# GLEN COVE CITY SCHOOL DISTRICT

# DISTRICT PLAN OF SERVICE FOR SPECIAL EDUCATION

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

Readopted by the Board of Education: August 19, 2026

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***SECTION 1***

# INTRODUCTION

## SPECIAL EDUCATION PHILOSOPHY & GOALS

The Glen Cove Board of Education subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. Recognizing its responsibilities towards students with disabilities, the Glen Cove Board of Education has adopted the following statement of philosophy of special education which is the cornerstone of its programs.

- To the extent dictated by the child's disability, the student will be educated within the local school, whenever possible.
- The district is committed to the concept of the least restrictive environment which allows for maximum contact and participation with non-disabled peers.
- Where special education services are provided within or out of the district, the services will be limited to those specifically dictated by the nature and need of the disability.
- The goal of special education in Glen Cove is to provide each child with individualized instruction which will allow the student to compensate for his or her disability, to overcome the disability where possible, and to maximize the student's functioning toward realization of full potential.
- This District recognizes that in the development of all students, there are personal obstacles to be overcome as growth evolves. Students with disabilities will be seen by the general education staff as having particular obstacles to overcome and shall be helped accordingly.
- This District is committed to help develop constructive attitudes, respect and understanding towards individuals with disabilities in order to promote independence of functioning to the greatest possible degree.
- In recognition of the necessity for parental support and involvement in the education of each child with a disability, total, open and fully available communication with parents is seen as desirable and essential.

The Board of Education recognizes that an essential aspect of a successful special education program is the orientation and in-service training of the faculty. Professional development for all personnel who work with students with disabilities is necessary to assure that they have the skills and knowledge necessary to meet the unique needs of these students.

It is the goal of the district to integrate into the school curriculum a program to elicit understanding and acceptance of individual differences. This will foster the acceptance of people with disabilities.

The Board authorizes the Superintendent to provide in-service education for staff regarding the concept of the least restrictive environment.

## GENERAL BOARD OF EDUCATION POLICIES

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

- to provide a free appropriate education in the least restrictive environment for resident children between the ages of three (3) and twenty-two (22) or until a regular high school diploma has been achieved by the student, whichever shall occur first;

- to ensure that students with disabilities have the opportunity to participate in school district programs to the maximum extent appropriate to the needs of each student, including non-academic curriculum and extracurricular programs and activities, which are available to all other students enrolled in the public schools of the district;

- to ensure that each preschool student with a disability residing in the district has the opportunity to participate in preschool programs, including timely evaluation and placement;

- to appoint and train appropriately qualified personnel including the members and chairpersons of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE), to carry out the functions required by law and regulations related to the education of students with disabilities;

- to implement the provisions of Section 200.6 (a) of the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum;

- to ensure that parents have received and understood the request for consent for evaluation of a preschool student;

- to ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations;

- to implement school-wide approaches, which may include a response to intervention process, and pre-referral interventions in order to remediate a student's performance prior to referral to special education;

- to ensure the establishment of plans and policies for the appropriate declassification of students with disabilities;

- to ensure the selection and board appointment of an impartial hearing officer consistent with the Regulations;

- to ensure that all instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students;

- to ensure that each general education teacher, special education teacher and related service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy, including amendments to the IEP, prior to its implementation;

- to ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services;

- to ensure the establishment of guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of students with disabilities in the administration of district-wide assessments;

- to ensure that universal design principles are used, to the extent feasible, in developing and administering any district wide assessment programs;

- to ensure that adequate and appropriate space is made available to meet the needs of preschool and school-age students with disabilities; and

- to ensure that students who reside in the district have received the protection of all other applicable State and Federal laws and regulations.

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

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the district must develop a policy and implement a plan to establish pre-referral interventions to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the school's principal and building level team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services (AIS). These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL students) who do not achieve the annual CR Part 154 performance standards. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family, nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate state assessments or who score below the local state designated performance levels on any one of the state examinations required for graduation.

All school-wide approaches to provide remediation activities for students who are at risk of not meeting state standards or meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include but are not limited to extra teacher or teacher aide/assistant support, student or volunteer tutorial assistance, counseling support, and computer-assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the Committee on Special Education (CSE).

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

Within ten (10) days of receipt of referral to the CSE, the building administrator may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, Speech and Language Improvement Services, Academic Intervention Services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student if

appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timelines of the CSE will be maintained.

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

**Response to Intervention**

In accordance with Part 100.2 (ii), the district's process to determine if a student responds to scientific, research-based instruction shall include the following minimum requirements:

- appropriate instruction delivered to all students in the general education class by qualified personnel;
    - appropriate instruction in reading shall mean scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- screenings applied to all students in the class to identify those students who are not making academic progress at expected rates;
- instruction matched to student need with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- repeated assessments of student achievement which should include curriculum measures to determine if interventions are resulting in student progress toward age or grade level standards;
- the application of information about the student's response to intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services; and
- written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
    - the amount and nature of student performance data that will be collected and the general education services that will be provided pursuant to paragraph (2) of this subdivision;
    - strategies for increasing the student's rate of learning; and

    - the parents' right to request an evaluation for special education programs and/or services.

- A school district shall select and define the specific structure and components of the response to intervention program, including, but not limited to, the criteria for determining the levels of intervention to be provided to students, the types of interventions, the amount and nature of student performance data to be collected and the manner and frequency for progress monitoring.

- A school district shall take appropriate steps to ensure that staff have the knowledge and skills necessary to implement a response to intervention program and that such program is implemented consistent with paragraph (2) of this subdivision.

In alignment with the Glen Cove City School District's AIS/RtI District plan, adopted July 7, 2016, the Instructional Support Team (IST) convenes to identify the interventions that are appropriate for each of the tiers. The IST makes decisions regarding the appropriateness of the interventions used and recommends changes in the student's instructional program based on the analysis of the data. For students receiving Tier II or Tier III intervention, the principals meet with the professional staff who provide intervention in order to monitor the students' performance in the targeted areas. Students are referred back to the IST, who then determine whether students are making progress and when, or if, a referral to the CSE is appropriate.

## DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant provisions of special educational services in accordance with an individualized education program. Effective October 30, 1990, Congress substituted the term "children with disabilities" for the term "handicapped children" in the Federal law establishing access to fair procedures and appropriate placements.

***The following statutory and regulatory definitions are controlling***: The term ***student with a disability*** means a student with a disability, who has not attained the age of 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 of Education. Such a term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency.

The term ***"all students"*** applies to every student listed on the registry of the district.

The term ***"special education"*** means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

- Such instruction includes, but is not limited to, that conducted in classrooms, homes, hospitals, institutions and in other settings.

- Such instruction includes specially designed instruction in physical education, including adapted physical education.

The term ***"specially-designed instruction"*** means adapting, as appropriate to the needs of an eligible student , the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability, and to ensure access of the student to the general education curriculum, so that he or she can meet the educational standards that apply to all students.

The term ***"Individualized Education Program (IEP)"*** means a written statement developed, reviewed and revised in accordance with section 200.4(d)(2) of the Regulations of the Commissioner of Education to be provided to meet the unique educational needs of a student with a disability.

The term ***"special services or programs"*** may include:

- Special classes, transitional support services, resource room, related services, co-teaching, consultant teacher services and home instruction.

- Contracts with other districts for special services or programs.

- Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES).

- Appointment by the Commissioner to a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law.

- Contracts with private non-residential schools, which have been approved by the Commissioner and which are within the state.

- Contracts with private non-residential schools, which have been approved by the Commissioner and which are outside of the state.

- Contracts with private residential schools, which have been approved by the Commissioner and which are within the state.

- Contracts with private residential schools, which have been approved by the Commissioner and which are outside of the state.

- Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the state department of education.

- Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, such as mapping, maintenance of that device or the replacement of such device.

- Contracts for residential or non-residential placements with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven.

- Contracts with New York State approved and funded schools (Article 89).

## SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

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

### SCHOOL CALENDAR

Special education students participate in the same school calendar as their general education peers.

School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays. Days mean calendar days unless otherwise indicated as school day or business day.

Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

### LEAST RESTRICTIVE ENVIRONMENT

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

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

- Placement shall be as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he or she would have attended, if not disabled.

- In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and

- A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

All students with disabilities must have equal access to a high-quality program based on their individual needs and abilities and designed to enable them to achieve the desired learning results established for all students. The school district will provide a high-quality inclusive setting, which means:

- Instruction and configuration of classrooms and activities include both students with and without disabilities;

- Students with disabilities are held to high expectations for achievement;

- Special education and general education teachers intentionally plan teaching lessons to promote the participation and progress of students with disabilities in learning and social activities;

- Individualized accommodations, supports and specially-designed instruction are provided to students with disabilities to participate and progress in regular education classes and activities; and

- Evidence-based services and supports are used to foster the cognitive, communication, physical, behavioral and social-emotional development of students with disabilities.

**PROCEDURES TO IMPLEMENT LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS**

- The student will receive a comprehensive, unbiased, multidisciplinary individual evaluation in his or her dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student to participate, as appropriate, in the general education curriculum.

- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program have been considered.

- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that not less than one of the student's regular education teachers must be a member of the Committee, if the student is, or may be, participating in the general education environment. In addition, the representative of the school district qualified to provide or supervise the provision of special education services must be knowledgeable about the general education curriculum and the availability of resources of the school district. The

individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.

- The Committee on Special Education or Committee on Preschool Special Education will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general education curriculum; or for preschool students, how the disability affects the child's participation in age appropriate activities.

- Measurable annual goals, including benchmarks or short-term objectives only for preschool students and students eligible for the New York State Alternate Assessment (NYSAA), must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.

- Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.

- The IEP of the student will include an explanation of the extent, if any, to which the student will not participate in regular education programs.

- The parent or guardian will be provided prior written notice and the board of education will be provided a recommendation from the CSE/CPSE which describe the program and placement options considered for the student and a rationale for those options not selected.

- The CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning characteristics, social development, physical development and management needs.

- The CSE/CPSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

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

## SIMILARITY OF NEEDS

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

Academic Achievement, Functional Performance and Learning Characteristics – The levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.

Social Development – The degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment of school and community environments.

Physical Development – The degree or quality of the student's motor and sensory development, health, vitality and physical skills or limitations which pertain to the learning process.

Management Needs – The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

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

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

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

The district will ensure equal access to a diploma for all students with disabilities through its establishment of Regents classes, co-taught Regents classes, integrated co-teaching classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student meets the eligibility requirements to participate in the New York State Alternate Assessment (NYSAA). If the student has the potential to achieve a regular high school diploma but requires a restrictive environment outside the district, the CSE will seek placement in a program that provides equivalent instruction.

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

## COMMITTEE ON SPECIAL EDUCATION (CSE) AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

## APPOINTMENT AND TRAINING

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

- Identifying, evaluating and recommending placement for students with disabilities;

- Assuring that appropriate due process safeguards are provided for each student;

- Maintaining an annually revised register of all students with disabilities who reside in the district and who are eligible to attend preschool or public school during the coming school year;

- Establishing a network for communication and sharing of resources with other educational and community service agencies;

- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school district, and, for preschool students, by public and private agencies within the County of Nassau;

- Reporting to the State Education Department on the number of preschool students, if any, within the district, who are not receiving appropriate preschool services and the reasons for any such lack of service.

## RESPONSIBILITIES

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

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

Upon a written request from a parent or a legal guardian of a student, the subcommittee will immediately refer to the Committee on Special Education for its review any recommendation of the subcommittee concerning the identification, evaluation, educational placement or provision of a free appropriate public education to a student that is not acceptable to the parent or person in parental relationship to the student.

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

## TRAINING CSE/CPSE MEMBERS

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

- arranging for attendance at meetings of Office of Special Education and Rehabilitative Services regarding CSE/CPSE issues;
- conducting district-based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- participating in annual CSE/CPSE training provided by the New York State Education Department;

- disseminating Part 200 of the Commissioner's Regulations, all amendments to the Regulations of the Commissioner, and all informational bulletins and pamphlets, including memoranda from SED, to all committee members;

- inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students; and

- utilizing The Long Island Regional Partnership & The Center for Community Inclusion as a training resource;

- utilizing the district's attorney as a resource person, if needed, to interpret specific information for the committee members.

## GENERAL STAFF DEVELOPMENT

The Board of Education is committed to hiring, training and retaining highly qualified personnel responsible for carrying out all of the mandates of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the Commissioner's Regulations regarding students with disabilities. Accordingly, it is the Board's policy to recruit, hire and train appropriately qualified special education personnel to provide special education programs and services, including members and chairpersons of the CSE and CPSE.

All special education personnel shall be appropriately qualified to carry out their duties regarding students with disabilities and possess the training, licensing and certification required by the No Child Left Behind Act and New York State Law. Where appropriate, Annual Professional Performance Reviews and Professional Development Plans will be utilized to achieve this goal.

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

Ongoing staff training to problem-solve strategies to best meet the academic, behavioral and social needs of all students educated with integrated co-teaching services will be provided to all co-teachers.

In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and general education teachers, the State Education Department has directed districts to include, as part of its professional development plan, a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.

***SECTION 2***

# COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

## COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERSHIP

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

- the parents of the preschool child;
- not less than one general education teacher of the child whenever the child is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the child;
- the CPSE chairperson who is a representative of the district qualified to provide or supervise the provision of specially-designed instruction to meet the unique needs of students with disabilities, and who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- 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;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.
- for a child in transition from early intervention programs and services, at the request of the parent, an appropriate professional from the Department of Health's Early Intervention Program; and

- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum.

## Role and Responsibilities of the CPSE Chairperson

The CPSE chairperson will:

- preside over CPSE meetings; and
- carry out the functions of a CPSE chairperson, including but not limited to:
    - designating for each student a professional employee of the school district with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
    - carrying out responsibilities related to referrals and requests for referrals such as:
        - forwarding a copy of a referral to the building administrators within five days of its receipt;
        - notifying parents when a referral or request for referral has been received;
        - documenting attempts to obtain parental consent to an initial evaluation;
        - informing a parent that does not grant consent for an initial evaluation, that upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation; and
        - providing a parent and a referring person a copy of an agreement to withdraw a referral.
    - determining the location of any meeting held to review or evaluate a preschool child;
    - participating in a transition planning conference for a child transitioning from early intervention (EI) services to preschool special education services to review the child's program options and establish a transition plan, or designating another individual to participate in this meeting; and
    - informing the parent(s) of a child previously served under EI of his/her right to request that an invitation to an initial CPSE meeting be sent to the EI service coordinator or other representatives of the EI system to assist in the smooth transition of services.

