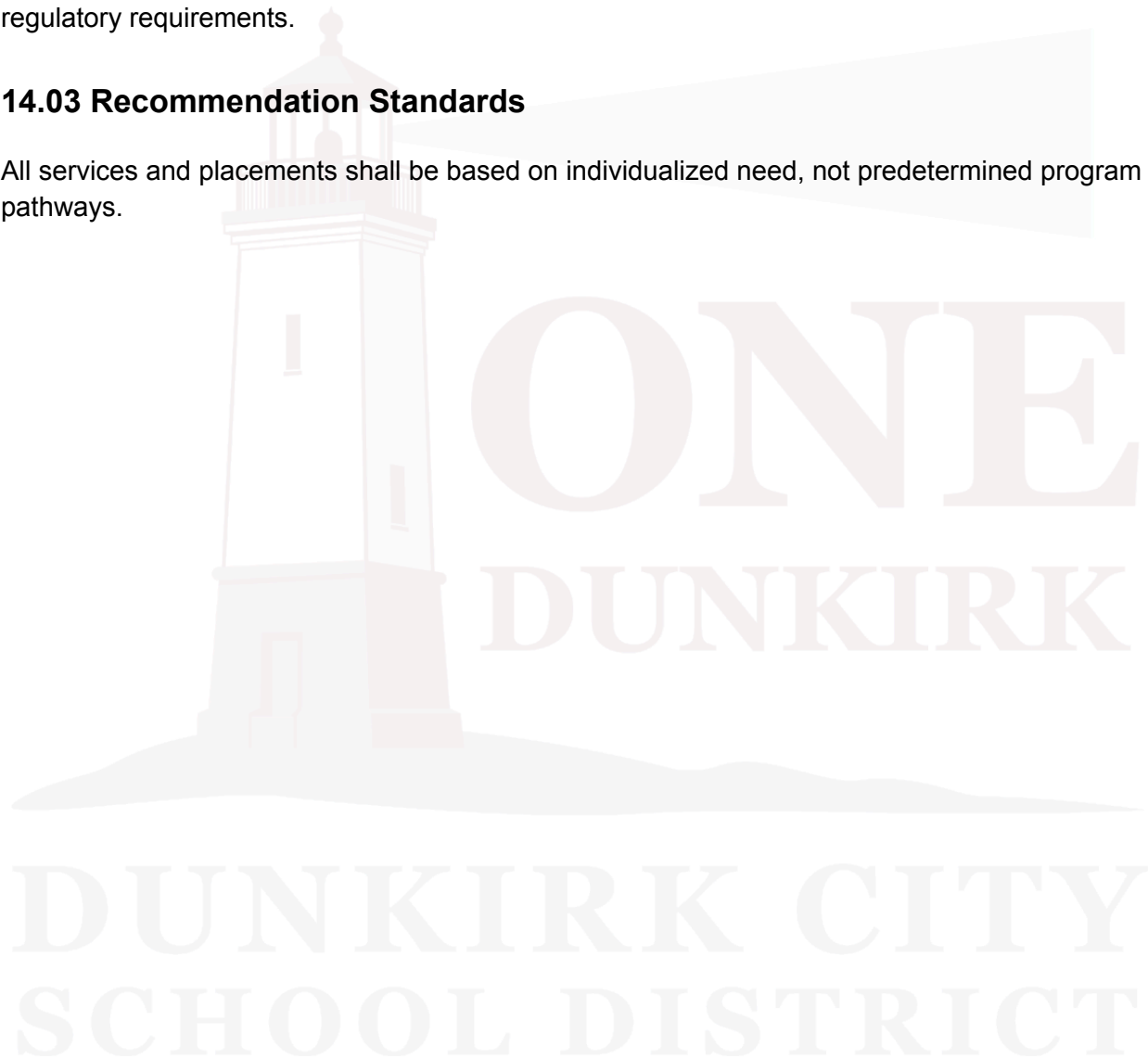
The District shall make available school-age service options consistent with student need and regulatory requirements.

14.02 Preschool Continuum

The District shall make available preschool service options consistent with student need and regulatory requirements.

14.03 Recommendation Standards

All services and placements shall be based on individualized need, not predetermined program pathways.



ARTICLE XV

RELATED SERVICES

15.01 Related Service Determination

Related services shall be recommended when necessary to support the student's access to and benefit from special education.

15.02 Frequency, Duration, Group Size, and Location

The IEP shall clearly specify:

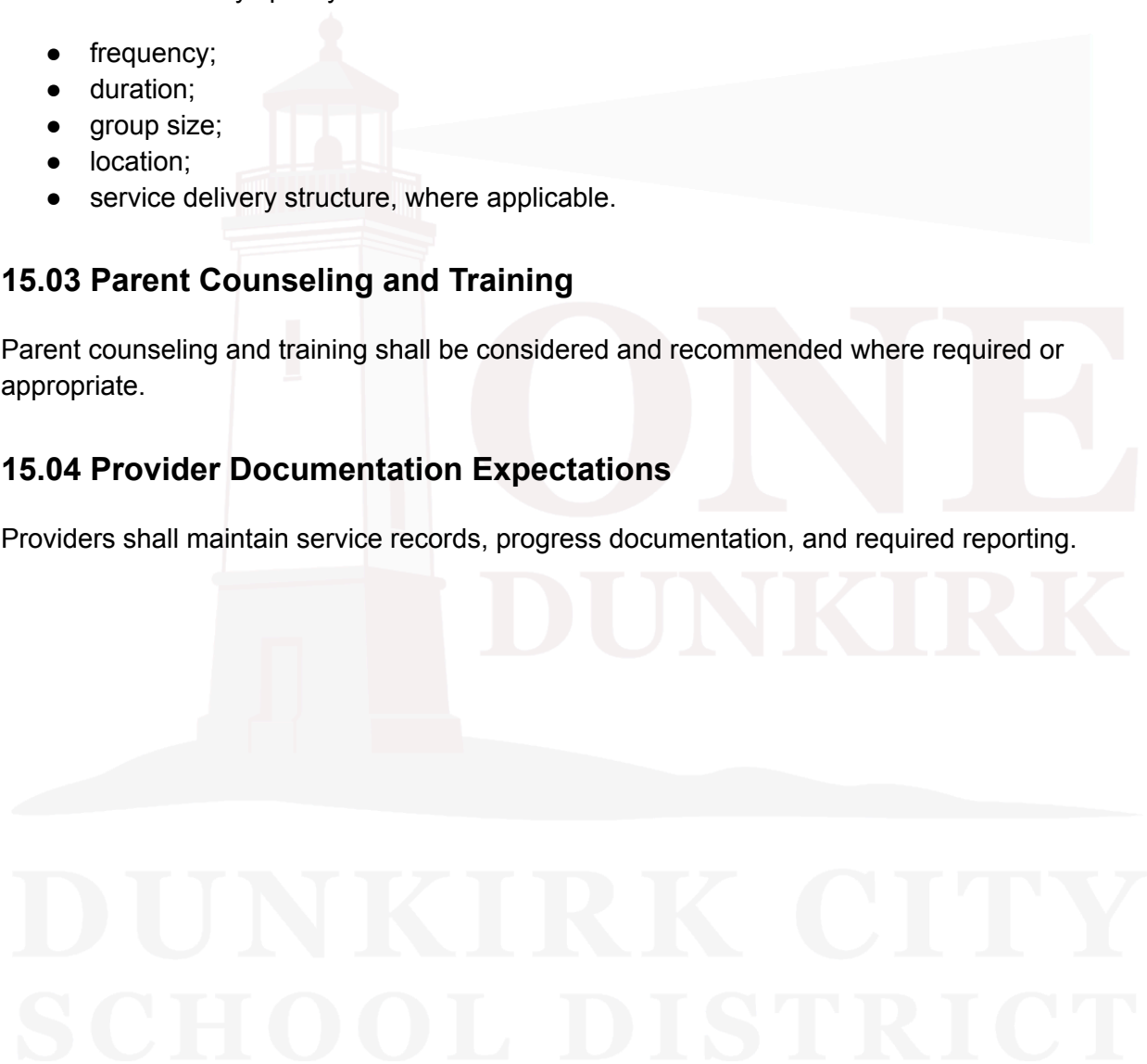
- frequency;
- duration;
- group size;
- location;
- service delivery structure, where applicable.

15.03 Parent Counseling and Training

Parent counseling and training shall be considered and recommended where required or appropriate.

15.04 Provider Documentation Expectations

Providers shall maintain service records, progress documentation, and required reporting.