## CPSE Member Attendance

A member of the CPSE, other than the student's parent, is not required to attend a meeting of the committee, in whole or in part, if the parent and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

A member of the CPSE, other than the student's parent may be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parent and the school district consent, in writing, to the excusal; and
- the excused member submits to the parent and the committee, written input into the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.

Requests for excusal of a member of a committee and the written input will be provided not less than five days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request.

A parent retains the right to request and/or agree with the school district to excuse a member at any time, including where:

- the member is unable to attend because of an emergency or unavoidable scheduling conflict; and
- the school district submits the written input for review and consideration by the parent within a reasonable time prior to the meeting and prior to obtaining parental consent to the excusal.

Requests for excusals do not apply to the parent of the student or the appointee of the municipality.

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

## DEFINITION OF TERMS

**"Preschool Student with a Disability"** refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the district. To be identified as having a disability, a preschool student shall either:

- exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

- a 12 month delay in one or more functional area(s), or

- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or

- if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or

- meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired, including Blindness.

**"First Eligible for Services"** is the earliest date on which a student becomes eligible for services as defined in current regulations. Students in Family Court placements may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services under Section 4410. A student can be considered a preschool student with a disability through the month of August of the school year in which he or she first becomes eligible to attend kindergarten.

# CPSE PROCEDURES

## Referral

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

- the child's parent or person in parental relationship
- a designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend
- the commissioner or designee of a public agency with responsibility for the education of students
- a designee of an education program affiliated with a child care institution with committee on special education responsibility pursuant to section 4002(3) of the Education Law

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

## Evaluation and Recommendation

The individual evaluation of a preschool child shall include relevant functional and developmental information regarding the child's abilities and needs relating to participation in age-appropriate activities.

This evaluation will include the following, at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- an observation of the preschool child in the child's learning environment, including the general education classroom setting, or in an environment appropriate for a student of that age, to document the student's academic performance or behavior in the areas of difficulty.

- a social history; and

- other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

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

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

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled at a site and time mutually convenient to the members of the committee and the preschool parent. The parents will be provided with a copy of the summary reports prior to the meeting. The results of the evaluation will be provided to the parent in their native language or other mode of communication used by the parent, unless it is not feasible to do so.

Reasonable measures will be made to ensure that the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior to advising them of the meeting. This notice will inform the parents of the purpose, date, time and location of the meeting and the name and title of those persons who will be in attendance at the meeting. Meeting notices will be on a form prescribed by the Commissioner. The parent may elect to receive the notice of meetings by an electronic mail (e-mail) communication, if the school district makes this option available.

- Prior written notice means written statements developed in accordance with Section 200.5(a) of the Part 200 Commissioner's Regulations, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. Prior written notices will be on a form prescribed by the Commissioner.

- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.

- The parent and the school district may agree to use alternative means of meeting participation, such as videoconferences and conference telephone calls.

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

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within sixty (60) days of the date of the receipt of consent. If the Committee determines the student is ineligible for the special education, written notification will indicate the reasons for the finding. If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in age-appropriate activities, measurable annual goals, including benchmarks or short-term objectives, and the type of special education program and/or services recommended. IEPs developed by the CPSE will be on a form prescribed by the Commissioner. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

**Placement**

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

**Annual Review**

An annual review is conducted for every preschool student who has been classified as having a disability. The purpose of the annual review is to determine the appropriateness of each student's Individualized Education Program (IEP) and the need to continue or modify the student's preschool special education program. This review considers the educational progress and achievement, the student's ability to participate in instructional programs in regular education and continued eligibility for special education services. Parents will receive a written notice, at least five (5) days prior to the meeting that indicates the time, date, location and persons expected to attend. Reasonable measures will be taken to ensure that the parent attends the meeting. This

notice must also inform the parents that they may invite other persons to attend the meeting, who have knowledge or special expertise regarding the student.

After an IEP has been developed at the annual review meeting, a parent and the school district may agree not to convene a meeting of the CPSE to make subsequent changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances:

- the parent makes a request of the district for an amendment to the IEP and the parent and the district agree in writing; or
- the school district provides the parent with a written proposal to amend a provision or provisions of the IEP that:
    - is conveyed in language understandable to the parent, and
    - informs and allows the parents the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes.
- The parent must agree in writing to such amendments.
- The parent must be provided prior written notice (notice of the recommendation) of the changes to the IEP.
- The CPSE must be notified of any changes made to the IEP.
- The parent must also receive, either a
    - rewritten IEP; or
    - document that amends or modifies the IEP, or upon parental request, a revised copy of the entire IEP with amendments incorporated.

Amendments made to an IEP without a meeting do not affect the requirement that the CPSE must review the IEP at the annual meeting, or more often if necessary.

**Withdrawal of Referral**

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

## CONTINUUM OF SERVICES COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

A Preschool Student with a Disability refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) and is eligible to receive preschool programs and services. To be identified as having a disability, a preschool student shall exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and when reviewed in combination and compared to accepted milestones for child development indicate:

- a twelve (12) month delay in one or more functional area(s), or
- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or,
- if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
- the preschool child meets the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired, including Blindness.

## PROGRAM RECOMMENDATIONS

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

- related services only
- special education itinerant services only
- related services in combination with special education itinerant services
- an integrated special education preschool program
- a half-day preschool program
- a full-day preschool program

The Committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found.

## RELATED SERVICES

Related services defined in Section 4401 of Education Law include speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device or the replacement of such device. Related services are provided at a site determined by the Board of Education including, but not limited to:

- an appropriate or licensed pre-kindergarten
- a Head Start Program
- the worksite of the provider
- the child's home*
- a hospital
- a state facility
- a childcare location

## SPECIAL EDUCATION ITINERANT SERVICES

Special Education Itinerant Service (SEIS) are services provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the Board of Education including, but not limited to:

- an approved or licensed pre-kindergarten
- the work site of the provider
- a Head Start program
- a student's home*
- a hospital
- a state facility
- a childcare location

*Students are entitled to related services in the home if the Board of Education determines that documented medical or special needs indicate that the student should not be transported to another site.

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

SEIS providers are responsible to ensure that special education teachers providing SEIS are providing specially-designed instruction to aid the preschool child with a disability to benefit from the regular early childhood program and to participate in age-appropriate activities and that the learning environment and instructional methods are adjusted to meet the individual needs of the preschool child.

- Direct SEIS is specially designed instruction provided by a certified special education teacher of an approved program on an itinerant basis, which means that the special education teacher travels to the site of the child care setting where the child is attending during the day.

- Indirect SEIS means consultation provided by a certified special education teacher to assist the child's regular early childhood program teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program.

The IEP for the student must specifically indicate if the student is to receive direct and/or indirect SEIS and the frequency, duration, intensity and location for each.

The IEP must specify the frequency, such as the number of sessions per week, for which SEIS must be provided to a student. The recommended level of SEIS prescribed in the IEP for each student cannot be less than two hours per week.

Generally, SEIS is not provided for the entire time the child is attending a regular early childhood setting. Children who require continuous oversight of their entire program by a special educator or who require a significant number of hours (i.e., 11-15 hours or more per week) to achieve goals may need other supports and services or may be better served in a special class, with first consideration being given to an integrated setting.

The frequency of SEIS is determined by the CPSE based on the child's individual needs and in consideration of the schedule of the child's attendance at the child care location selected by the parents.

SEIS must be provided by a New York State certified special education teacher. While most children receive SEIS from a teacher certified in special education or speech and hearing, children with hearing impairments may require a certified teacher of the deaf, children with visual impairments may require a certified teacher of the blind and visually impaired, and bilingual children may require a certified bilingual teacher of special education.

Section 200.20(b)(4) has been added to clarify that special education programs approved to provide SEIS shall ensure that the services are provided, consistent with the student’s IEP, as an itinerant service at a regular early childhood program, or the student’s home, or at another child care location identified by the parent.

## INTEGRATED SPECIAL CLASS

Integrated special class programs are defined as those programs employing a special education teacher and one or more supplementary school personnel in a classroom made up of no more than twelve (12) preschool students with and without disabilities, or a classroom that is made up of no more than twelve (12) preschool students with disabilities staffed by a special education teacher and one or more supplementary school personnel that is housed in the same physical space as a preschool class of students without disabilities taught by a general education teacher.

## SPECIAL CLASS (half or full day)

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

- the chronological age range within special classes shall not exceed 36 months;
- the maximum class size shall not exceed 12 preschool students with at least one teacher and one or more supplementary school personnel assigned to each class. If the CPSE recommends a preschool student to an approved program which has no space in the specific class which will meet the student's unique needs as recommended on the IEP, the approved program may temporarily increase the enrollment of a class up to a maximum of 13 preschool students for the remainder of the school year. If the attendance during the instructional time exceeds 12 students, another staff member shall be assigned to the class; and
- services shall be provided not less than 2 ½ hours per day, 2 days per week.

A special class shall include the instructional services and related services, as specified in the student's IEP.

## RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES

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

## 12-MONTH SPECIAL EDUCATION PROGRAMS AND SERVICES

12-month special services and/or programs shall be provided to eligible preschool students with disabilities consistent with their individual needs, as specified in their individualized education programs. Preschool students with disabilities may be considered for such special services and/or programs in accordance with their need to prevent substantial regression if they are:

- preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention; or
- preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment; or
- preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or
- preschool students whose needs are so severe that they can be met only in a seven-day residential program; or

- preschool students, not described above, whose disabilities are severe enough to exhibit the need for a structured learning environment of 12 months duration to prevent substantial regression as determined by the CPSE.

***SECTION 3***

# COMMITTEE ON SPECIAL EDUCATION

## COMMITTEE ON SPECIAL EDUCATION

### MEMBERSHIP

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

- the parent or person in parental relationship to the student;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a school psychologist;
- the CSE chairperson who is a representative of the district qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, special education teacher or provider, the school psychologist, or district representative described above;
- the 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;
- an additional parent member of a student with a disability who resides in the 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.
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate; and
- whenever appropriate, the student.

## MEMBERSHIP OF THE SUBCOMMITTEE ON SPECIAL EDUCATION

Subcommittees are utilized to review reevaluations and during annual reviews. The Subcommittee consists of the following members appointed by the Board of Education:

- the parent or person in parental relationship to the student;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher, or where appropriate, not less than one special education service provider of the student;
- the Sub-CSE chairperson who is a representative of the district who is qualified to provide, administer or supervise special education, is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the school district;
- a school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, is considered;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the Sub CSE; and
- the student, if appropriate.

## Role and Responsibilities of the CSE or CSE Subcommittee Chairperson

The CSE or CSE Subcommittee chairperson will:

- preside over CSE or Sub-CSE meetings; and
- carry out the functions of a CSE or Sub-CSE chairperson, including but not limited to:
    - designating for each student a professional employee of the school district with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;

- carrying out responsibilities related to referrals and requests for referrals such as:
    - forwarding a copy of a referral to the building administrator within five days of its receipt;
    - notifying parents when a referral or request for referral has been received;
    - documenting attempts to obtain parental consent to an initial evaluation;
    - informing a parent that does not grant consent for an initial evaluation that, upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation; and
    - providing a parent and a referring person a copy of an agreement to withdraw a referral.

**CSE Member Attendance**

A member of the CSE is not required to attend a meeting of the committee, in whole or in part, if the parent and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

A member of the CSE, other than the student's parent may be excused from attending a meeting, in whole or in part, when the meeting involves a modification or discussion of their area of the curriculum or related services if:

- the parent and the school district consent, in writing, to the excusal; and
- the excused member submits to the parent and the committee, written input into the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.

Requests for excusal of a member of a committee and the written input will be provided not less than five days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request.

A parent retains the right to request and/or agree with the school district to excuse a member at any time, including where:

- the member is unable to attend because of an emergency or unavoidable scheduling conflict; and
- the school district submits the written input for review and consideration by the parent within a reasonable time prior to the meeting and prior to obtaining parental consent to the excusal.

Requests for excusals do not apply to the parent of the student.

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. This notice will inform the parents of the purpose, date, time and location of the meeting and the name and title of those persons who will be in attendance at the meeting. The meeting notice will also inform parents of their right to request, in writing at least 72 hours prior to the meeting, the attendance of an additional parent member at any CSE meeting.

Meetings of the CSE are held in the Special Education Office and in the school buildings, as needed, throughout the calendar year.

**DEFINITION: "Student with a Disability"**

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 term student with a disability includes the following classifications:

(1) *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which 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 disturbance as defined in paragraph 4. 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 disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

(i) an inability to learn that cannot be explained by intellectual, sensory, or health factors;

(ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(iii) inappropriate types of behavior or feelings under normal circumstances;

(iv) a general pervasive mood of unhappiness or depression; or

(v) a tendency to develop physical symptoms or fears associated with personal or school problems.

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

(5) *Hearing impairment* means impairment in hearing, whether permanent or fluctuating, which 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. This 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 mental retardation, of emotional disturbance, 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 mental retardation, blindness, mental retardation-orthopedic impairments, 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, bond 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 from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

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

## PROCEDURES OF THE COMMITTEE ON SPECIAL EDUCATION (CSE)

### Referral

In accordance with New York Education Law Section 4402 and Part 200.2, 200.4 and 200.5 of the Commissioner's Regulations, the CSE is responsible for evaluating all school-age students suspected of having a disability, identifying a disability or determining that no disability exists, and recommending placement and type of special education programs and/or services within sixty (60) days of the date of receipt of consent for evaluation. Referrals can be made at any time during the twelve-month year.

Education Law 4402 also requires the district to notify every parent of their rights regarding referral and evaluation of their child for the purposes of special education services or programs upon their child's enrollment or attendance in a public school. This notification must be provided to parents of all students in the district – not just parents of students with disabilities. This notification is included in new student registration packets, in the district calendar and on the district website.

A student suspected of having a disability shall be referred in writing to the Chairperson of the 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 or services. The school district must initiate a referral and promptly request parental consent to evaluate the student to determine if the student needs special education services and programs if a student has not made adequate progress after an appropriate period of time when provided instruction within a multi-tiered problem-solving approach that utilizes systematically applied strategies and targeted instruction. A referral may be made by:

- a student's parent or guardian including an individual who is acting in the place of a birth or adoptive parent including a grandparent, stepparent, or other relative with whom the child resides;
- a designee of the school district in which the student resides;
- the commissioner; and/or
- a designee of an education program affiliated with a child care institution with committee on special education responsibility.

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

- a professional staff member of the school district in which the student resides or the public or private school the student legally attends;
- a licensed physician;
- a judicial officer;

- a professional staff member of a public agency with responsibility for the welfare, health or education of children; or

- a student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

All new entrants to the district are screened at the time of enrollment and such screening, if it indicates a possible disability, can lead to a CSE referral. The referral must be written and dated.

Except for written requests for referrals submitted by the student and referrals by parents or judicial officers, the referral must state the reasons for the referral and include any test results, records or reports upon which the referral is based. It must also describe, in writing, efforts made by the school and parent to resolve the difficulties leading to referral or to meet the needs of the student in the general classroom setting, including intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral. It must also describe the extent of parental contact or involvement prior to the referral. If a referral is received by the building administrator, it must be forwarded to the CSE Chairperson immediately. If a referral is received by the CSE Chairperson, a copy will be forwarded to the building administrator within five school days of its receipt.

Within 10 school days of receiving a written request for referral for an initial evaluation, the school district will notify the parent that a referral for an evaluation has been received and either:

- request parent consent to initiate the evaluation; or

- provide the parent with a copy of the request referral; and

    - inform the parent of his/her right to refer the student for an initial evaluation; and

    - offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with:

        - the building administrator or other designee of the school district authorized to make a referral;

        - the party making the request for referral if a professional staff member of the school district; and

        - upon request of the parent or school district, any other person making a request for referral must have the opportunity to attend such a meeting.

A professional staff member of the school district who made a request for referral that results in a parent referral for special education, must attend any meeting requested by a building administrator to determine whether the student would benefit from additional

general education support services as an alternative to special education and receive a copy of any agreement to withdraw the referral.

The parent will be provided with information regarding the evaluation, the procedural safeguards notice which includes a listing of free or low-cost legal and other relevant services in the area, and sources to obtain assistance in understanding the referral and evaluation process. Translations are provided to assist parents, as needed.

### Withdrawal of Referral

Within ten (10) school days following receipt of CSE referral or copy of a referral, the building principal may decide to meet with the parent and/or student to discuss educational services presently being offered and to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of Speech/Language Improvement Services, remedial instruction, and Academic Intervention Services. The professional staff member who made the referral should also attend this meeting. If at the meeting, the parent 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 district, the parent, and the student, if appropriate, with copies of the agreement. All such agreements about withdrawal of a CSE referral must be in writing and must specify the alternative services to resolve the identified learning difficulty of the student and 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 becomes a part of the student's cumulative educational record. A copy of the agreement must be in the native language of the parent.

If the referral to the CSE is not withdrawn by agreement, and the parent does not consent to the evaluation within thirty (30) days of the date of receipt of referral, the Chairperson of the CSE shall document attempts, including, but not limited to, telephone calls made or attempted and the results of those calls and correspondence sent to the parents and any responses received, made by the chairperson or other representatives of the committee to obtain parental consent, and shall notify the Board of Education that they may utilize the due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent.

## Evaluation and Recommendation

The initial evaluation shall be completed within 60 days of receipt of consent unless extended by mutual agreement of the student's parents and the CSE. The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability and the content of the student's Individualized Education Program, including information related to enabling the student to participate and progress in the general education curriculum.

The individual evaluation of the referred student must include, at no cost to the parent, at least:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the committee;
- an observation of the student in the student's learning environment, including the general education classroom setting, or in the case of a student who is less than school-age or out of school, an environment appropriate for a student of that age, to document the student's academic performance or behavior in the areas of difficulty;
- a social history;
- other appropriate assessment or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The district will ensure that:

- assessments and other evaluation materials used to assess a student:

  (a) are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;

(b) are used for purposes for which the assessments or measures are valid and reliable;

(c) are administered by trained personnel in accordance with the instruction provided by those who developed such assessments; and

(d) are selected and administered so as not to be discriminatory on a racial or cultural basis;

- assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;

- assessments are selected and administered to ensure that, when an assessment is administered to a student with impaired sensory, manual or speaking skills, the assessment 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 assessment purports to measure;

- materials and procedures used to assess a student with limited English proficiency be selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;

- no single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;

- the evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;

- 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;

- technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;

- assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;

- 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;

- students age twelve (12) and those referred to special education for the first time who are age twelve (12) and over, shall receive an assessment that includes a review of school records and total assessments, and parent and student interview to determine vocational skills, aptitude and interests;

- the results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication unless it is clearly not feasible to do so;

- assessments of students with disabilities who transfer from one school district in the same academic year are coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations; and

- no student shall be required to obtain a prescription for a drug or other substance as a condition of receiving an evaluation.

Existing evaluation data on the student will be reviewed, including evaluations and information provided by the child's parents, current classroom-based assessments, local or State assessments, classroom-based observations, and teacher and related service provider's observation.

The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the district. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, vocational evaluations and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time. The CSE shall maintain a list of appropriate resources and certified professionals for this purpose.

When an evaluation is completed, a CSE meeting is scheduled. Reasonable measures will be taken to ensure that the parent attends the meeting or is afforded the opportunity to participate. This means:

- a written notice will be sent to parents at least five days prior advising them of the meeting. This notice will inform the parents of the purpose, date, time and location of the meeting and the name and title of those persons who will be in attendance at the meeting. Meeting notices will be on a form prescribed by the Commissioner. The parent may elect to receive the notice of meetings by electronic mail (e-mail) communication if the school district makes this option available.

- the meeting will be scheduled at a mutually agreed upon time and place and in a location that is physically accessible to parents.

- at least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call. These attempts will be documented.

- for a subcommittee meeting, the special education or primary related service provider will make and document attempts to contact the parent. This will include a telephone call and a note sent home with the student. The Special Education Office will be notified to document the attempts.

- the parent and the school district may agree to use alternative means of meeting participation, such as videoconferences and conference telephone calls.

A meeting does not include informal or unscheduled conversations involving school personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

The school district may conduct a CSE meeting without a parent in attendance if the school is unable to convince the parents that they should attend. In this case, the school must have a detailed record of its attempts, and the results of those attempts to arrange a mutually agreed time and place. A decision may be made by the committee on special education without the involvement of the parents, if the school is unable to obtain the parents' participation in the decision. In this case, the school must have a record of its attempt to ensure their involvement. The district will ensure that the parent understands the proceedings at the meetings of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

## Eligibility Determination

When an evaluation is completed, the committee, including the parent and, if appropriate, the student, meets to review the evaluation information to determine eligibility for special education and, if appropriate, develop an Individualized Education Program (IEP). The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure the appropriateness of reading and math instruction and that all general education resources including Response to Intervention and Academic Intervention Services have been considered prior to determining that the student should receive special education services.

In interpreting data for the purpose of determining if a student is a student with a disability and determining the educational needs of the student, the CSE must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior and ensure that information obtained from all these sources is documented and carefully considered. In making a determination of eligibility for special education and related services, a student shall not be identified as a student with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies, lack of appropriate instruction in math or limited English proficiency.

For students who are English Language Learners (ELL), the CPSE/CSE must include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between English

language acquisition and a disability. Part 154 of the Regulations of the Commissioner of Education now requires that the CSE for such students include at least one individual, certified pursuant to Part 80 of the Regulations of the Commissioner, to provide bilingual services or instruction or teach English to Speakers of Other Languages, who is knowledgeable about the student's English and home language development needs.

There are additional procedures for identifying students with learning disabilities. A student may be determined to have a learning disability if, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, the student does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving; and the student either:

- does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in this paragraph when using a process based on the student's response to scientific, research-based intervention; or

- exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments; and

The CSE determines that its findings are not primarily the result of a visual, hearing, or motor disability, an intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.

The CSE is not prohibited from considering whether there is a severe discrepancy between achievement and intellectual ability provided that a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading.

In addition, the CSE must also consider students with high cognition who may be eligible for special education programs and services as a student with a learning disability.

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

The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible, the evaluation results are shared with the parents before any meeting to discuss the identification, evaluation or educational placement of the student. Consensus is the preferred decision making process.

When evaluations are conducted for the purpose of determining a student's eligibility or continuing eligibility for special education, the CSE must give a copy, at no cost, of the evaluation report and the documentation of the determination of eligibility to the student's parent. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

If the committee determines that the student is **ineligible** for special education:

- The committee will provide prior written notice to the parent of the recommendation.
- The committee will provide a copy of the recommendation and appropriate evaluation information to the building administrator for consideration of general education support and/or services to address the student's needs.
- The committee will provide the recommendation to the Board of Education.

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 education program on a full-time basis, the recommendation shall:

- identify the declassification support services, if any, to be provided to the student, and/or the student's teachers; and
- indicate the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue for more than one year after the student enters the full-time regular education program.

If the committee determines that the student is **eligible** for special education:

- the committee will develop a written recommendation (IEP).
- the committee will document least restrictive environment considerations.
- the committee will document special considerations for students whose behavior impedes learning, students who are deaf or hard of hearing, students who are blind or visually impaired, students with limited English proficiency and students who need assistive technology devices or services.

**Notice of Recommendation**

After the determination of eligibility or ineligibility by the CSE, a notice of this recommendation is provided to parents. This notice of recommendation, also known as prior written notice, must be given to the parents of a student with a disability a reasonable time before the school district proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice will be on a form prescribed by the commissioner.

Prior written notice to parents will include:

a recommendation including options considered and a rationale for rejecting those options not selected;
a copy of the evaluation report and the documentation of determination of eligibility;

procedural safeguards notice; and

request parental consent for initial placement (including, if appropriate, initial recommendation for twelve (12) month programs and services).

The committee will also provide notice to the Board of Education.

If the committee determines that the student is **eligible** for special education, an **IEP (Individualized Education Program)** is prepared. IEPs developed by the CSE will be on a form prescribed by the commissioner. In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents; the academic, developmental and functional needs of the student including, as appropriate, the results of the student's performance on any general State or district-wide tests; and other factors unique to the student's disability.
IEPs for students with disabilities should be developed with consideration of the general education curriculum as there is increased rigor in the learning standards for all NYS students. While all students can benefit from scaffolds, differentiated instruction and universal design for learning, students with disabilities require specially designed instruction. Specially designed instruction means adapting, as appropriate to the needs of a student with a disability, the content, methodology or delivery of instruction to address the unique needs that result from the student's disability. Therefore, IEPs must be developed in consideration of the standards students are expected to meet and lesson planning for each class must specifically address the needs of students with disabilities.

Standards-based IEP goals are not simply restatements of the standards; rather, standards-based annual goals identify the essential skills and knowledge that a student with a disability needs to acquire in order to master grade-level content standards. When properly implemented, standards-based IEPs provide students with the opportunity to receive specifically designed instruction that is linked to the general educational curriculum along with appropriate accommodations to support achievement of grade-level expectations.

The IEP indicates the classification of the disability, the recommended placement, class size, and includes a statement of:

- the student's present level of academic achievement, functional performance and individual needs in academic, social, physical and management areas, including how the disability affects the child's involvement and progress in the general education curriculum;

- each measurable annual goal, including academic and functional goals, shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal during the period beginning with placement and ending with the next scheduled review by the committee;

- the IEP shall identify when periodic reports on the progress the student is making towards the annual goals, such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards, will be provided to the student's parents;

- for a student who takes a New York State Alternative Assessment (NYSAA) and for each preschool student with a disability, the IEP will include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal;

- special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for the child to advance appropriately toward attaining annual goals, to be involved and progress in general education curriculum, and to be educated and participate in activities with other students with and without disabilities;

- the recommended program and services shall, to the extent practicable, be based on peer-reviewed research;

- the general education classes in which the student will receive consultant teacher services, when appropriate;

- a statement of supports for school personnel on behalf of the student;

- the extent to which the student's parents will receive parent counseling and training, when appropriate;

- any assistive technology devices or services needed for the student to benefit from education, including the use of the devices in the student's home or in other settings;

- the extent, if any, to which the student will **NOT** participate with non-disabled students in the general education class and in other activities;

- If a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education, including adapted physical education;

- If the student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student;

- a statement of any individual testing accommodations to be used consistently for the student in the recommended educational program and in the administration of district-wide assessments of student achievement, and in accordance with department policy, state assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student; and

- the projected date for the initiation of special education, related services and modifications, the anticipated frequency, location, and duration of those services and the projected date of review of the student's continued need for such services.

## Transition Services

For those students beginning not later than the first IEP to be in effect when the student is age 15, and at a younger age, if determined appropriate, and updated annually, the IEP shall include:

- under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;

- appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

- a statement of the transition service needs of the student that focuses on the student's course of study, such as participation in advanced-placement courses or a vocational education program;

- needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and a functional vocational evaluation; and

- a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the results of the student's performance on any general State or district-wide tests, and other factors unique to the student's disability.

At the beginning of each school year, teachers are provided with a paper or electronic copy of the IEP and informed of his or her responsibility to implement the recommendations in the student's IEP. Teachers need to be aware of each student's area of disability, testing modifications, special needs with regard to specialized equipment, such as enlarged print, textbooks in an alternative format, or use of a calculator, and any other special accommodations as stipulated in the IEP.

**Consideration of special factors**

The CSE shall:

(1) 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;

(2) 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;

(3) 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;

(4) consider the communication needs of the student, and in the case of a student who is deaf or hearing impaired, 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;

(5) 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;

(6) include a statement in the IEP if, in considering the special factors listed above, the committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

**IEP Implementation, Distribution and Placement**

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (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. If a 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 thirty (30) school days of the Board's receipt of the recommendation of the committee. Notice of the recommendation will be provided to the parent, including procedural safeguards notice. If the Board of Education disagrees with the committee's recommendations, the Board may remand the recommendation back to the committee for reconsideration and provide notice to the parent. The Board may also establish a second committee to develop a new recommendation for the student:

- If the Board disagrees with the recommendation of the second committee, it may remand the recommendation back to the second committee for additional reviews.