ARTICLE XVI

ASSISTIVE TECHNOLOGY AND ACCESSIBLE MATERIALS

16.01 Consideration of Assistive Technology

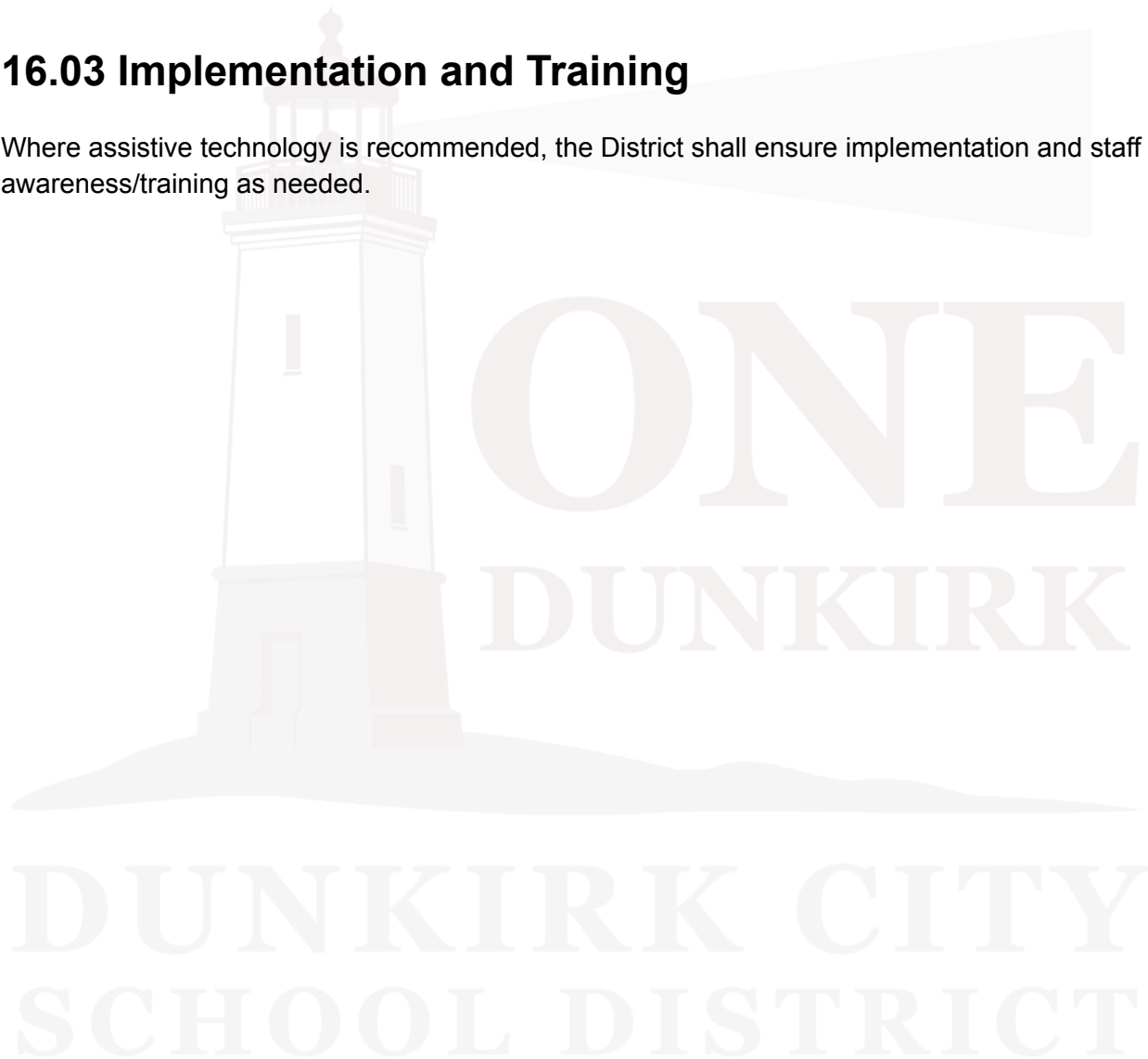
The Committee shall consider whether assistive technology devices and/or services are necessary.

16.02 Accessible Materials

The District shall provide accessible materials as required to ensure student access.

16.03 Implementation and Training

Where assistive technology is recommended, the District shall ensure implementation and staff awareness/training as needed.



ARTICLE XVII

BEHAVIOR SUPPORTS, FBA, AND BIP

17.01 Behavior That Impedes Learning

Where behavior impedes learning, the Committee shall consider positive behavioral interventions and supports.

17.02 Functional Behavioral Assessment

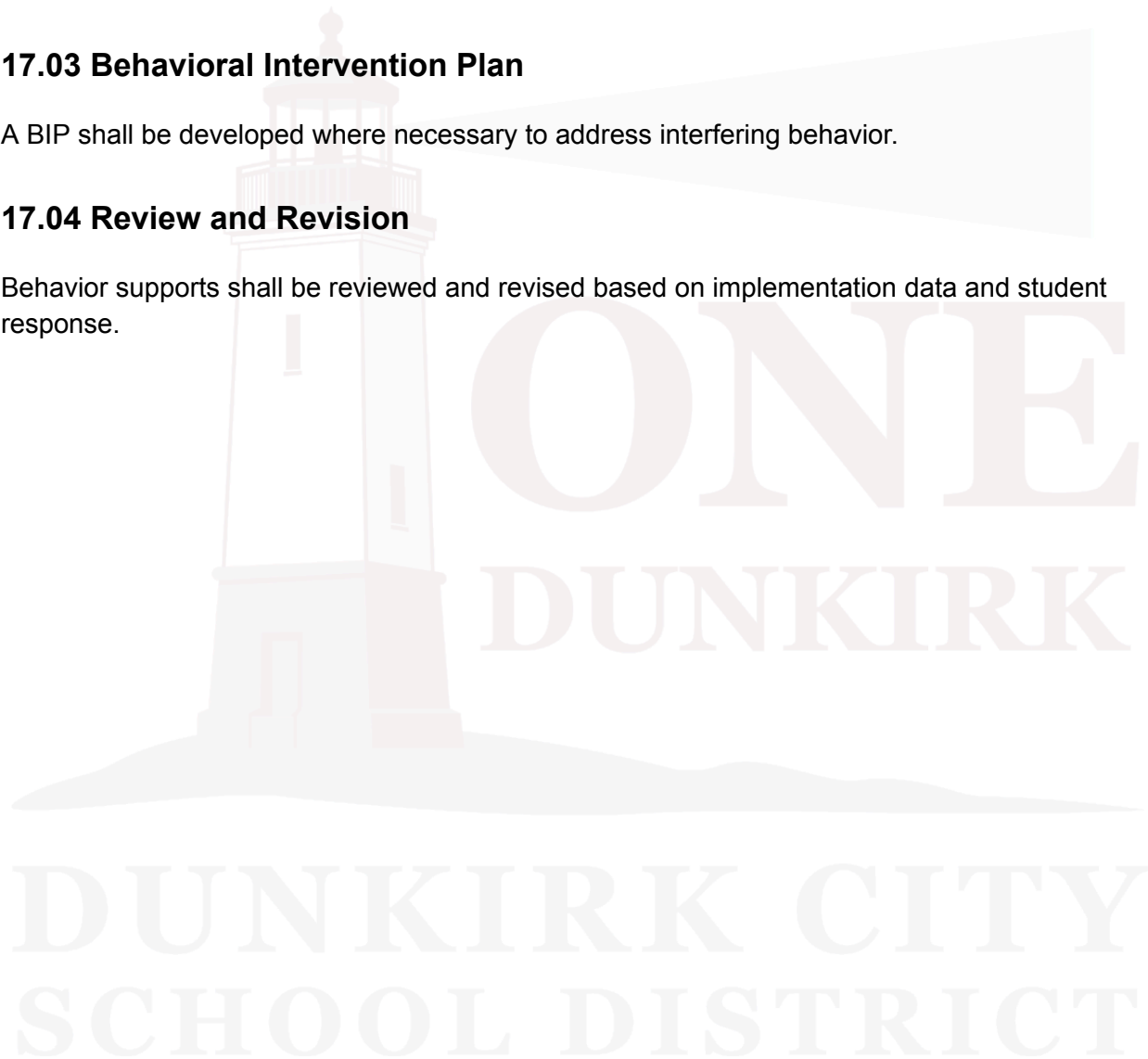
An FBA shall be conducted when required or educationally warranted.

17.03 Behavioral Intervention Plan

A BIP shall be developed where necessary to address interfering behavior.

17.04 Review and Revision

Behavior supports shall be reviewed and revised based on implementation data and student response.



ARTICLE XVIII

DISCIPLINE OF STUDENTS WITH DISABILITIES

18.01 General Discipline Standards

Students with disabilities may be disciplined in accordance with District code of conduct and applicable law.