- The Board must accept the recommendation of the second committee once the Board authorizes a second committee to make a new recommendation.

- In all cases, the Board must arrange for programs and services within sixty (60) school days of receipt of consent to evaluate, except in those instances described above.

The CSE must ensure that:

- each student with a disability has an IEP in effect at the beginning of each school year;

- each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP, is provided a paper or electronic copy of the IEP prior to the implementation of such IEP or shall be able to access the student's IEP electronically. If students' IEPs are to be accessed electronically, the district will ensure that the individuals responsible for the implementation of a student's IEP will be notified and trained on how to access the IEPs electronically;

- any copy of a student's IEP shall remain confidential and shall not be disclosed to any other person;

- the chairperson of the committee on special education designates for each student at least one professional employee of the school district with knowledge of the student's disability and education program to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel and other provider and support staff person of his or her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP; and

- a copy of the IEP is provided at no cost to the student's parents.

The district must provide special education and related services to a student with a disability in accordance with the student's IEP and make a good faith effort to assist the student to achieve the annual goals and, if appropriate, short-term instructional objectives or benchmarks listed in the student's IEP.

## Transfer Students

**Transfer within New York State:** In the case of a student with a disability who had an IEP that was in effect in NYS and who transfers from one school district and enrolls in our district within the same academic year, the district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district adopts the previously held IEP or develops, adopts and implements a new IEP.

**Transfer from outside New York State:** In the case of a student with a disability who transfers school districts within the same academic year, who enrolls in a new school district and who had an IEP that was in effect in another state, the district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation, if determined to be necessary by the district, and develops a new IEP if appropriate.

## Annual Review, Reevaluation and Declassification

The individualized education program (IEP) of each student with a disability shall be reviewed, and if appropriate, revised periodically, but not less than annually to determine if the annual goals for the student are being achieved. Parents are notified by mail of the meeting; reasonable measures are taken to ensure that the parent attends the meeting. This review is conducted to determine the child's present levels of performance and educational needs, continued eligibility and need for special education service, and whether any modifications or additions to the special education and related service program are needed to enable the child to meet the measurable annual goals of the IEP.

The annual review will consider: the strengths of the student; the concerns of the parents for enhancing the education of their child; the results of the most recent evaluations including, as appropriate, the results of any general State or district-wide assessments; the student's academic, developmental and functional needs; the educational progress and achievement of the student; and the student's ability to participate in instructional programs in regular education and in the least restrictive environment.

The CSE must obtain informed parental consent prior to conducting any new test or assessment as part of a reevaluation of a student with a disability, except that informed parent consent need not be obtained if the district can demonstrate that it took reasonable measures to obtain such consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home either via mail or with the student. If the parent refuses consent, the district must resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment as part of the reevaluation.

As part of any reevaluation, a review of existing evaluation data, including evaluations and information provided by the student's parents, current classroom-based assessments, local or State assessments, classroom-based observations, and teacher and related service provider's observations, is conducted to determine what additional data, if any, is needed. This review shall not constitute a CPSE/CSE meeting. If no additional data is needed to determine whether the student continues to be a student with a disability, the parents are notified of the determination and the reasons for it. The

parent is notified of the right to request an assessment and that the district is not required to conduct such an assessment unless requested by the student's parents.

The Committee on Special Education will arrange for an appropriate reevaluation of each student with a disability if the district determines that the educational or related service needs, including improved academic achievement and functional performance of the student warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year, unless that parent and representative of the school district appointed to the CSE agree otherwise. A reevaluation shall take place at least once every three years and will be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialists with knowledge in the area of the student's disability. The parent and the school district may agree in writing that a three-year reevaluation is unnecessary. If conducted, the three-year evaluation 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 a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the school district shall encourage the consolidation of reevaluation meetings and other Committee on Special Education meetings for the student. When evaluations are conducted with the purpose of determining continuing eligibility for special education, the CSE will provide a copy of the evaluation report.

After an IEP has been developed at the annual review meeting, a parent and the school district may agree not to convene a meeting of the CSE to make changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances: the parent makes a request of the district for an amendment to the IEP and the parent and the district agree in writing; or the school district provides the parent with a written proposal to amend a provision or provisions of the IEP that is conveyed in language understandable to the parent, and informs and allows the parents the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes. The parent must agree in writing to such amendments and must be provided prior written notice (notice of the recommendation) of the changes to the IEP. The CSE must be notified of any changes made to the IEP. The parent must also receive either a rewritten IEP or document that amends or modifies the IEP, or upon parental request, a revised copy of the entire IEP with amendments incorporated. Amendments made to an IEP without a meeting do not affect the requirement that the CSE must review the IEP at the annual meeting, or more often if necessary.

Before determining that a student is no longer eligible to receive special education services, an evaluation needs to be conducted. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, social work, speech and language services, non-career counseling, or the assistance of an aide or consultant to the classroom teacher. Continuation of test modifications upon declassification is not automatic. The CSE may determine that the test modifications previously documented in a student's IEP must continue to be consistently provided to the student for the balance of his or her public school education. The 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 Regent's diploma or exceeding the age eligibility for a free appropriate public education, but is required to provide the student with a summary of his or her academic achievement and functional performance, which includes recommendations on how to assist the student in meeting his or her post-secondary goals.

## CONTINUUM OF SERVICES
## COMMITTEE ON SPECIAL EDUCATION (CSE)

### TRANSITIONAL SUPPORT SERVICES

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

### CONSULTANT TEACHER SERVICES

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes, including career and technical education, and/or to students' general education teachers. These services shall be recommended by the Committee on Special Education to meet a student's specific needs and the student's Individualized Educational Program (IEP) shall indicate the general education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

- Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week, except that the CSE may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours per week.

- The total number of students with disabilities assigned to a consultant teacher shall not exceed twenty (20).

### RELATED SERVICES

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of such device.

- The frequency, duration and location of each service shall be in the IEP based on the individual student's need for the service.

- The total caseload for teachers who provide speech/language services will not exceed sixty-five (65).

- When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five.

## RESOURCE ROOM

The resource room program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental programs.

- The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.

- Students shall spend a minimum of three (3) hours per week in a resource room program except that the CSE may recommend that for a student with a disability who also needs consultant teacher services in addition to resource room services may receive a combination of such services consistent with the student's IEP for not less than three hours per week. Student will not spend more than 50 percent of the day in the resource room program.

- The total number of students assigned to a resource room teacher shall not exceed twenty (20) at the elementary level and twenty-five (25) at the middle and high school levels.

- Resource room services may be provided either in a pull-out or push-in program or a combination of both.

## INTEGRATED CO-TEACHING SERVICES

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non- disabled students.

- The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs. The number of students with disabilities in such classes shall not exceed 12 students, unless a variance is provided. This variance will be on a form prescribed by the Commissioner.
    - A written notice will be submitted to the Commissioner to temporarily add one additional student with a disability to an integrated co-teaching class for the remainder of the school year, provided that at the start of classes in September, the class is in compliance and has no more than 12 students with disabilities. Written notice to the

commissioner will be submitted on a form prescribed by the commissioner and will sufficiently demonstrate educational justification and consistency with providing an appropriate education for all children affected.

  - If the district has enrolled one student with a disability beyond the maximum 12 students with disabilities in an integrated co-teaching services class, and then determines there is a need to temporarily add one additional student to the class, the district will submit an application to the Commissioner for approval for a variance to enroll the one additional student in the same class for the remainder of the school year. The application to the commissioner shall be on a form prescribed by the commissioner as described above.

- School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.

- Additional personnel, including supplementary school personnel, assigned to such classes by the district, may not serve as the special education teacher.

**SPECIAL CLASS**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than sixteen (16) years of age shall not exceed thirty-six (36) months. The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting shall not exceed 15 students, except in special classes where students' management needs interfere with the instructional process; these classes will not exceed 12 students, with one or more supplementary school personnel assigned to each class during periods of instruction. The maximum class size for students whose management needs are intensive shall not exceed 8 students, and for students whose management needs are highly intensive shall not exceed 6 students with one or more supplementary school personnel assigned to each class during instruction.

**OUT-OF-DISTRICT PLACEMENT**

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

- special class operated by another school district

- a BOCES program

- an approved Private School (day)

- 4201 or State Operated School

- an approved Residential Placement

## HOME AND HOSPITAL INSTRUCTION

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

- elementary school students will be provided a minimum of five (5) hours per week;
- secondary school students will receive a minimum of ten (10) hours of instruction per week, preferably two (2) hours daily.

## DECLASSIFICATION SUPPORT SERVICES

If a student has been receiving special education services but the Committee on Special Education determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the student may be considered for declassification support services.

Declassification support services are those services provided by appropriately certified or licensed persons in the specific areas of service to a student or student's teacher to aid in the student's transition from special education to full-time general education, including:

- for the student, psychological services, social work services, speech and language services, counseling (other than career counseling) and other appropriate support services; and

- for the student's teacher(s), the assistance of supplementary school personnel and consultation with appropriate personnel.

***SECTION 4***

# ADDITIONAL EVALUATION, IEP AND PLACEMENT CONSIDERATIONS

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

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

For CPSE, the Board shall arrange for the services commencing with the July, September or January starting date, unless such services are recommended by the CPSE less than 30 school days prior to, or after, such appropriate starting date, in which case the services shall be provided as soon as possible following development of the IEP, but no later than thirty (30) school days from the recommendation of the Committee and within 60 school days from receipt of consent to evaluate.

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

Because the placement of students is often a lengthy process, the Board authorizes the Superintendent of Schools, or designee, to act as its agent in making necessary arrangements to implement the appropriate recommended program/services prior to Board of Education review.

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

## ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES

A student suspected of having a learning disability must receive an individual evaluation that includes a variety of assessment tools and strategies. The CSE may not rely on any single procedure as the sole criterion for determining whether a student has a learning disability. The individual evaluation shall be completed within 60 days of receipt of consent, unless extended by mutual written agreement of the student's parent and the CSE.

The individual evaluation must include information from an observation of the student in routine classroom instruction and monitoring of the student's performance that was either done before the student was referred for an evaluation or from an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and parental consent is obtained.

To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures, consider:

- data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel; and

- data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which shall include the student's general education teacher and at least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, teacher of speech and language disabilities, teacher of the speech and hearing handicapped, speech/language pathologist or reading teacher,

A student may be determined to have a learning disability if, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, the student does not achieve adequately for the student's age or meet State-approved grade-level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and/or mathematics problem solving; and the student either:

- does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the identified areas when using a process based on the student's response to scientific, research-based intervention; or

- exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual

development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments; and

- the CSE determines that its findings under this paragraph are not primarily the result of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

In addition to the above criteria, the CSE is not prohibited from considering whether there is a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation and/or mathematical problem solving, provided that a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading.

Moreover, the CSE must also consider students with high cognition who may be eligible for special education programs and services as a student with a learning disability.

**Specific Documentation for the Eligibility Determination**

When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of:

- whether the student has a learning disability;
- the basis for making the determination, including an assurance that the determination has been made in accordance with regulations;
- the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
- the educationally relevant medical findings, if any;
- whether the student:
    - does not achieve adequately for the student's age or to meet State-approved grade-level standards; and
    - does not make sufficient progress to meet age or State-approved grade-level standards; or
    - exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development;
- the determination of the CSE concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level; and

- if the student has participated in a process that assesses the student's response to scientific, research-based intervention:
    - the instructional strategies used and the student-centered data collected; and
    - the documentation that the student's parents were notified.

## DECLASSIFICATION OF STUDENTS WITH DISABILITIES

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

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

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

# PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS (ELL STUDENTS)

## SCREENING:

As part of the initial school screening, students who appear to be English Language Learners (ELL), formerly known as Limited English Proficient (LEP) students, are screened by the ENL teacher. The ENL teacher also screens ELL new entrants to the district. One method that is used to determine the student's predominant language is the Home Language Questionnaire (HLQ). If the responses on the HLQ indicate that a language other than English is spoken at home or that the student understands a language other than English, then an individual interview in English and the student's home language is conducted, along with a review of the student's abilities or work samples in reading and writing in English and the home language and math, collected or generated during the interview. If that process indicates that the student is possibly an ELL, the New York State Identification Test for English Language Learners (NYSITELL) is administered to determine language proficiency. If the student receives a score below a state-designated level of proficiency, the student is identified as an English Language Learner and will receive ENL services.

Part 154-3 requires the establishment of a Language Proficiency Team (LPT), which is a committee that makes a recommendation regarding the initial assessment of English Language Learner status for a student with a disability. The LPT shall be minimally comprised of a school/district administrator; a certified teacher or related service provider with a bilingual extension and/or a teacher of English to Speakers of Other Languages; the director of special education or individual in a comparable title (or his or her school psychologist); and the student's parent or person in parental relation. A qualified interpreter or translator of the language or mode of communication the parent or person in parental relation best understands shall be present at each meeting of the LPT.

Students who initially enroll as a student with a disability (SWD) will require a seven-step review of their classification to determine whether the student's disability is the determinant factor affecting whether the student can demonstrate proficiency in English.

### Steps in the LPT Review Process

1. For a student identified as having a disability, the LPT must make a recommendation as to whether there is evidence that the student may have second language acquisition needs.

2. In making this recommendation, the LPT shall, in accordance with guidance prescribed by the commissioner, consider evidence of the student's English language development, including, but not limited to:

    a. the results of the HLQ and Individual Interview;
    b. the student's history of language use in school and home or community;
    c. the individual CSE evaluation of the student, which shall include assessments administered in the student's home language; and
    d. information provided by the Committee on Special Education (CSE) as to

whether the student's disability is the determinant factor affecting whether the student can demonstrate proficiency in English.

3. Based on the evidence, the LPT must make a recommendation as to whether a student may have second language acquisition needs or whether the student's disability is the determinant factor affecting whether the student could demonstrate proficiency in English during the Individual Interview.

4. If the LPT recommends that the student does not have second language acquisition needs and therefore should not take the English language proficiency identification assessment to identify the student as an English language learner, the recommendation shall be referred to the school principal for review.

5. If the school principal agrees with the recommendation of the LPT that the student is not an English Language Learner and will not take the English language proficiency identification assessment, the school principal shall inform the parent or person in parental relation of this recommendation, in the language or mode of communication the parent or person in parental relation best understands.

6. Upon receipt of a recommendation by the school principal, the Superintendent or his or her designee shall review the school principal's recommendation and make a final determination to accept or reject the school principal's recommendation within ten (10) days of receiving the school principal's recommendation. If the Superintendent determines that the student is not an English Language Learner, notice of such determination shall be provided to the parent or person in parental relation in the language or mode of communication the parent or person in parental relation best understands within five (5) days of such final determination.

7. If the LPT determines that the student with a disability may have second language acquisition needs, the student shall take the initial English language proficiency identification assessment, NYSITELL. The CSE shall determine, in accordance with the individualized education program (IEP) developed for such student pursuant to Part 200 of this Title, whether the student shall take the assessment with or without testing accommodations or an alternate assessment as may be prescribed by the Commissioner.

State and Federal laws and regulations require that all ELLs receive ENL services until they score proficient on the NYSESLAT or on an alternate assessment as may be prescribed by the Commissioner.

Students who are referred for a bilingual assessment have usually been in the ENL program for at least two-three years. Traditionally, the referral comes from the ENL teacher, or classroom teacher through the IST process, who discuss their concerns about the student's progress with the building IST team or guidance counselor and/or the school psychologist with regard to the possibility of a disability interfering with the acquisition of academic and/or language skills.

Prior to referral, general education supports are attempted to determine if the student can make progress through these interventions.

These supports may include:

- ENL Program
- Academic Intervention Services/Response to Intervention
- Remedial Reading Support
- Remedial Math Support
- Speech/Language Services
- Extra help sessions with the general education teacher
- Informal small group instruction

If the student's home language is other than English, this is noted on the referral form in order that further evaluations can be completed in the student's native language. If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the Parent's Guide to Special Education in their native language, if available.

At the CSE meeting, an interpreter will be provided for parents if their native language is other than English. When considering if a disability is present, the CSE will consider the following factors:

- the length of time the student has been in the United States;
- the amount of instruction that the student has received in the United States as well as his or her home country;
- the length of time the student has been receiving ENL instruction;
- attendance in school;
- the student's proficiency in his native language as well as English proficiency; and
- the types of general education supports that the student has received.

In all cases, the student's educational, cultural and experiential background will be considered by the Committee to determine if these factors are contributing to the student's learning or behavioral problems. Personnel with knowledge of second language needs and how those needs relate to learning will be invited to participate in CSE meetings. In making a determination of eligibility for special education and related services, a student may not be identified as a child with a disability if the determinant factor for such determination is limited English proficiency.

When the CSE develops an IEP for an ENL student with a disability, that student must be provided the opportunity to participate in the district's ENL program. ENL programs should be considered general education core instruction for all ENL students. The CSE does not have the authority to determine that a student with a disability will not receive

any ENL instruction unless the student has been re-designated as English proficient pursuant to Part 154 of the Regulations of the Commissioner of Education.

## CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR ENGLISH LANGUAGE LEARNERS

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

The procedures for ensuring appropriate and non-discriminatory evaluations for students who are English Language Learners will be as follows:

- The CSE referral will indicate the student's native language as determined by the Home Language Questionnaire and other assessments.

- The CSE referral includes a section that must be completed for students who are English Language Learners and may also be suspected of having a disability.

- If the student's English proficiency is determined to be insufficient to obtain valid results in English and the home language is not English, the evaluation shall be bilingual.

- If the home language is English but the student is considered limited English proficient, an evaluation will be conducted by a professional familiar with the culture and language dialect of the student.

- If the student is from a culturally and linguistically diverse background and English is the home language and the student is considered to be proficient in English, as determined by an English/Language Assessment, the evaluation may be conducted in English; however, the culture and linguistic background of the student will be taken into consideration.

- If the parents' dominant language is not English, they will receive all notifications in their dominant language. They will also receive the Parent's Guide to Special Education in their native language, if available.

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

***The bilingual evaluation will include the following considerations and evaluations:***

- the length of time the student has been in the United States;
- the amount of instruction that the student has received in the United States as well as his or her home country;
- the length of time the student has been receiving ENL instruction;
- attendance in school;
- the student's proficiency in his/her native language as well as English proficiency;
- the types of general education supports that the student has received;
- a bilingual evaluator will be obtained who is knowledgeable about the student's geographic area of origin as well as its language and culture;
- BOCES and other agencies may be used for bilingual assessment;
- test instruments in the appropriate language that are normed on the same or similar population as the country from which the student has come will be sought. If such evaluative tools are not available, the evaluator will state in the report specific concerns regarding the instruments that were used and specific cautions to be observed when interpreting the results;
- if specific sub-tests are not considered appropriate because of cultural disadvantage, the evaluator may prorate the results and explain the reasons for this decision in the report;
- student work samples may be submitted to the CSE to provide an informal portfolio assessment that may indicate functional levels;
- non-verbal assessment batteries will be used to supplement more linguistic based measures;
- age-appropriate adaptive behaviors will also be taken into consideration;
- all areas of suspected disability will be evaluated in the student's native language;
- the bilingual evaluator will conduct a complete bilingual social history;
- the evaluation report will state the language in which the assessment was administered; and
- if the tests normally used are not considered valid for the ELL student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

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

(1) A bilingual professional or translator will be present at the CSE/CPSE meeting and the attendance sheet will indicate the name and language of this interpreter.

(2) The CSE/CPSE will consider the role of cultural and/or linguistic factors in relation to the student's behavior and/or academic difficulties before determining if special education services are required.

(3) In keeping with the mandate of Least Restrictive Environment, the CSE/CPSE will determine if remedial services and other general education supports can be tried before considering special education services.

(4) All notices requiring consent and informing parents of CSE/CPSE recommendations will be translated into the parent's dominant language.

(5) The program or services recommended for the student may consist of a combination of ENL and special education services, as recommended by the CSE.

## Interpreting Evaluation Results and Use of Standardized Scores

Assessment scores of culturally and linguistically diverse students should only be reported if the tests are valid for the purposes for which they are intended and are determined not to be culturally, linguistically or racially discriminatory. It is inappropriate to use standard scores from tests that fail to assess an ELL student based upon norms reflective of the student's culture and linguistic background.

For translated tests and other tests that do not meet appropriate validity, discrimination and standardization criteria, personnel must analyze the information gathered during the assessment process and use clinical judgment to provide a qualitative analysis of the student's abilities, strengths, and needs. This qualitative analysis should be supported by examples and qualitative descriptions of the student's performance on the various skill sets assessed so that the reader of the evaluation can understand the basis for the quantitative and qualitative statements contained in the evaluation.

School districts and, in the case of preschool students, multidisciplinary evaluation programs approved pursuant to section 4410 of the Education Law must assure that the persons conducting evaluations understand how to review the documentation provided on assessments in order to determine their validity for children who are ELLs. When interpreting evaluation results, care must be taken that issues of language differences are not confused with language disorders and that patterns of performance related to the student's socio-cultural background or interrupted schooling are not mistaken for signs of a disability.

### Eligibility Determinations

In determining eligibility for special education, the CPSE/CSE must ensure that the student is not identified as having a disability if the determinant factor is only English language proficiency. In addition to the individual evaluation results, the appropriate identification of ELLs as students with disabilities should include use of tiered systems of support and data from a response to intervention (RTI) process. The Department has provided specific guidance on considerations for the use of RTI for ELLs as well as information to assist evaluators and the CPSE/CSE to differentiate between language differences and disabilities.

To determine whether a preschool child should be classified as a preschool student with a disability, his or her performance should be compared with the accepted milestones for child development within his or her cultural and linguistic group. It is extremely important that the personnel involved in all aspects of the multidisciplinary assessment be familiar with the student's cultural and linguistic background and relevant research regarding such background. It is also important that these individuals have experience with culturally and linguistically diverse preschool-age students who are exhibiting age-appropriate behaviors.

## RECOMMENDATIONS FOR ONE-TO-ONE AIDES FOR PRESCHOOL AND SCHOOL-AGE STUDENTS WITH DISABILITIES

Effective June 29, 2016, Section 200.4(d)(3) of the Regulations of the Commissioner of Education, relating to the assignment of an individual aide to a student with a disability, was amended to add a requirement that both Committees on Special Education (CSE) and Committees on Preschool Special Education (CPSE) make certain considerations prior to determining that a student needs a one-to-one aide. These considerations must include:

- the management needs of the student that would require a significant degree of individualized attention and intervention;
- the skills and goals the student would need to achieve that will reduce or eliminate the need for the one-to-one aide;
- the specific support that the one-to-one aide would provide for the student (e.g.: assistance with personal hygiene or behaviors that impede learning);
- other supports, accommodations and/or services that could support the student to meet these needs (e.g.: behavioral intervention plan, environmental accommodations or modifications, instructional materials in alternate formats, assistive technology devices, peer-to-peer supports);
- the extent (e.g.: portions of the school day) or circumstances (e.g.: for transitions from class to class) the student would need the assistance of a one-to-one aide;
- staff ratios in the setting where the student will attend school;
- the extent to which assignment of a one-to-one aide might enable the student to be educated with nondisabled students and, to the maximum extent appropriate, in the least restrictive environment;
- any harmful effect on the student or on the quality of services that he or she needs that might result from the assignment of a one-to-one aide; and
- the training and support provided to the one-to-one aide to help him or her understand the student's disability-related needs, learn effective strategies for addressing the student's needs, and acquire the necessary skills to support the implementation of the student's individualized education program (IEP).

Section 200.4(d)(3) also clarifies that the assignment of shared one-to-one aides at the discretion of the school to meet the individualized needs of students whose IEPs include the recommendation for one-to-one aides is not prohibited or limited. The duties of a teacher aide or a teaching assistant providing individualized support to a student with a disability must be consistent with the duties prescribed in 8 NYCRR 80-5.6.

## EXTENDED SCHOOL YEAR (ESY) SERVICES

The Committee on Special Education or Committee on Preschool Special Education will determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression as defined by regulations would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Section 200.6(j) of the Commissioner's Regulations, students will be considered for twelve-month (12) special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;

- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;

- Students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;

- Students whose needs are so severe that they can be met only in a seven-day (7) residential program; or

- Students receiving other special education services, who, because of their disabilities exhibit the need for a twelve-month (12) special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression.

Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and programs. A student is eligible for a twelve-month (12) service or program when the period of review or re-teaching required to recoup the skill or knowledge level attained by the end of the prior school year is beyond the time ordinarily reserved for that purpose at the beginning of the school year. The typical period of review or re-teaching ranges between twenty (20) and forty (40) school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight (8) weeks or more would indicate that substantial regression has occurred.

## ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

The District is committed to ensuring that assistive technology devices and/or services are made available to a student with a disability, when appropriate, as part of the student's Individualized Education Program (IEP).

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

Assistive technology devices means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. This term does not include a medical device that is surgically implanted, or the replacement of such a device.

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

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

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

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

In June 2016, NYSED released a webcast on assistive technology for students with disabilities in New York State. An Assistive Technology Consideration Checklist has also been developed to assist school districts in the consideration of assistive technology devices and services for students with disabilities.

## EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT

Students are required to complete one high school credit in a language other than English in order to earn a Regents diploma. This requirement is established for all schools in the State by Section 100.2 (d) of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education Program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibit other behavioral or learning problems that would impact their ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP.

At annual review for all students who are completing sixth, seventh, or eighth grade, the CSE will consider the student's area(s) of disability in relation to the following guidelines and a student may be exempt from a foreign language if they exhibit one or more of the following:

- severe auditory processing and/or severe auditory memory deficit;
- significant discrepancy between the verbal and performance areas on intelligence testing, where the profile suggests significant verbal difficulties;
- functioning four (4) years below age or grade level expectations in that area of language and/or reading comprehension;
- hearing impairment of a significant degree;
- inability to express ideas in written form; expressive writing skills four (4) years below age or grade expectations;
- significant speech impairment;
- severe emotional factors which may be relevant to student's ability to benefit from foreign language instruction; and/or
- severe physical handicaps and/of limitations with regard to strength, vitality or alertness.

If the CSE concludes the exemption is warranted, reasons will be provided in a statement accompanying the IEP.

If a student with a disability is assigned to a language class, a copy of the current IEP showing necessary testing accommodations and classroom modifications will be available online to the language instructor through PowerSchool; the student's special education case manager/teacher will also be available to review the student's needs.

## EXEMPTION OF A STUDENT WITH A DISABILITY FROM THE REQUIREMENT IN HANDS-ONLY CARDIOPULMONARY RESUSCITATION AND THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

Section 100.2(c)(11) of Commissioner's Regulations requires that all students complete hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of Automated External Defibrillators (AEDs) at least once between grades 9-12 prior to graduation. The standards for such instruction must be based on a nationally recognized instructional program that utilizes the most current guidelines for CPR and emergency cardiovascular care consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross. Instruction must be designed to:

- recognize the signs of a possible cardiac arrest and to call 911;
- provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only CPR; and
- provide awareness in the use of an AED.

Most students with disabilities have the ability to complete the required instruction in hands-only CPR and the use of AEDs described above. In recognition that there may be some students who, due to the nature of their disability, will not be able to physically or cognitively perform the tasks included in such instruction. The Committee on Special Education (CSE) may determine, on an individual student basis, if a student with a disability should be excused from the requirement for instruction in hands-only CPR and the use of AEDs.

When a determination is made to excuse the student from this instructional requirement, the student's individualized education program (IEP) or Section 504 accommodation plan must include documentation of the Committee's decision. The determination of whether a student with a disability would require this exception should be made in the year in which the student would be expected to complete the instruction.

## GUIDELINES FOR PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE AND DISTRICTWIDE ASSESSMENTS

The Board of Education believes that students with disabilities should have access to all testing accommodations necessary to participate in state and districtwide assessments in order to ensure that the student's academic achievement and functional performance is fairly and accurately measured.

Test accommodations are changes made in the administration of a test, including testing procedures or formats, in order to remove obstacles to the test-taking process caused by a student's disability, that do not alter the measurement of a construct. The district recognizes that the provision of testing accommodations to students with disabilities enables such students to participate in assessment programs on an equal basis with their nondisabled peers. Testing accommodations provide students with disabilities the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by their disability. Further, testing accommodations provide opportunity for students with disabilities to gain access to more challenging courses and programs.