18.02 Tracking of Removals

The District shall maintain accurate tracking of all disciplinary removals for students with disabilities.

18.03 Manifestation Determination Review

When a disciplinary removal constitutes a change of placement, the District shall conduct a manifestation determination review in accordance with law.

18.04 FAPE During Removal

The District shall ensure continuation of required educational services during disciplinary removals as required by law.

18.05 Behavioral Response Requirements

Where required, the District shall conduct or review an FBA and develop or revise a BIP.

DUNKIRK CITY
SCHOOL DISTRICT

ARTICLE XIX

PRESCHOOL SPECIAL EDUCATION (CPSE)

19.01 General CPSE Requirements

The District shall operate CPSE procedures in accordance with state preschool special education requirements.

19.02 Preschool Referral and Evaluation

The District shall receive, verify, process, and assign preschool referrals if required promptly and ensure completion of required evaluation components.

19.03 Preschool Eligibility and IEP Development

The CPSE shall determine eligibility and develop preschool IEPs in accordance with legal standards.

19.04 Preschool Service Coordination

The District shall coordinate preschool service initiation and implementation.

19.05 Preschool Transportation

Where transportation is required, the District shall coordinate implementation in accordance with the preschool IEP.

**DUNKIRK CITY
SCHOOL DISTRICT**

ARTICLE XX

EARLY INTERVENTION TO CPSE TRANSITION

20.01 Transition Coordination

The District shall coordinate transition planning for children moving from Early Intervention to CPSE.

20.02 Referral Intake

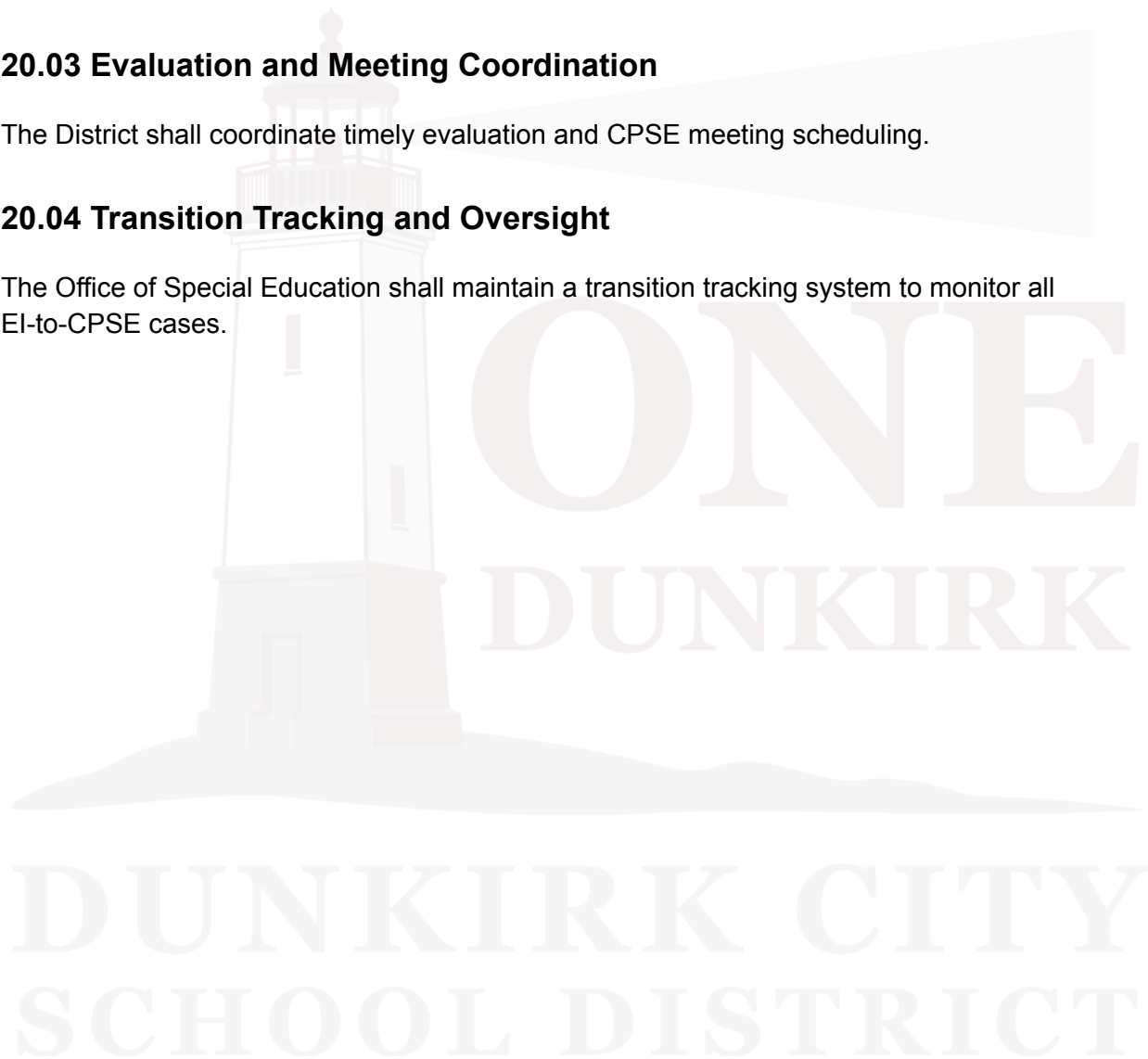
EI transition referrals shall be logged and acted upon immediately.

20.03 Evaluation and Meeting Coordination

The District shall coordinate timely evaluation and CPSE meeting scheduling.

20.04 Transition Tracking and Oversight

The Office of Special Education shall maintain a transition tracking system to monitor all EI-to-CPSE cases.



ARTICLE XXI

SECONDARY TRANSITION PLANNING

21.01 Postsecondary Goals

The IEP shall include measurable postsecondary goals where legally required.

21.02 Transition Assessments

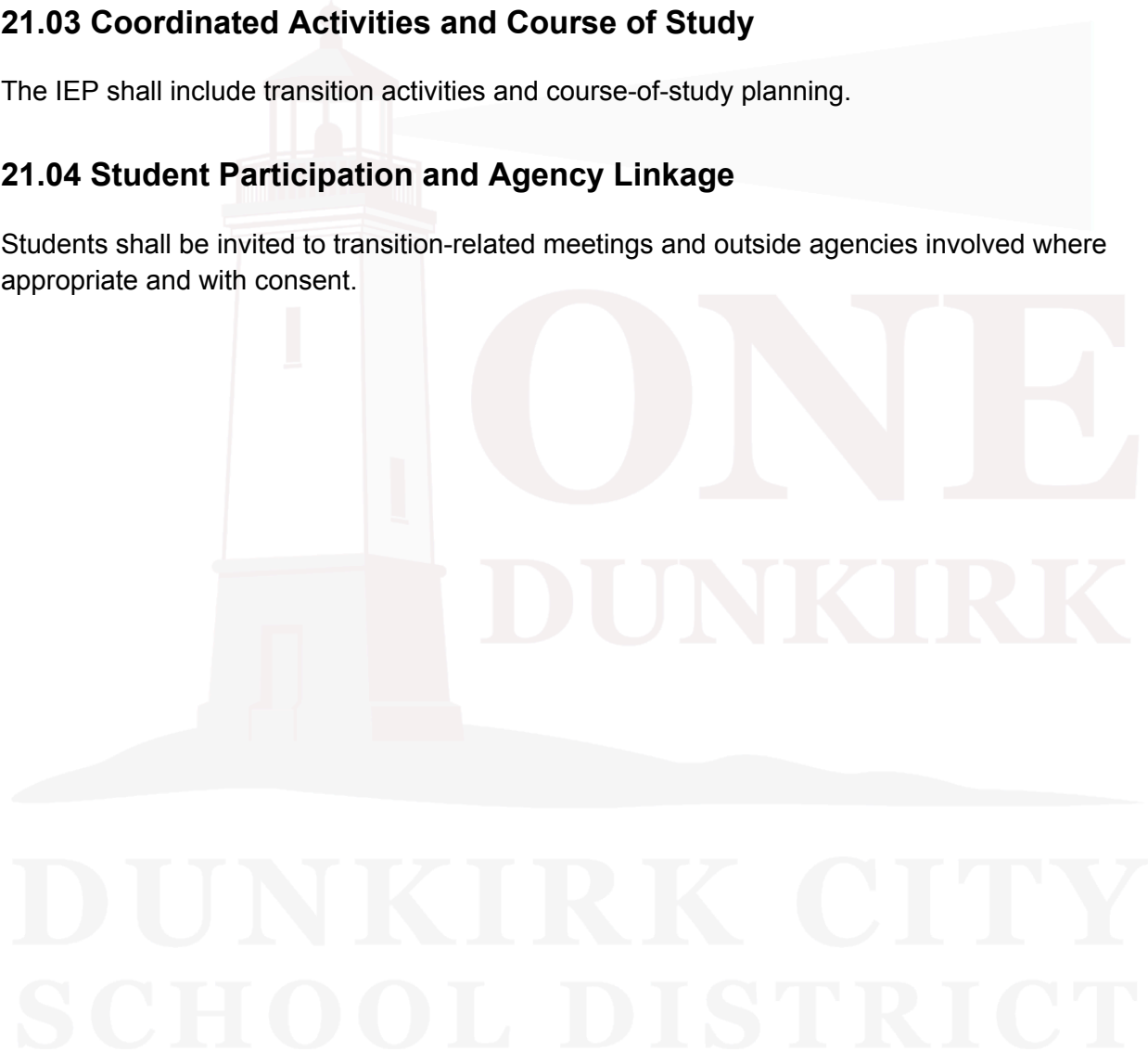
Age-appropriate transition assessments shall inform planning.