Therefore, the Board adopts the following guidelines to ensure that all state and districtwide assessments are administered using appropriate accommodations:

- Test accommodations must be provided on a consistent and uniform basis, as provided by each student's IEP and should not be excessive not alter the standard administration of the test to the least extent possible;

- Test accommodations are neither intended nor permitted to:

  - alter the construct of the test being measured or invalidate the results;
  - provide an unfair advantage for students with disabilities over students taking tests under standardized conditions; or
  - substitute for knowledge or abilities the student has not attained.

- The following students are eligible to receive test accommodations:

  - students classified by the CSE or CPSE as having a disability;
  - students identified as having a disability pursuant to Section 504 of the Rehabilitation Act by a 504 Multidisciplinary Team;
  - students who incur disabilities for 30 days or less before administration of a districtwide test and who are authorized by the principal to receive test accommodations; and
  - students previously declassified by the CSE or CPSE who are provided with declassification accommodations.

- The following individuals are authorized to make the decisions regarding test accommodations for a student with a disability:

  - the CSE or CPSE, if the student is classified under IDEA and the Commissioner's Regulations or if the student has been declassified;

- the Section 504 Multidisciplinary Team for those students identified as having a disability pursuant to Section 504 of the Rehabilitation Act;
- the school principal, for general education students who have incurred a short or long-term disability within 30 days before administration of assessments and where sufficient time is not available for the development of an IEP or 504 Plan.

- all appropriate testing accommodations will be designated in a student's IEP or 504 Accommodation Plan and will be reviewed at least annually by the CSE or CPSE or 504 Multidisciplinary Team, except for declassification accommodations.

- steps shall be taken to ensure that teachers and service providers are aware of test accommodations for students and how they are to be implemented.

## TRANSITION PLANNING FOR STUDENTS WITH DISABILITIES

### Definition:

"Transition Services" are defined in the IDEA and Article 89 as a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities including, but not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's strengths, preferences and interests, and shall include needed activities in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and a functional vocational evaluation.

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

For those students beginning not later than the first IEP to be in effect when the student is age 15, and at a younger age, if determined appropriate, and updated annually, the IEP shall include:

- under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;

- appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

- a statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;

- needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

- a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, with parental consent or consent of a student 18 years of age or older, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel, such as the administrator, psychologist, related service provider, and general education teacher, may be asked to participate in the process.

**The coordinated set of activities are:**

- **Instruction** – Education instruction that will be provided to the student to achieve the stated outcome(s), such as general and/or special education course instruction, occupational education and advanced placement courses.

- **Related Services** – These are specific related services, as defined in Section 200.1 of the Regulations of the Commissioner of Education, such as rehabilitation counseling services, which will support the student in attaining the stated outcome(s).

- **Employment and Other Post-School Adult Living Objectives** – Educational services that will be provided to the student to prepare for employment or other post-school activity. Post-school activities will determine what other skills or supports will be necessary for the student to succeed as independently as possible. Examples include participation in a work experience program, information about colleges in which the student has an interest and travel training.

- **Community Experiences** – Community-based experiences that will be offered, or community resources utilized as part of the student's school program, whether utilized during school hours or after school hours, to achieve the stated outcome(s).

- **Activities of Daily Living Skills (ADL**) (if appropriate) – ADL skills, such as dressing, hygiene, self-care skills, and self-medication, necessary to be worked on to achieve the stated outcome(s).

- **Functional Vocational Assessment** (if appropriate) – If the vocational assessment has not provided enough information to make a vocational program decision, additional assessment activities can be performed to obtain more information about the student's needs, preferences and interests.

## TRAVEL TRAINING

Travel training is a special education service that means providing instruction, as appropriate, to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills to move effectively and safely from place to place within that environment, such as in school, in the home, at work and in the community.

## VOCATIONAL ASSESSMENT POLICY

### GOAL OF THE VOCATIONAL ASSESSMENT PROCESS

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

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

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

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

### LEVEL OF VOCATIONAL ASSESSMENT

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

Vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the

student, the student's parent(s) or guardian(s), a special education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment. This process begins in middle school.

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

Vocational assessment can be a situational assessment conducted while a student is actually engaged in work related/vocational activities. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting. This type of assessment is usually reserved for more multi-disabled students whose disabilities are very severe.

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

**New York State Diploma Requirements Applicable to All Students Enrolled in Grades 9-12**

## Credit Requirements

(Apply to all diploma types: local, Regents, Regents with advanced designation)

Students with a disability may be excused from the requirement for 1 unit of credit in World Languages if so indicated on their IEP, but they must still earn 22 units of credit to graduate.

Updated June 2022

## Assessment Requirements

| | Regents Diploma for **All Students** | | Regents Diploma via Appeal for **All Students** | | Local Diploma via Appeal for **All Students** | | Local Diploma for **Students with a Disability** | | Local Diploma via Appeal for **English Language Learners** | |
|---|---|---|---|---|---|---|---|---|---|---|
| REGENTS EXAM or passing score on a Department approved alternative | # of Exams | Passing Score | # of Exams | Passing Score | # of Exams | Passing Score | # of Exams | Passing Score | # of Exams | Passing Score |
| English Language Arts (ELA) | 1 | 65[!] | 1 | 1 Regents exam with a score of 60-64 for which an appeal has been granted by the district and all remaining Regents exams with a score of 65[!] or above | 1 | 2 Regents exams with a score of 60-64 for which appeals have been granted by the district and all remaining Regents exams with a score of 65[!] or above | 1 | 55[*^] | 1 | Either the ELA Regents exam with a score of 55-59 for which an appeal has been granted by the district, and all remaining Regents exams with a score of 65[!] or above, OR 1 Regents exam with a score of 60-64 and the ELA Regents with a score of 55-59 for which appeals have been granted for both by the district, and the remaining Regents exams with a score of 65[!] or above [†] |
| Math | 1 | 65[!] | 1 | | 1 | | 1 | 55[*^] | 1 | |
| Science | 1 | 65[!] | 1 | | 1 | | 1 | 55[*^] | 1 | |
| Social Studies | 1 | 65[!] | 1 | | 1 | | 1 | 55[*^] | 1 | |
| Pathway *(See note 1 on reverse side)* | 1 or CDOS | 65[!] if Regents Exam | 1 or CDOS | | 1 or CDOS | | 1 or CDOS | 55[*^] if Regents Exam | 1 or CDOS | |

| | | | | | |
|---|---|---|---|---|---|
| Compensatory Safety Net | *Non-Applicable* | *Non-Applicable* | *Non-Applicable* | Scores of 45-54 on any required Regents exam (except ELA and Mathematics) can be compensated by a score of 65[!] or above on another required Regents exam including ELA and Mathematics. | *Non-Applicable* |

## Regents Diploma with Advanced Designation

Students seeking the Regents diploma with advanced designation must:

- Meet the credit and assessment requirements for a Regents diploma; and
- Pass **two additional** Regents **exams** or Department approved alternatives **in mathematics**; and
- Pass **one additional** Regents **exam** or Department approved alternative in **science**
  - students seeking advanced designation must pass at least one Regents exam or Department approved alternative in both sciences (**one life** and **one physical**); and
- Complete a **sequence**: ○ earn an additional 2 units of credit in World Languages and pass a locally developed
  Checkpoint B World Languages examination, or
  - complete a 5 unit sequence in the Arts, or
  - complete a 5 unit sequence in CTE.

| | |
|---|---|
| Traditional Combination | ELA, Global History and Geography, US History and Government, 3 mathematics, 2 science (1 life science, 1 physical science) = 8 assessments |
| Pathway Combination (other than STEM) | ELA, 1 social studies, 3 math, 2 science (1 life science, 1 physical science), 1 Pathway (other than science or math) = 7 (+Pathway) or 8 assessments. |
| STEM (Mathematics) Pathway Combination | ELA, 1 social studies, 4 math[‡], 2 science (1 life science, 1 physical science) = 8 assessments. |
| STEM (Science) Pathway Combination | ELA, 1 social studies, 3 math, 3 science (at least 1 life science, at least 1 physical science) = 8 assessments. |

**Assessment Combinations for Advanced Designation**

* A student with a disability may appeal scores between 52 and 54 on up to two Regents examinations in any discipline and graduate with the local diploma. Reference New York State Diploma/Credential Requirements: Local diploma for Students with Disabilities.

^ In the event a student with a disability is unable to attain a passing score on any Regents examination, the student may be eligible for a Superintendent Determination of a local diploma. Reference Appeals, Safety Nets, and Superintendent Determination.

[†] English Language Learners seeking an appeal for a score of 55-59 on the ELA Regents Exam are only eligible if they entered the United States in grade 9 or after and were classified as an English Language Learner when they took the test the second time. Reference New York State Diploma/Credential Requirements: Local

diploma for English Language Learners.

‡ The 4th mathematics examination can be selected from the list of Department Approved Alternative Examinations.

! For the purposes of determining a student's diploma type, exemptions and Special Appeals should be considered passing scores. Both exemptions and Special Appeals may be applied to all diploma type.

**CAREER DEVELOPMENT AND OCCUPATIONAL STUDIES (CDOS)**

- The student must have developed a Career Plan that includes documentation of the student's self-identified career interests; career-related strengths and needs; career goals; and career and technical coursework and work-based learning experiences that the student plans to engage in to achieve those goals; and

- The student must have demonstrated achievement of the commencement level CDOS learning standards in the areas of career exploration and development; integrated learning; and universal foundation skills; and

- The student must have successfully completed at least 216 hours of CTE coursework and/or work-based learning experiences (of which at least 54 hours must be in work-based learning experiences); and

- The student must have at least one completed employability profile that documents the student's employability skills and experiences; attainment of each of the commencement level CDOS learning standards; and, as appropriate, attainment of technical knowledge and work-related skills, work experiences, performance on industry-based assessments and other work-related and academic achievements.

**OPTION 2:**

In lieu of a student meeting the requirements of option 1 to be awarded the NYS CDOS Commencement Credential, a district may award a student this credential if the student has met the requirements for one of the **nationally recognized work readiness credentials**, including but not limited to:

- National Work Readiness Credential;

- SkillsUSA Work Force Ready Employability Assessment;

- National Career Readiness Certificate WorkKeys - (ACT); and

- Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

Although the district may provide individual students the option of earning the NYS CDOS Commencement Credential by meeting the requirements for one of the nationally

recognized work readiness credentials, the national credential option will not be the only option available to students in the district to earn the CDOS Credential.

On or after April 3, 2017, a board of education may award the CDOS commencement credential to a student who has received a satisfactory passing score on any work-readiness assessment approved by the Commissioner that meets the following criteria:

- measure universal foundation knowledge, skills and abilities necessary for entry-level employment across multiple industries and occupations and the assessment shall be reviewed at least every five years and be updated accordingly;
- be designed in consultation with workforce experts, such as, but not limited to, employers, national business organizations, or Federal or State labor agencies;
- be consistent with technical criteria for validity, reliability, and fairness in testing;
- be developed by an entity other than a local school or school district;
- be available for use by any school or school district in New York State; and
- be administered in accordance with assessment security conditions, directions and procedures established by the Commissioner.

## SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL

The Skills and Achievement Commencement Credential may be issued to students with severe disabilities who are eligible to take the New York State Alternate Assessment (NYSAA).

In this context, students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for self-fulfillment and meaningful participation in society. Students with severe disabilities may experience significant speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and assistive technology devices.

The Skills and Achievement Commencement Credential will provide this group of students who are exiting school after attending at least 12 years, excluding kindergarten, with a commencement certificate similar in form to the diploma issued by the school district. The credential would not be considered a regular high school diploma in accordance with State standards. The Skills and Achievement Commencement Credential must be accompanied by documentation of the student's skills and strengths and levels of independence in academic, career development and foundation skills needed for post-school living, learning and working.

The district will issue a Skills and Achievement Commencement Credential to each student with a severe disability in accordance with the following rules.

- Only students with disabilities who have been instructed and assessed on the alternate performance level for the State learning standards are eligible for this credential award.
- The credential may be awarded any time after such student has attended school for at least 12 years, excluding kindergarten or received a substantially equivalent education elsewhere; or at the end of the school year in which a student attains the age of 22.
- The credential would not be considered a regular high school diploma in accordance with State standards or for federal accountability purposes.
- The credential must be similar in form to the diploma issued by the school district or nonpublic school, except that there shall appear on the credential a clear annotation to indicate the credential is based on achievement of alternate academic achievement standards.
- The credential must be issued together with a summary of the student's academic achievement and functional performance, known as the Student Exit Summary, and must include documentation of the student's:

    - achievement against the Career Development and Occupational Studies learning standards http://www.p12.nysed.gov/cte/cdlearn/;
    - level of academic achievement and independence as measured by NYSAA;
    - skills, strengths, interests; and
    - as appropriate, other achievements and accomplishments.

- For students less than 22 years old, the credential must be provided with a written assurance that the student continues to be eligible to attend the public schools of the school district in which the student resides without payment of tuition until the student has earned a regular high school diploma or until the end of the school year in which the student turns age 22, whichever occurs first.

***SECTION 5***

# PROCEDURAL SAFEGUARDS

## Due Process

A mandatory Procedural Safeguards Notice has been provided to school districts by the New York State Education Department.

The Procedural Safeguards Notice must be provided to the parents of a student with a disability, at a minimum one time per year and also upon:

- initial referral or parental request for evaluation;
- request by a parent;
- the first filing of a due process complaint notice to request mediation or an impartial due process hearing;
- a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- receipt of a parent's first State complaint in a school year.

## Prior Written Notice

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

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

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

## Informed Consent (CSE and CPSE)

**"Consent" means:**

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

- the parent understands and agrees in writing to the activity for which consent is sought; and

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

**Written Parental Consent is Required Prior To:**

**Initial Evaluation** – Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CSE/CPSE regarding the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and A Parent's Guide to Special Education. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age child, except one who is home-instructed or placed in a private school at the parent's expense, does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts, including telephone calls and correspondence, to obtain parental consent and will notify the Board of Education that it may, but is not required to, utilize the due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent.

If a parent of student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the school district may not continue to pursue those evaluations by using due process procedures. The school district is also not required to consider the student as eligible for special education services.