21.03 Coordinated Activities and Course of Study

The IEP shall include transition activities and course-of-study planning.

21.04 Student Participation and Agency Linkage

Students shall be invited to transition-related meetings and outside agencies involved where appropriate and with consent.



ARTICLE XXII

TRANSPORTATION

22.01 Transportation as a Related Need

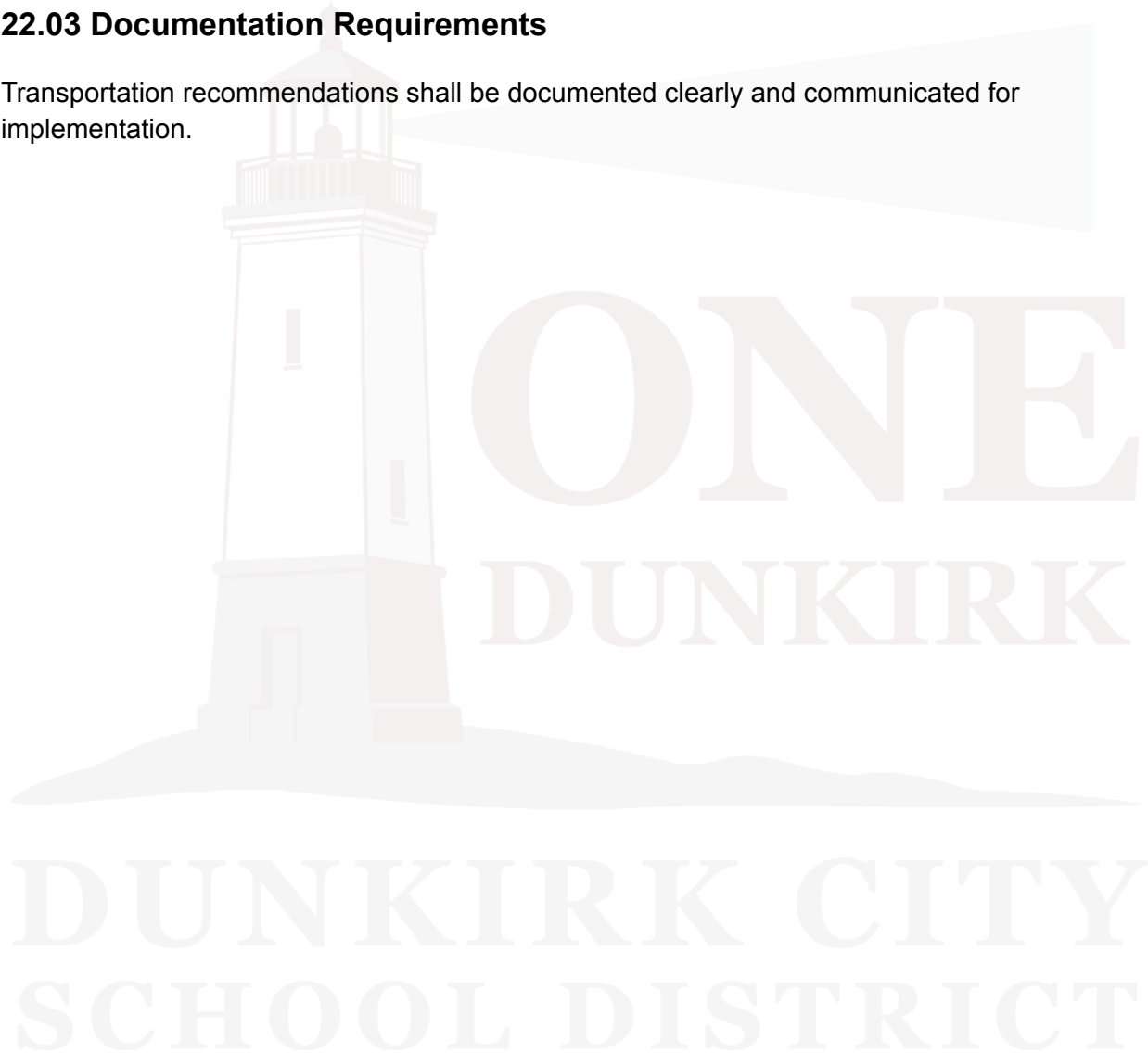
Transportation shall be recommended where necessary for the student to receive FAPE.

22.02 Specialized Transportation

The IEP shall specify any specialized transportation supports required.

22.03 Documentation Requirements

Transportation recommendations shall be documented clearly and communicated for implementation.



ARTICLE XXIII

PARENTALLY PLACED / NONPUBLIC / TRANSFER STUDENTS

23.01 Child Find for Nonpublic Students

The District shall fulfill child find obligations for parentally placed nonpublic school students.

23.02 IESP Development

Where applicable, the District shall develop an Individualized Education Services Program (IESP).

23.04 In-State Transfer Students (NYSED Part 200)

In accordance with 8 NYCRR §200.4(e)(8), the District shall ensure a free appropriate public education (FAPE) for students who transfer from another New York State school district during the school year. The District shall:

1. Provide services comparable to those described in the student's previously held IEP, in consultation with the parents, until such time as the District:
 - Adopts the previously held IEP; or
 - Develops, adopts, and implements a new IEP that is consistent with Federal and State law and regulations.
2. Ensure that all transfers are processed in compliance with applicable procedural safeguards and that student records are obtained promptly.

23.05 Out-of-State Transfer Students

In accordance with 8 NYCRR §200.4(e)(8)(ii), for students with a disability who transfer from a school district outside of New York State during the same school year, the District shall:

1. Provide a free appropriate public education (FAPE), including services comparable to those described in the student's previously held IEP, in consultation with the parents.
2. Conduct an evaluation pursuant to 8 NYCRR §200.4, if the District determines such evaluation is necessary.
3. Develop a new IEP, if appropriate.

23.06 Record Transfer Requirements

The District shall promptly request and review prior records.



ARTICLE XXIV

STATE ASSESSMENTS AND ACCOMMODATIONS

24.01 Participation in State and District Assessments

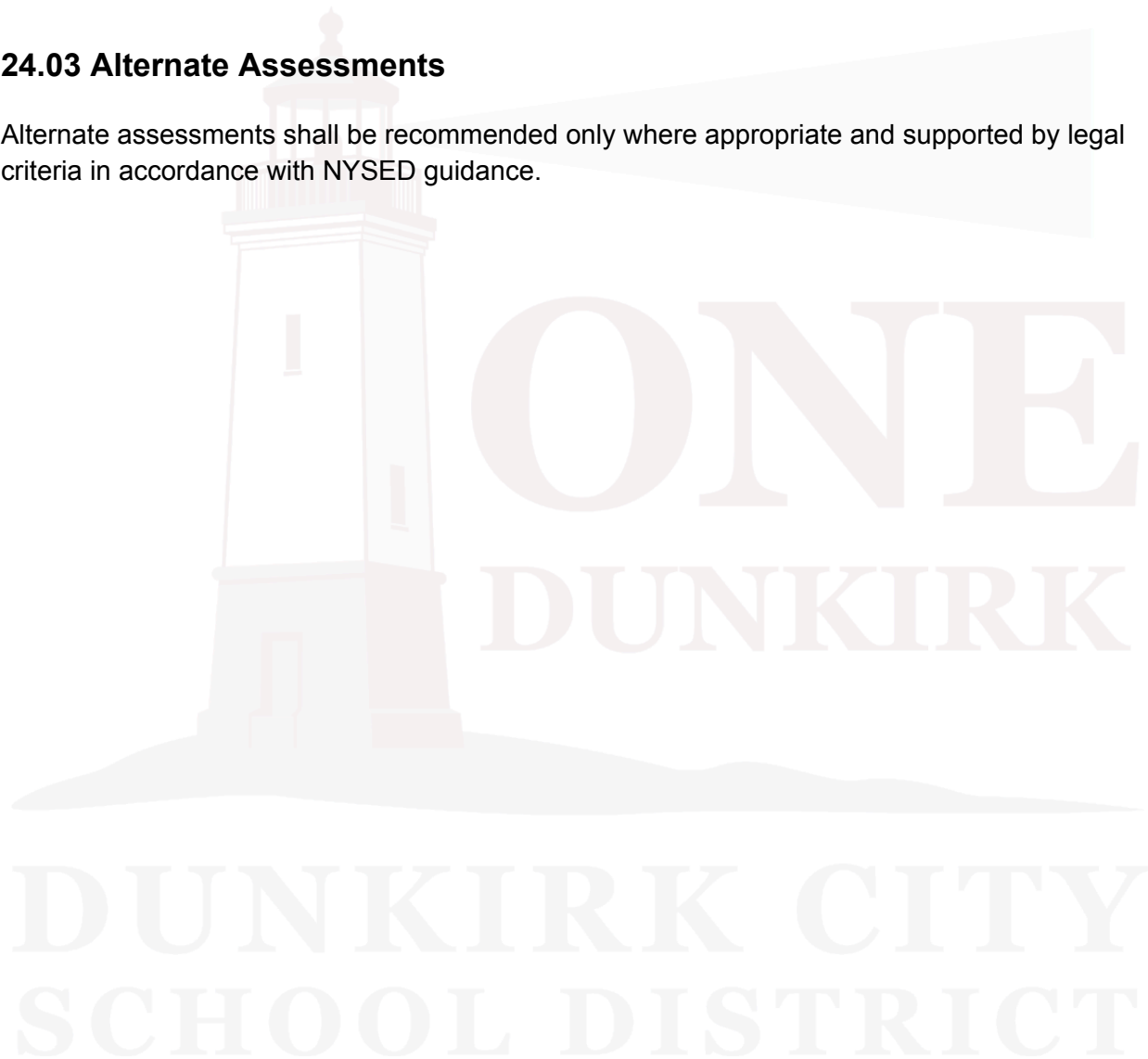
Students with disabilities shall participate in required assessments unless alternate assessment is appropriate.

24.02 Testing Accommodations

Testing accommodations shall be based on student need and documented in the IEP.

24.03 Alternate Assessments

Alternate assessments shall be recommended only where appropriate and supported by legal criteria in accordance with NYSED guidance.



ARTICLE XXV

GRADUATION, EXIT, AND SUMMARY OF PERFORMANCE

26.01 Exit and Graduation Standards

Graduation and exit decisions shall be made in accordance with applicable standards and requirements.

26.02 Summary of Performance

Where required, the District shall provide a Summary of Performance upon exit.



ARTICLE XXVI

CONFIDENTIALITY AND RECORDS

27.01 Record Security and Access

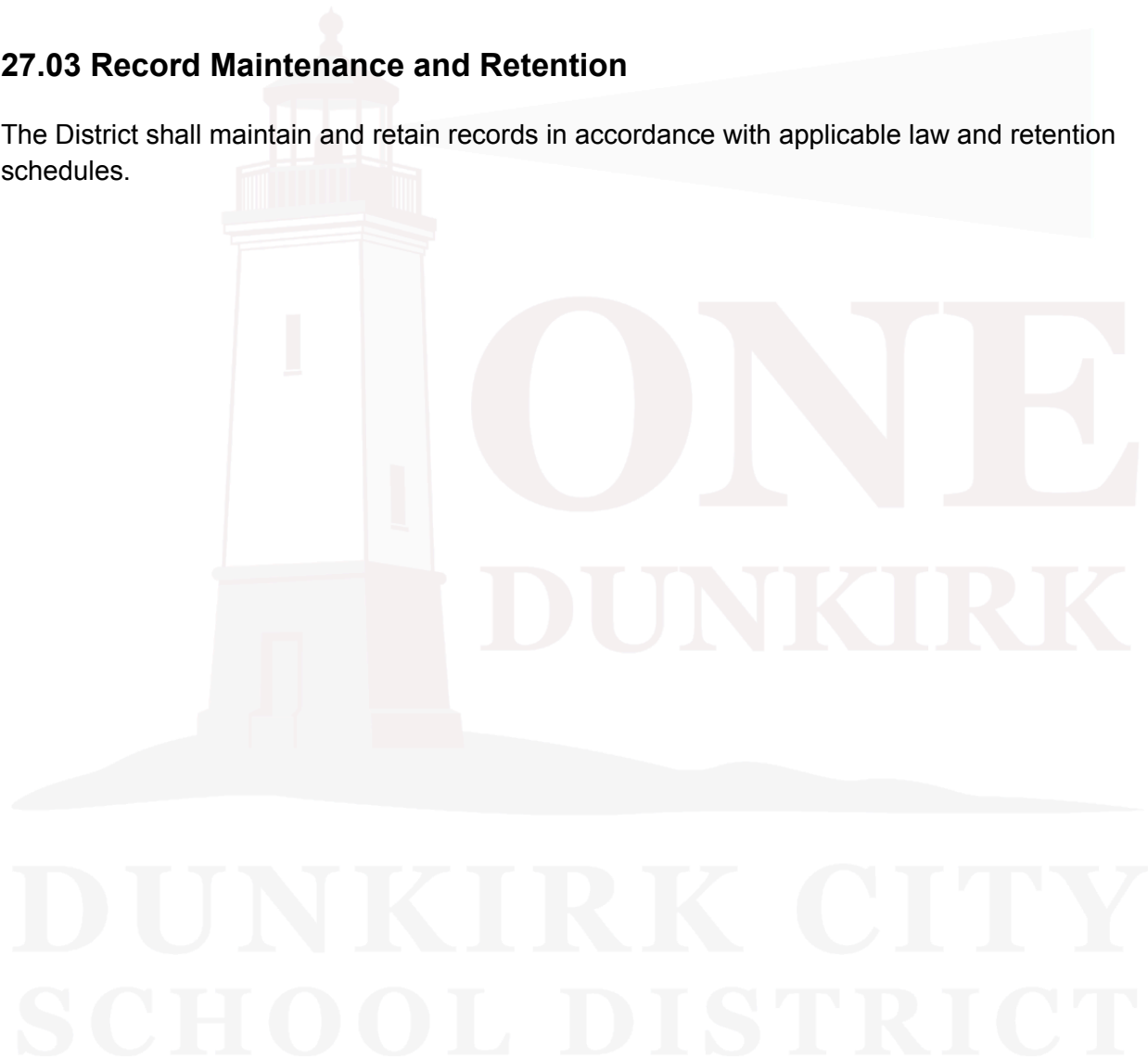
Special education records shall be maintained securely and accessed only by authorized personnel.

27.02 Release of Information

Release of information shall occur only in accordance with law and district procedure.

27.03 Record Maintenance and Retention

The District shall maintain and retain records in accordance with applicable law and retention schedules.



ARTICLE XXVIII

INDEPENDENT EDUCATIONAL EVALUATIONS (IEEs)

28.01 Definitions

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Dunkirk City School District and who is independent of the evaluation being challenged.

A parent has the right to request one publicly funded IEE each time the parent disagrees with a district evaluation.

Parents:

- Are not required to explain why they disagree with the District's evaluation.
- May select a qualified evaluator who meets the District's reasonable criteria.
- Are not limited to the providers listed by the District if another qualified evaluator meets the District's criteria.
- May obtain an IEE at private expense at any time.
- Are entitled to have the CSE consider any independent evaluation presented by the parent, regardless of who paid for the evaluation

28.02 District Response

Upon receipt of a written or verbal request for an IEE at public expense, the Director of Pupil Personnel or designee shall:

1. Document the date the request was received.
2. Provide the parent with a copy of the District's IEE Criteria and Provider Directory.
3. Determine whether the District will:
 - Approve the IEE at public expense; or
 - Initiate an impartial due process hearing to demonstrate that the District's evaluation is appropriate.
4. Respond without unnecessary delay.
5. Maintain documentation of all correspondence regarding the request.

28.03 District Criteria for Publicly Funded IEEs

Evaluators shall:

- Hold all applicable New York State licenses and certifications.
- Demonstrate expertise in the area(s) being evaluated.
- Utilize technically sound, valid, and reliable assessment instruments.
- Follow IDEA, NYSED, and professional ethical standards.

- Be independent of Dunkirk City School District and the original district evaluation.
- Agree to provide a written report and participate in a CSE meeting if requested.