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

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

- the parent of the student repeatedly fails or refuses to produce the student for the evaluation.

**Initial Provision of Special Education Services** – If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent to initial placement is requested. If a parent refuses to give written consent, the district may not deny the parent or child any other service, benefit, or activity of the school district, except for the recommended special education service. Parents are given the

opportunity for further discussion with the Chairperson of the CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. Translations are provided as necessary. If the parent of the student refuses to consent or fails to respond to a request to provide consent to the initial provision of special education programs and services, the school district shall not provide special education programs and services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The school district will not be considered to be in violation of the requirements to make available a free appropriate public education to the student because of the failure to provide the student with the special education program and services for which the parent refuses to, or fails to, provide consent. The district will not be required to convene a meeting of the Committee on Special Education or develop an IEP for the student.

**Revocation of Parental Consent**

If, at any time, subsequent to the initial provision of special education programs and services, the parent of a student revokes consent in writing for the continued provision of special education and related services to the student, the school district:

- will not continue to provide any special education and related services to the student, but must provide prior written notice to the parent before ceasing the provision of special education and related services;

- will not use due process procedures, such as mediation, resolution meeting, and/or an impartial due process hearing, in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

- will not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services;

- is not required to convene a meeting of the CSE or develop an IEP for the student for the further provision of special education and related services; and

- is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

**Parental Consent for Reevaluation**
– Parental consent will be requested prior to conducting a reevaluation of the student with a disability; however, the district may proceed with the reevaluation if the parent does not respond and reasonable efforts have been made to obtain such consent.

Reasonable efforts are interpreted as:

- a written notice is sent to the parent requesting consent for the reevaluation; and

- at least one additional attempt is made to notify the parents; this may mean an additional written notice or a telephone call.

A detailed record of the district's attempts and the results of those attempts will be maintained.

**Withdrawal of Referral** - Parental consent will be requested if a parent decides to withdraw a referral for special education.

## Requests for Records/Other Communications with Non-District Personnel

Parent consent is requested for the following:

- release of CSE records to another agency/individual;
- request for copies of reports/evaluations from another agency/individual; and
- request for verbal communications with another agency/individual.

* See section on Special Education Records: Access and Accessibility for further information in this regard.

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

## INDEPENDENT EDUCATIONAL EVALUATIONS

At the time of CSE initial or reevaluation, the Office of Special Education will inform parents of their right to an independent educational evaluation by providing them with a copy of the Procedural Safeguards Notice. If the parents disagree with the evaluation conducted by the CSE, parents may request an independent educational evaluation at district expense. A parent is entitled to only one independent educational evaluation at public expense each time the school district conducts an evaluation with which the parents disagree. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained and will be provided to the parents upon request.

The school district may ask for the parent's reason why he or she objects to the public evaluation. The school district has a right to initiate an impartial hearing to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent does not meet school district criteria. If a hearing officer determines that the district's evaluation was appropriate or the evaluation obtained by the parent did not meet school district criteria, the parent has the right to an independent educational evaluation, but not at public expense.

Any independent educational evaluation, whether paid for by the parent or by the school district, will be reviewed by the CSE and taken into consideration in its decision with respect to the provision of a free appropriate public education.

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

- the qualifications of the evaluator(s) and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation;

- psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;

- other evaluators should be appropriately certified in the area of their specialty by the New York State Education Department, must have experience in the area of their specialty and must have experience with students of a similar age;

- the evaluation will take place in within the boundaries of the metropolitan area; for example, within Nassau, Suffolk, Queens and Manhattan;

- the tests performed must be norm-referenced for individual evaluation appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests;

- the cost of an independent evaluation requested by a hearing officer shall be at district expense; and

- reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In

the absence of unusual circumstances, costs will be deemed reasonable and allowable in accordance with the Board of Education district approved fees.

## Resources for Independent Evaluations

Metro Therapy Inc.
P.O. Box 6005
Hauppauge, NY 11788
(631) 366-3876

Brookville Center for Children's Services
189 Wheatley Road
Brookville, NY 11545
(516) 626-1000

Beyond Boundaries
300 Garden City Plaza
Garden City, NY 11530
(516) 747-9032

Access 7
6080 Jericho Tpke, Suite 200
Commack, NY 11725
(631) 864-7770

All About Kids
255 Executive Drive, Ste. 101 & 108
Plainview, NY 11803
(516) 576-0962

Blue Sea Educational Consulting
25 Fenimore Lane
Huntington, NY 11743
(631) 368-2583

Dr. Richard Navon
271 Jericho Tpke. ]
Floral Park, NY 11001
(516) 319-2600

Extraordinary Pediatrics
1 Expressway Plaza,
Suite 106
Roslyn Heights, NY
11577
(516) 621-2681

New York Therapy
Placement
299 Hallock Ave.
Port Jefferson Station,
NY, 11776
(631) 473-4284

Greg Rosenn M.D.
245 Newtown Road,
Suite 300
Plainview, NY 11803
(516) 777-8800

Variety Child Learning
Center
47 Humphrey Drive
Syosset, NY 11791
(516) 921-7171

## SURROGATE PARENTS

"***Surrogate Parent***" means a person appointed to act in place of parents or guardians when a student's parents or guardians are not known, or when after reasonable efforts, the Board of Education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth, the student is a ward of the State, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. The list is approved at the annual reorganization meeting of the Board.

**Qualifications:**

Persons selected as surrogate parents cannot be officers, employees or agents of the school district or State Education Department or other agency involved in the education or care of the student. To the extent possible, an effort is made to appoint surrogate parents who:

- have no other interest which could conflict with their primary allegiance to the student they would represent;
- are committed to acquaint themselves personally and thoroughly with the student and the student's educational needs;
- are of the same racial, cultural and linguistic background as the student they seek to represent; and
- are generally familiar with the educational options available to children with disabilities.

**Procedures for Assigning Surrogates:**

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

- Any person whose work involves education or treatment of students, who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent, with the Committee on Special Education.
- The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents or guardians at their last known address.
- The Committee on Special Education shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. Where the student is known to the district to be a ward of the State, reasonable efforts to discover the whereabouts of the parent shall include consultation with the local social service agency responsible for the care of the

student. The determination of the need for a surrogate parent shall be completed within a reasonable time following the receipt of a referral for an initial evaluation, reevaluation or services. If the CSE finds there is a need for a surrogate parent, one who meets the qualifications identified above shall be selected from the list approved by the Board of Education within 10 business days of the date of the determination by the CSE of the need for the surrogate parent.

- Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.

- The foster parent of the student, who otherwise meets the qualifications, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.

- The surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate parent meets the requirements above. The individual appointed by the judge need not be appointed from a list approved by the Board of Education.

## INDIVIDUALIZED EDUCATION PROGRAM (IEP) FACILITATION

In the fall 2015, the New York State Education Department (NYSED) began a three-year pilot of IEP Facilitation. A facilitated IEP meeting is the same as any other IEP meeting except that a neutral, trained facilitator joins the meeting. The Facilitator's primary goal is to assist CSE/CPSE members in the thoughtful, productive construction of a quality IEP. This is achieved by encouraging and directing communication around the needs of the student and ensuring that all CSE/CPSE members are working together to develop an IEP that all agree to support.

IEP Facilitators are certified by NYSED and trained in IEP development, special education law and regulation and conflict resolution. The facilitator is not a decision-maker, is impartial and does not represent the parent, school district or State. The IEP Facilitators are individuals from various backgrounds including, but not limited to: educational advocates, mediators, social workers, attorneys and retired teachers or school district administrators. Some, but not all, speak a language other than English and/or have experience working with diverse cultures. All have received training in meeting management and conflict resolution skills, possess knowledge of the special education process in New York State, are impartial and do not represent either school districts or parents.

IEP Facilitation is voluntary, and both the parent and district must agree to its use. IEP facilitation is a process that can be used when parents and districts agree that the presence of a neutral third party would help facilitate communication and the successful drafting of the student's IEP. This process is not necessary for most IEP meetings. Rather, it is most often utilized when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate.

NYSED pays for the cost of IEP Facilitation. There is no cost to the parent or the school district.

## SPECIAL EDUCATION MEDIATION

Special Education Mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator, to resolve disputes involving any matter for which an impartial due process hearing may be brought. By asking questions and discussing all information with both parties, the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive***.*** Mediation can only be initiated upon a written request of a parent or guardian. The mediation process is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial, have been trained in effective mediation techniques and are knowledgeable in laws and regulations relating to the provision of special education services. An individual who serves as a mediator may not be an employee of any school district or state agency that is involved in the education or care of the student and must not have a personal or professional interest that conflicts with the individual's objectivity. The mediation session will be scheduled in a timely manner and held in a location convenient to the parties. Mediation occurs at ***no*** cost to either the parents or the school district.

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

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. In the case that a resolution to resolve the complaint through the mediation process is reached, the parents and school district representative will execute a legally binding written agreement that details the resolution and states that all discussion that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal or state court. The agreement will be signed by both the parent and representative of the school district who has the authority to bind the school district. The written, signed agreement is enforceable in any State or district court.

If the written agreement reached by the parties in mediation is inconsistent with the student's IEP, then the student's IEP must be immediately amended to be consistent with the mediation agreement.

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

## RESOLUTION PROCESS

Prior to an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting where the parents of the student discuss their complaint and the facts that form the basis of their complaint, and the school district has the opportunity to resolve the complaint. The participants of the meeting shall include the parents and relevant members of the CSE, as determined by the school district and the parents, who have specific knowledge of the facts identified in the complaint, including a representative of the district who has decision-making authority on behalf of the school district. The school district shall take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and schedule the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents. This meeting may not include the attorney of the school district unless the parent is accompanied by an attorney. The parent and school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.

The parent and the school district may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute. If the parent and district reach an agreement to resolve the complaint during the resolution process, a legally binding agreement shall be signed by both the parent and a representative of the district who has the authority to bind the school district. This agreement shall be enforceable in any State or district court of the United States. Either the parent or school district may void the agreement within three business days of the agreement's execution.

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

Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent to file a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held.

If the school district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the school district may, at the conclusion of the 30-day period, request that an impartial hearing officer dismiss the parents' due process complaint.

If the school district fails to hold the resolution meeting within 15 days of receipt of the parents' due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the impartial hearing officer to begin the due process hearing timeline.

## APPOINTMENT OF IMPARTIAL HEARING OFFICERS

The Board of Education annually establishes and maintains a list of names and qualifications of Impartial Hearing Officers (IHO) available to serve in the school district from whom the district shall choose an impartial hearing officer.

A certified impartial hearing officer shall:

- beginning September 1, 2001, be a New York State attorney in good standing with a minimum of two years' practice and/or experience in the areas of education, special education, disability rights or civil rights; or be independent and not an officer, employee or agent of the school district or of the board of cooperative educational services (BOCES) of which the school district is a component or an employee of the State Education Department;

- continue to remain qualified as an IHO if the individual was certified as an IHO prior to September 2001.

- not have been employed by a school district, school or program serving students with disabilities placed there by a school district CSE or an officer, employee or agent of a school district for two years following the termination of such employment;

- have access to the support and equipment necessary to perform the duties of an IHO;

- successfully complete a State Education Department training program; and

- attend such periodic update programs as may be scheduled by the commissioner.

### APPOINTMENT

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

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

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

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

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

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

Records relating to the IHO process including, but not limited to, the request for availability, initiation and completion of such impartial due process hearing will be maintained by the district and such information will be reported to the Impartial Hearing Reporting System (IHRS). IHRS is a web-based data collection system designed to record information about the special education impartial hearing process at critical points, beginning with the initial written request for a hearing and ending with the issuance of the IHO's decision.

**Procedures**

1. The selection of an impartial hearing officer must be made from a list of all hearing officers who are certified, pursuant to the Regulations of the Commissioner 200.1 (X) and available to serve in the school district.

2. The list must be established and maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.

3. Selection must be made on a rotational basis, beginning with the first name after the hearing officer who last served. If no hearing officer on the list has served, selection must be made beginning with the first name on the list.

4. If a hearing officer declines appointment or if within 24 hours, the Impartial Hearing Officer fails to respond or is unreachable after reasonable efforts by the school district, each successive impartial hearing officer whose name next appears on the list shall be offered appointment, until such appointment is accepted. These attempts will be documented.

**Compensation**

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is $100.00 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed. The District will not

reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

**Cancellation**

The district shall attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or rescheduling of an impartial hearing. Should the district request the cancellation or rescheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days' notice, the district agrees to pay the Impartial Hearing Officer a fee of $100.00. The district shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment. Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Impartial Hearing Reporting System (IHRS).

For further information concerning the impartial hearing process, refer to the "NEW YORK STATE EDUCATION DEPARTMENT PROCEDURAL SAFEGUARDS NOTICE".

## GUARDIAN AD LITEM

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

A guardian ad litem is defined as a person who is familiar with the provision of the Part 200 Regulations and is appointed from the list of surrogate parents maintained by the District or may be a pro-bono attorney appointed to represent the interests of the student during the proceedings of an impartial hearing and, where appropriate, to join in an appeal to the State Review Officer initiated by the parent or Board of Education. A guardian ad litem shall have the right to fully participate in the impartial hearing to the extent indicated in the Regulations.

***SECTION 6***

# RECORDS ACCESS AND CONFIDENTIALITY

## SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY

### Notice of Rights Concerning Student Records

**The following is an explanation of the rights of parents/guardians concerning school records relating to their child pursuant to the Federal "Family Educational Rights and Privacy Act of 1974":**

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data directly related to their child, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.

- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a student's (their own) school records, in writing, to the elementary principal of the building to which such student is assigned or the guidance counselor in the secondary school. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.

- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Director of Special Education

- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.

- The district shall maintain directory information regarding its students. Directory information consists of personal information about individual students and includes the student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received and SEPTAprevious educational institutions attended. Directory information shall be disclosed for limited purposes and to a limited number of district-related groups, committees, associations and organizations such as PTA and SEPTA.