The Dunkirk City School District has established reasonable cost and geographic criteria consistent with 34 CFR §300.502(e). These criteria shall not be so restrictive as to effectively deny a parent's right to an Independent Educational Evaluation. Evaluation costs are listed below.

Psychoeducational: \$2,500

Neuropsychological: \$4,500

*The District is not required to conduct a neuropsychological evaluation in every case. The CSE will determine the scope of the evaluation based on the student's suspected areas of disability and educational needs. When a comprehensive psychoeducational evaluation adequately addresses the student's educational needs, an additional neuropsychological evaluation may not be necessary.

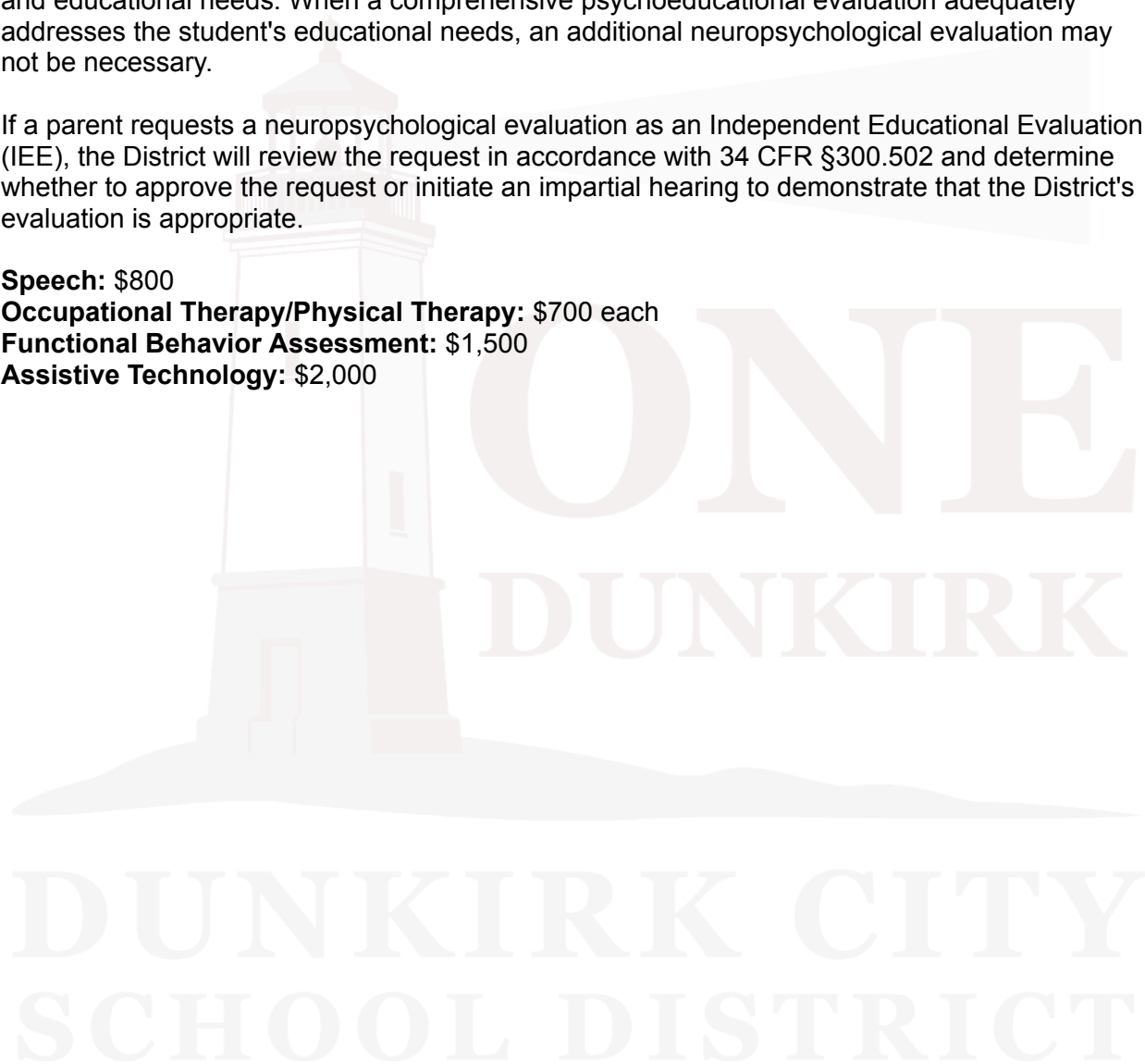
If a parent requests a neuropsychological evaluation as an Independent Educational Evaluation (IEE), the District will review the request in accordance with 34 CFR §300.502 and determine whether to approve the request or initiate an impartial hearing to demonstrate that the District's evaluation is appropriate.

Speech: \$800

Occupational Therapy/Physical Therapy: \$700 each

Functional Behavior Assessment: \$1,500

Assistive Technology: \$2,000



28.03 District IEE Provider Directory

Disclaimer

The following providers are offered solely as a resource to parents. Parents are not required to select an evaluator from this list. Qualified evaluators meeting the District's criteria may also be considered.

A. Psychoeducational Evaluations

Provider	Location	Specialty
Dr. J. Aubrey Duquin-Bottoms, Ph.D.	Amherst, NY	Psychoeducational & Neuropsychological Evaluations
Buffalo Neuropsychology (Michael P. Santa Maria, Ph.D.)	Williamsville, NY	Psychoeducational Evaluations
Dr. Erica Miller Psychological Assessment	Alden, NY	Independent Educational Evaluations
Stanford Psychological Services	Snyder, NY	Child Psychological Evaluations
Red Elm Psychology, PLLC	Perry, NY	Psychoeducational Evaluations
DeMarle, Inc.	Rochester, NY	Independent Educational Evaluations
Neurobehavioral Center of Rochester	Penfield, NY	Neuropsychological Evaluations

B. Speech-Language Evaluations

- Erie 2-Chautauqua-Cattaraugus BOCES – Related Services*
- Buffalo Hearing & Speech Center

C. Occupational Therapy Evaluations

- Erie 2-Chautauqua-Cattaraugus BOCES – Related Services*
- Pediatric occupational therapy providers meeting District criteria

D. Physical Therapy Evaluations

- Erie 2-Chautauqua-Cattaraugus BOCES – Related Services*
- Pediatric physical therapy providers meeting District criteria

E. Functional Behavioral Assessments (FBA)

- Erie 2-Chautauqua-Cattaraugus BOCES – Behavior Support Services*
- Licensed psychologists or board-certified behavior analysts meeting District criteria

F. Assistive Technology Evaluations

- Erie 1 BOCES Assistive Technology Services
- NYSED TRAIID Regional Center

G. Vision Evaluations

- Erie 2-Chautauqua-Cattaraugus BOCES
- Qualified Teachers of Students with Visual Impairments (TVIs)

H. Hearing Evaluations

- Erie 2-Chautauqua-Cattaraugus BOCES
- Buffalo Hearing & Speech Center

28.04 Consideration of Results

Results of any IEE that meets District criteria must be considered by the Committee in any decisions made regarding the provision of FAPE to the student.

DUNKIRK CITY
SCHOOL DISTRICT

ARTICLE XXIX

MEDIATION, STATE COMPLAINTS, AND DUE PROCESS

29.01 Informal Resolution

The District may attempt to resolve concerns informally where appropriate. Parents will be provided and informed of their procedural safeguards.

29.02 Mediation

Parents shall be informed of mediation as a dispute resolution option. Parents will be provided and informed of their procedural safeguards.

29.03 State Complaints

The District shall respond to state complaints in accordance with required procedures. Parents will be provided and informed of their procedural safeguards.

29.04 Due Process Hearings

The District shall respond to due process complaints in accordance with legal requirements. Parents will be provided and informed of their procedural safeguards.

29.05 Stay-Put

The District shall implement stay-put requirements as applicable. Parents will be provided and informed of their procedural safeguards.

DUNKIRK CITY
SCHOOL DISTRICT

ARTICLE XXX

INTERNAL COMPLIANCE MONITORING AND QUALITY ASSURANCE

30.01 District Monitoring Systems

The District shall maintain systems to monitor:

- referrals,
- evaluations,
- annual reviews,
- reevaluations,
- preschool transitions,
- service implementation,
- discipline removals,
- notices and consents.

30.02 File Review and Audit Procedures

The Office of Special Education shall conduct periodic file reviews and audits.

30.03 Timeline Monitoring

The District shall monitor required timelines on an ongoing basis and intervene before deadlines are missed.

30.04 Corrective Action and Administrative Follow-Up

Where noncompliance or procedural error is identified, the District shall implement corrective action and follow-up as needed.

**DUNKIRK CITY
SCHOOL DISTRICT**

ARTICLE XXXI

VARIANCE PROCEDURES

31.01 Variance Requirements

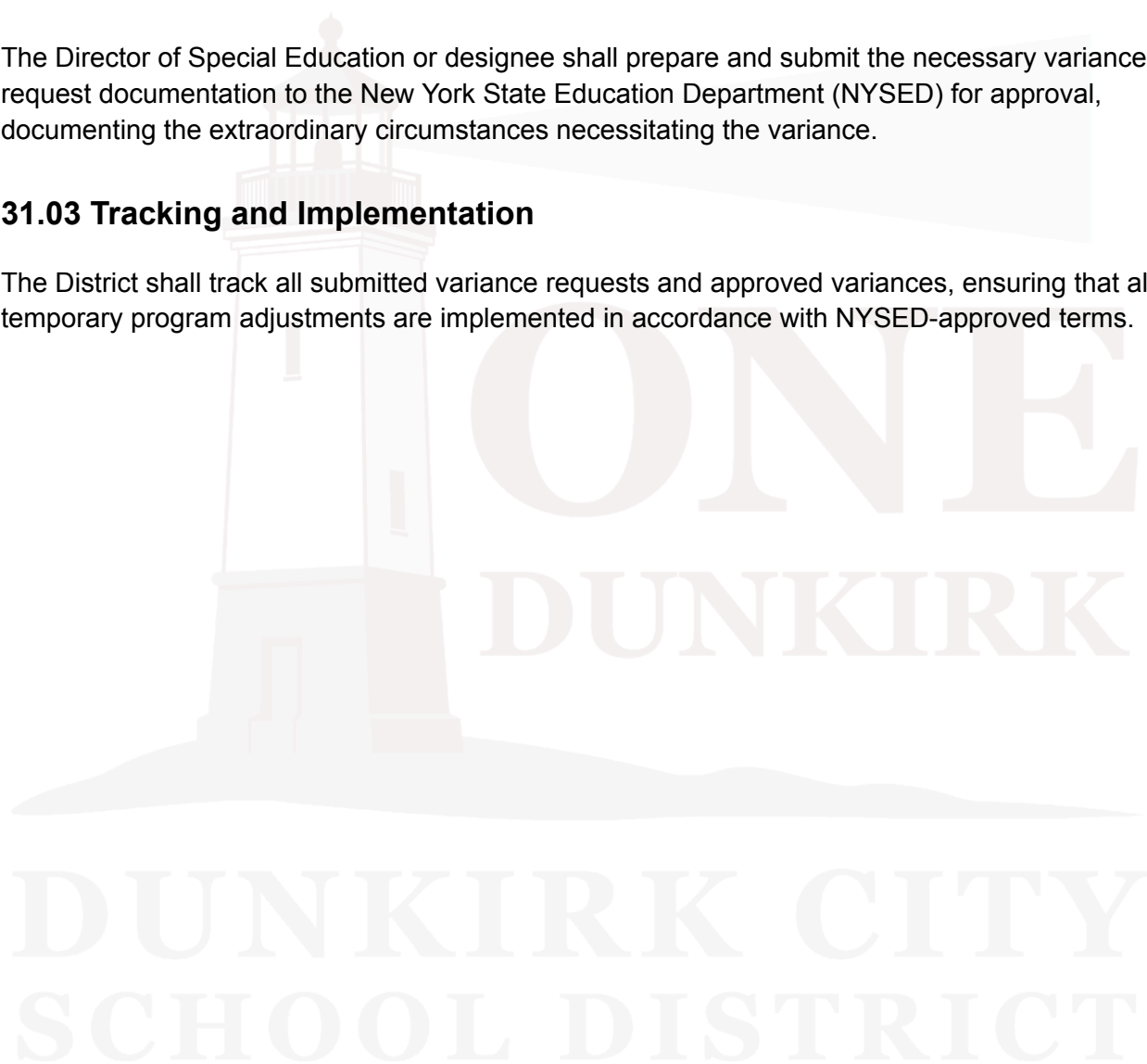
When a class size or age range exceeds regulatory limits as defined in 8 NYCRR §200.6, the District shall identify the need for a variance.

31.02 Submission Process

The Director of Special Education or designee shall prepare and submit the necessary variance request documentation to the New York State Education Department (NYSED) for approval, documenting the extraordinary circumstances necessitating the variance.

31.03 Tracking and Implementation

The District shall track all submitted variance requests and approved variances, ensuring that all temporary program adjustments are implemented in accordance with NYSED-approved terms.



SECTION II

STANDARD OPERATING PROCEDURES (SOPs)

SOP 1: REFERRAL INTAKE

Purpose

To ensure all written referrals are received, logged, acknowledged, and advanced consistently.

Procedure

1. Date-stamp referral upon receipt.
2. Enter into the district tracker within one (1) business day.
3. Confirm referral type:
 - school-age,
 - preschool,
 - parent referral,
 - EI transition.
4. Issue procedural safeguards and required materials.
5. In the case of a parent referral a meeting will be scheduled with the building principal to determine next steps.
6. Route to Chairperson for evaluation planning.
7. Assign clerical and case-management follow-up.

Required Documentation

- referral form (s),
- parent communication record,
- procedural safeguards documentation.

SOP 2: INITIAL EVALUATION

Procedure

1. Review referral concerns and suspected areas of disability.
2. Determine appropriate evaluations.
3. Issue prior written notice and consent.
4. Track return of consent.
5. Assign evaluators within district-established internal timelines.
6. Monitor report completion.
7. Review evaluation packet for completeness.

8. Schedule CSE/CPSE meeting.
9. Finalize eligibility determination, IEP, and notice.

Compliance Checkpoint

No case should proceed to meeting with clearly incomplete required evaluation information absent documented administrative/legal basis.

SOP 3: IN-STATE TRANSFER IEP PROCESS

Purpose

To establish a consistent administrative placement process for students transferring into the District with an existing IEP from another New York State district, in compliance with 8 NYCRR §200.4(e)(8).

Procedure

1. **Registration & Initial Request:** Upon registration, the Registrar initiates the transfer process and requests records from the previous district, emailing the Director and Assistant Director of Special Education.
2. **Records Follow-up:** If an IEP is not received within 48 hours of the initial request, the department support staff contacts the previous district to request records immediately.
3. **Data Entry & Intake:** Once the IEP is received, the support staff initiates the IEP in the Frontline system and transfers all available data.
4. **Administrative Processing:** The Director of Pupil Personnel completes the required internal Google Form for placement within 24 hours of receiving the intake information.
5. **Automated Notification:** The Assistant Director ensures the automated Autocrat email notification is generated to relevant team members.
6. **Finalization:** The CSE/CPSE Coordinator completes all remaining transfer information, ensuring the IEP and Prior Written Notice are finalized and implemented.

SOP 4: OUT-OF-STATE TRANSFER IEP PROCESS

Purpose

To establish the administrative placement process for out-of-state transfer students, ensuring compliance with 8 NYCRR §200.4(e)(8)(ii).

Procedure

1. **Registration & Initial Request:** Upon registration, the Registrar initiates the transfer process and requests records from the previous district, emailing the Director and Assistant Director of Special Education.
2. **Records Follow-up:** If an IEP is not received within 48 hours of the initial request, department support staff contacts the previous district.
3. **Comparable Services & Evaluation Determination:** The Committee shall provide services comparable to the out-of-state IEP while determining if a new evaluation is necessary to ensure eligibility under NYS standards.
4. **IEP Development:** The Committee shall develop, adopt, and implement a new IEP consistent with Federal and State law.
5. **Administrative Processing:** Follow the standard administrative workflow (Data Entry, Google Form placement, Autocrat notification) as outlined in SOP 3.
6. **Finalization:** The CSE/CPSE Coordinator completes all remaining transfer information, ensuring the IEP and Prior Written Notice (PWN) are finalized and implemented.

SOP 5: REEVALUATION

Procedure

1. Review reevaluation due dates monthly.
2. Begin case review at least ninety (90) calendar days before the due date.
3. Review existing data.
4. Determine whether additional assessment is needed.
5. Issue notice/consent as required.
6. Assign and track assessments.
7. Finalize case review and/or meeting.

SOP 6: ANNUAL REVIEW

Procedure

1. Pull due dates monthly.
2. Begin annual review preparation at least thirty (30) to forty-five (45) days in advance.
3. Request updated staff/provider input.
4. Draft present levels, needs, goals, and service recommendations as appropriate.
5. Schedule and hold meetings.
6. Finalize IEP.
7. Issue PWN and distribute implementation information.

SOP 7: AMENDMENT WITHOUT A MEETING

Procedure

1. Confirm parent agreement.
2. Confirm amendment is appropriate to complete without reconvening.
3. Draft amendment summary.
4. Update relevant IEP sections.
5. Issue prior written notice.
6. Send revised IEP to parent.
7. Upload and file all required documentation.
8. Notify implementing staff.

Critical Rule

An amendment without a meeting is not a shortcut for inadequate documentation. It still requires legally sufficient notice and implementation procedures.

SOP 8: PRIOR WRITTEN NOTICE

Procedure

Each prior written notice shall answer:

1. What action is proposed or refused?
2. Rationale?
3. What data were relied upon?
4. What options were considered and rejected?
5. What other relevant factors apply?
6. What safeguards and resources are available?

SOP 9: CPSE EVALUATION AND MEETING PROCESS

Procedure

1. Receive and log preschool referral.
2. Confirm age/district responsibility.
3. A District Special Education Administrator reviews the referral.
4. If an approved referral meets requirements, consent is issued for parent/guardian signatures.
5. Assign approved evaluator(s).
6. Track evaluation completion.
7. Schedule CPSE meeting.

8. Determine eligibility and develop IEP.
9. Coordinate implementation and transportation.

SOP 10: EI TO CPSE TRANSITION

Required Tracker Fields

- child name
- date of birth
- EI coordinator
- transition conference date
- referral date
- consent sent date
- consent returned date
- evaluation assigned date
- CPSE meeting date
- implementation date

Procedure

1. Log transition referral immediately.
2. Review age/timeline requirements.
3. Issue consent.
4. Assign evaluators.
5. Track reports weekly.
6. Schedule CPSE meeting.
7. Coordinate implementation.

SOP 11: PRESCHOOL PROVIDER COORDINATION

Procedure

1. Confirm provider authorization and service order.
2. Send a provider packet.
3. Confirm provider acceptance.
4. Verify schedule and location.
5. Coordinate transportation if applicable.
6. Confirm service start.
7. Track implementation and escalate delays.

SOP 12: DISCIPLINE / MANIFESTATION DETERMINATION REVIEW

Procedure

1. Receive same-day notification of removal/suspension.
2. Enter removal into the tracker.
3. Calculate cumulative removal days.
4. Determine whether MDR threshold may be met.
5. Schedule MDR if required.
6. Gather documentation:
 - IEP,
 - behavior records,
 - implementation records,
 - teacher input.
7. Conduct MDR.
8. Determine follow-up action:
 - return to placement,
 - FBA/BIP action,
 - continuation of services,
 - placement/discipline next steps.

SOP 13: OUT-OF-DISTRICT PLACEMENT

Procedure

1. Review student needs and current data.
2. Confirm less restrictive options were considered and/or exhausted.
3. Identify appropriate program options.
4. Coordinate referral packet.
5. Confirm acceptance and transportation.
6. Finalize implementation and monitoring plan.

SOP 14: PARENT COMMUNICATION AND DOCUMENTATION

Procedure

All staff shall:

- respond to parent communication in a timely and professional manner;
- document substantive communication;
- maintain factual and respectful written communication;
- escalate unresolved or legally sensitive concerns promptly.

Internal Standard

If it affects services, compliance, implementation, or dispute, it must be documented.

SOP 15: VARIANCE REQUESTS

Purpose

To establish a systematic process for identifying, documenting, and submitting variance requests to NYSED for class size or age range limit exceptions.

Procedure

1. Identify and document the need for a variance based on current enrollment or service data.
2. Verify that all other options (such as program adjustments or staff reassignment) have been considered.
3. Draft the variance request documentation, including the justification for the exception and the proposed timeline.
4. Review the request with the Director of Special Education.
5. Submit the finalized request to NYSED.
6. Monitor approval status and document the approval/denial in the district variance tracker.
7. Update staff and implement adjustments only upon receipt of official approval.

SOP 17: INDEPENDENT EDUCATIONAL EVALUATION (IEE) PROCESS

Purpose

To manage requests for IEEs in accordance with IDEA and 8 NYCRR §200.5(g).

Procedure

1. Receive written IEE request from the parent.
2. Verify if the parent disagrees with a specific District evaluation.
3. Determine if the parent has already received an IEE at public expense for the evaluation in question.
4. Consult with the Director of Special Education to determine if the District will provide the IEE or file for an impartial hearing.
5. Provide the parent with the District's IEE Criteria Packet (including location, qualifications, and reasonable cost guidelines).
6. Document all communications, decisions, and outcomes in the student's official record.
7. If an IEE is authorized, facilitate billing/reimbursement per District policy.

SOP 18: FORM 408 (IEP REVIEW & ACKNOWLEDGMENT) PROCEDURES

Purpose

Form 408 documents that everyone responsible for implementing a student's IEP has reviewed it and understands their responsibilities. This helps ensure students receive the services and support outlined in their IEP while maintaining confidentiality in accordance with IDEA and FERPA.

Building Chair Responsibilities

At the beginning of each school year, CSE/CPSE Chairs will provide Form 408s to case managers for their assigned buildings.

Your building chair will:

- Distribute Form 408s to case managers.
- Review expectations, confidentiality requirements, and timelines at the start of the school year.

Completion of the 408

Beginning of the School Year: Case managers must obtain signatures from all staff working with the student (teachers, related service providers, and other required staff) within the first two weeks of school..

During the School Year: A new Form 408 is required whenever a student's IEP is updated or services change. Case managers must provide the form at CSE meetings or generate a new one for amendments, ensuring all signatures are collected within two weeks of the meeting or amendment date.

Before Signing Form 408

By signing Form 408, you confirm that you have:

- Reviewed the student's current IEP before implementing services.
- Accessed the IEP electronically or reviewed a hard copy available through the CSE Office.
- Understand that all information contained in the IEP, including accommodations, modifications, goals, strengths, needs, and evaluation information is confidential and must only be shared with staff who have a legitimate educational interest.
- Acknowledged that a new Form 408 must be signed each time a new IEP is developed.

Submitting Completed Form 408s

Return the completed Form 408 to the appropriate clerical staff member:



SECTION III

APPENDICES

APPENDIX A: PRACTICE STANDARDS AND ADMINISTRATIVE EXPECTATIONS

Recommended Internal Administrative Expectations

- Referrals logged within one (1) business day
- Evaluator assignments completed within two (2) business days of consent receipt
- Annual review prep initiated 30–45 days before due date
- Reevaluation prep initiated 90 days before due date
- Same-day building notification for suspensions involving students with disabilities

APPENDIX B: DEFINITIONS AND ACRONYMS

The following definitions apply to terms used throughout this manual:

- **CSE (Committee on Special Education):** The multidisciplinary team responsible for developing IEPs for school-age students (ages 5–21).
- **CPSE (Committee on Preschool Special Education):** The team responsible for preschool students (ages 3–5).
- **EI (Early Intervention):** The system for children from birth to age 3.
- **FAPE (Free Appropriate Public Education):** The legal mandate that the district provides special education and related services at public expense, under public supervision, and without charge, designed to meet the student's unique needs.
- **LRE (Least Restrictive Environment):** The requirement that students with disabilities are educated with their non-disabled peers to the maximum extent appropriate.
- **IEP (Individualized Education Program):** The primary legal document created for a student with a disability.
- **IESP (Individualized Education Services Program):** A document developed for students with disabilities who are parentally placed in nonpublic schools.
- **FBA (Functional Behavioral Assessment):** A process for identifying the specific reasons for a student's interfering behaviors.
- **BIP (Behavioral Intervention Plan):** A plan based on the FBA, outlining specific strategies and supports to address interfering behaviors.
- **MDR (Manifestation Determination Review):** A required procedural meeting held when a student with a disability faces a disciplinary change of placement, to determine if the behavior was a manifestation of their disability.
- **PWN (Prior Written Notice):** A mandatory document provided to parents whenever the District proposes or refuses to initiate/change a student's identification, evaluation, placement, or provision of FAPE.

- **IEE (Independent Educational Evaluation):** An evaluation conducted by a qualified examiner who is not employed by the district, which a parent has the right to request if they disagree with the district's evaluation.
- **12-Month Services (Extended School Year - ESY):** Special education services provided during the summer for students who meet the criteria for substantial regression as defined in 8 NYCRR §200.1(eee).

APPENDIX C: DIGITALLY ACCESSIBLE FORMS AND TEMPLATES

The forms listed below are digitally accessible to the required staff.

- Referral Form (s)
- Transportation Request Form
- New York State Alternate Assessment Decision Making Tool
- MDR Form
- FBA/BIP Initiation Form
- Meeting Minutes form
- CPSE Referral Form
- CPSE-CSE Transition Form
- EI to CPSE Transition Form
- Preschool Provider Assignment Form