- At the beginning of each school year this policy remains in effect. The district shall notify parents, guardians and students 18 years old and older ("eligible students"), either by direct mail or by other district-wide publication, or both, of those categories of information that constitute directory information. Thereafter, parents, guardians or eligible students shall have a reasonable period of time in which to inform the district that any or all of the information designated as directory information may not be released without the individual's consent. Any objection to such disclosure of directory information, and any request to be excluded from the list of directory information to be disclosed, shall be submitted in writing to the Superintendent of Schools, no later than three weeks after the mailing of notice to parents, guardians or eligible students, or notice in a district-wide publication.

## Student Records Regulations

### Definitions

Terms which are defined in Federal or State law which are used in this statement are explained below:

**Student:** any person who has received educational services or instruction within the district. This includes students who receive preschool services from the Glen Cove City School District.

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

**Parent:** either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the district has received notice of such court order or document. The term "parent" also includes a guardian who has been appointed by a court or who has demonstrated, to the satisfaction of the principal, that he or she is the actual and only person responsible for the child and for making decisions on the student's behalf.

Non-custodial parents have the same rights concerning access to their student's educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him or her the opportunity to present a court order or other binding instrument bearing the release of the data requested.

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

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

**Student Cumulative Records**: The student cumulative record is initiated upon the student's entry into school, and follows the student through his/her school career. By the time the student completes secondary school, the record will include the following kinds of information: personal identification data; attendance records; health history; end-of-the year development suggestions; academic history including subjects and teachers by semester and year, units of study, summer school credits, subjects and grades failed and subjects dropped, secondary school subject sequences, type of diploma and date of graduation, report cards; standardized transcript, correspondence which is pertinent to the educational development of the student; records of suspensions or other disciplinary matter; and honors and awards.

## Records Kept by the District by Type/Location and Custodian

| | Central Administration | Special Education | Main Office/ Guidance Office | MS & HS Attendance | Teacher | Nurse | Clinician |
|---|---|---|---|---|---|---|---|
| Cumulative Academic | | | X | | | | |
| Health | | | | | | X | |
| Attendance | | | X | X | X | X | |
| Registration | X | | X | | | X | |
| Standardized Test Records | X | | X | | | | |
| **CONFIDENTIAL** | | | | | | | |
| Psychological | | X | | | | | X |
| Special | | X | | | | | |
| Education | | X | | | | | X |
| Related Service Evaluations | | | | | | | |

The Freedom of Information Law, Chapter 933 of the Laws of 1977, provides for unimpaired access to the records of government agencies by the public.

The Glen Cove School District makes student records available for review by parents, guardians and eligible students.

## INSPECTION OF SCHOOL DISTRICT RECORDS

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

   - The parent or eligible student should submit to the student's school principal in the elementary schools or guidance counselor in the secondary schools a written request to see the student's file. If a student's records are maintained in several locations, the school principal will, upon request, collect the records, as described below. Such review will be scheduled promptly after receipt of the written request for access and in no case take place more than forty-five (45) days from the date of that receipt. For records containing information on more than one student, parent/student access is limited to only the information which pertains to their child.

   - Records in the custody of the Department of Special Education may be obtained upon request to the Director of Special Education. Appointments for review of special education records will be made upon a minimum of three days' notice at the mutual convenience of staff, parent or eligible student.

   - Upon request, record review will be arranged prior to any Committee on Special Education or Committee on Preschool Special Education meeting or any discussion regarding an Individualized Education Program.

2. Within five (5) school days of receipt of a written request for a record, the principal or guidance counselor shall make such record available, deny such request in writing, or furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the principal or guidance counselor acknowledges receipt of the request, failure to respond may be construed as a denial of access that may be appealed.

3. Any person denied access to a record, within thirty (30) days from receipt of notice of such denial, may appeal the denial in writing, to the Superintendent of Schools or a designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

4. Appropriate school district personnel will be present during record inspection to interpret and explain records during the school year. Records may be inspected between 9:00 a.m. and 3:00 p.m. Copies of documents will be made available at a cost of $.25 per page. Parents may be accompanied by any person in reviewing records or may have an appropriately authorized representative inspect and review only the information relating to their child.

## Transmittal of Records

To facilitate the transition for a student, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education services to the student, from the previous school in which the student was enrolled. The previous school in which the student was enrolled will take reasonable steps to promptly respond to this request from the new school.

## Release of Student Records to Third Parties

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

**Release without Consent** – Records may be released without consent only under the following circumstances:

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

b. Educational records concerning a particular student may be released only to staff members who have responsibility for the student, and then only if it is educationally necessary to consult the records.

c. Records in the custody of the Department of Special Services may be released to school officials and members of the Committee on Special Education or Committee on Preschool Special Education only for purposes of the identification of a student's disability and development of an Individualized Education Program.

d. Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school under the circumstances indicated below:

   - If the principal of the school maintaining the record has received written notification of the student's intent or attempt to enroll there, or

   - If the Committee on Special Education has recommended placement in such school.

Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Director of Special Education to be essential for the provision of educational services or educational planning. The district will notify parents of eligible students prior to transfer of records. They may request and receive copies of records transferred under this provision. Transcripts will not identify courses as "special education" courses without the written consent of parent or eligible students.

e. Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs or enforcement of federal requirements. Persons reviewing records under this

provision must sign a written form, to be kept in the student's folder, indicating their interest in the records.

f. With the approval of the Superintendent of Schools, records may be released without consent to organizations, public and private, conducting studies for or on behalf of educational agencies for institutions. The district shall require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.

g. Records may be released without consent to accrediting organizations to carry out their accrediting functions.

h. Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be "lawfully issued" when it is issued by a court, or when counsel to the school has reviewed it and found it to be "lawfully issued". Before making such a disclosure, the district must send written notice to the parent or eligible student.

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

**Records of Request for Access to Education Records**

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

- the name of the person or agency that made the request;
- the interest the person or agency had in the information;
- the date of the request; and
- whether the request was granted and if so, the date access was permitted.

Such record will be maintained as long as the student's education record is maintained.

## Procedure for Maintaining Confidentiality of CSE/CPSE Records

Student records and files are kept in locked files in an office that is also locked when left unattended.

The CSE/CPSE secretaries monitor access to student files. They acknowledge and are familiar with all staff who have access. Professionals visit the CSE/CPSE office when they need access to a file. The CSE/CPSE secretary obtains the file and the professional proceeds to a designated area where review can take place. When the professional review is complete, the file is returned to the CSE/CPSE secretary.

Only professionals who are working with the student and parents who are members of the CSE are allowed access to the records. Specified support staff members are also allowed access to student files in order to complete tasks such as filing, sending and receiving records. The student's original record does not leave the office unless it is needed for a CSE/team meeting being held at another location.

## Procedures to Seek to Correct Special Education Records

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

1. The parent or student shall notify the Director of Special Education of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the Director will hold an informal conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the Director finds no basis for amendment, he or she shall advise the student or parent in writing and advise them of the right to a hearing.

2. The Director will also advise the student or parent of the right to place in the education record a statement on the challenged information and/or setting forth any reason for disagreeing with this decision. An explanation placed in an education record under this paragraph shall be maintained by the district as part of the education record as long as the record is maintained by the district. It will be released by the district with the education record whenever such release is authorized by the provisions of this policy.

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

**Hearing Process**

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

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

3. A parent who disagrees with the findings of the hearing officer may request review by the Board of Education. Thereafter, special education records or entries in the cumulative record may be reviewed, at the federal level by the Family Policy and Regulation Office, U.S. Department of Education, Room 1087 FB, 6400 Maryland Avenue S.W., Washington, D. C. 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office finds the district to be out of compliance with applicable law and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U.S. Department of Education for a formal resolution of the conflict before an administrative law judge.

# ***SECTION 7***

# *DISCIPLINE*

## SCHOOL CONDUCT AND DISCIPLINE

In accordance with Part 201 of the Regulations of the Commissioner of Education, the Glen Cove School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the district.

The IDEA authorizes school personnel to implement a short-term disciplinary removal from the current placement, such as an out-of-school suspension, for a child with a disability who violates a code of student conduct. Schools should be safe, supportive, conducive to teaching and learning environments, where educators actively prevent the need for short-term disciplinary removals by effectively supporting and responding to behavior. School personnel who have the authority to implement disciplinary removals should be cognizant of their obligation to consider the implications of the child's behavioral needs, and the effects of the use of suspensions (and other short-term removals) when ensuring the provision of FAPE.

Research shows that school-wide, small group, and individual Positive Behavioral Supports that use proactive and preventative approaches, address the underlying cause of behavior, and reinforce positive behaviors are associated with increases in academic engagement, academic achievement, and fewer suspensions and dropouts.

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

Disciplinary change in placement means a suspension or removal from a student's current education placement that is either:

1. for more than ten (10) consecutive school days; or

2. for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The school district determines on a case-by-case basis whether a pattern of removals constitutes a change in placement. This determination is subject to review through due process and judicial proceedings.

**Authority of School Personnel** – School personnel may change the placement of a student with a disability to the extent that such alternatives would be applied to students without disabilities:

1. to an appropriate interim alternative educational setting, or suspension, for not more than ten (10) consecutive school days; and

2. to an appropriate interim alternative education setting (IAES) for not more than 45 days if the child brings a weapon or knowingly possesses, uses, sells or solicits illegal drugs while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the educational agency.

The Superintendent of Schools may order a change in a placement of a student with a disability to an IAES directly, or upon recommendation of a hearing officer, even when the Manifestation Team determines that the student's behavior is a manifestation of the student's disability. The setting shall be determined by the CSE.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the requirements of the Commissioner is appropriate for a student with a disability who violates a school district's code of conduct.

When a student with a disability is suspended or removed from his or her current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the Committee on Special Education must either:

- conduct a functional behavioral assessment and implement a behavioral intervention plan, provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change of placement, or

- if the student already has a behavioral intervention plan, the CSE shall meet to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior that resulted in the change of placement.

## Provision of Service during Suspensions

During suspensions or removals for periods of up to 10 school days that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student’s teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student’s IEP.

During suspensions for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

## SUPERINTENDENT'S HEARING ON DISCIPLINARY CHARGES AGAINST STUDENTS WITH DISABILITIES

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

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

2. Upon a determination by the Manifestation Team that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the Manifestation Team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer shall dismiss the superintendent's hearing, except in cases when IAES has been ordered.

3. For the penalty phase, the school district will transmit copies of the special education and disciplinary records to the superintendent or hearing officer for consideration.

**Manifestation Determination Review** – If a disciplinary action involving a change in placement for more than 10 school days is contemplated for a student with a disability, who has engaged in any behavior that violated any rule or code of conduct of the district that applies to all children, a review of the relationship between the student's disability and the behavior subject to disciplinary action is needed. The Manifestation Determination Review is to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action was made. This review will take place by a manifestation team in a meeting, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parents and relevant members of the CSE as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if:

- the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or

- the conduct in question was the direct result of the school district's failure to implement the IEP, in which case, the school district will take immediate steps to remedy the deficiencies.

If the manifestation team determines that the above criteria are applicable to the student, the behavior shall be considered a manifestation of the student's disability. If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall:

- consider conduct a functional behavioral assessment and implement a behavioral intervention plan for the student, if needed;

- return the student to the placement from which he or she was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavior intervention plan.

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

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

**Determination of Setting** – Students with disabilities who have been suspended or removed from their current placement for more than 10 school days may be placed in an interim alternative educational setting (IAES). The IAES shall be an educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall: (1) continue to receive educational services so as to enable the student to participate in the general education curriculum, although in another setting, and to progress toward the goals set out in the student's IEP; and (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

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

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

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

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

If the student is placed in an interim alternative educational setting and school personnel propose to change the student's placement after the expiration of the interim alternative educational placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), except where the

student is again placed in an IAES by an Impartial Hearing Officer in an expedited hearing described below.

### Authority of an Impartial Hearing Officer

An impartial hearing officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days, if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

The procedures established in this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or others.

### Expedited Hearing

If school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, the district may request an expedited hearing. An expedited due process hearing shall be conducted in accordance with the procedures for a non-expedited due process hearing except for the following time periods:

- a resolution meeting shall occur within seven days of receiving notice of the due process complaint, unless the parent and school district agree in writing to waive the resolution meeting or agree to use mediation;

- the expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint;

- the expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed; or

- the impartial hearing officer shall make a determination within 10 school days after the hearing.

The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, Board of Education and Office of Special Education of the State Education Department within 10 school days after the hearing, but in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extension. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards indicated in “Authority of a Hearing Officer”.

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

## Protections for Students Not Yet Eligible for Special Education and Related Services

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

- the parent of the student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents written statements;

- the parent has requested an evaluation of the student; or

- a teacher of the student, or other personnel of the district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel of the school district in accordance with the district's established child find or special education referral system.

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information noted above:

- the parent of the student has not allowed an evaluation;

- the parent has refused special education services; or

- it was determined by the CSE that this student is not a student with a disability.

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

**Referral to Law Enforcement Authorities** – Nothing prohibits a district from reporting a crime committed by a student with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities. A district reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports a crime.

# ***SECTION 8***

# *ACCESSIBILITY*

## ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES

It is the policy of the school to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to parents with hearing impairments who require such assistance. Parents requiring this or other accommodations such as a translator or barrier-free site, to participate in meetings of the Committee on Special Education or Preschool Special Education are requested to notify in writing the Special Education Office at the beginning of the school year, at the time of enrollment, or at least five days prior to the scheduled meeting or activity.

## ACCESS TO PROGRAMS AND EXTRACURRICULAR ACTIVITIES

Students with disabilities residing in the district have the opportunity to participate in all programs and activities administered by the district and available to the students enrolled in district public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities. These may include regular classroom instruction, occupational education programs, ENL programs, laboratory instruction, support services, extracurricular activities and programs, special assemblies and events and career education programs. The district recognizes that extracurricular athletics - which include club, intramural or interscholastic athletics (freshman, junior varsity and varsity) - provide important health and social benefits including improved teamwork, leadership skills and fitness. The district will ensure that equal opportunity to participate in extracurricular athletics is provided to students with disabilities.

## ACCESS TO OCCUPATIONAL EDUCATIONAL OPPORTUNITIES

### TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

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

Discrimination on the basis of gender in education programs and activities is prohibited by Title IX. The district official responsible for the coordination of activities relating to non-discrimination is the Assistant Superintendent. The Assistant Superintendent will provide information, including information on complaint procedures, to any student or employee who feels that his/her rights under Title IX may have been violated by the district or its officials. In addition, any student or employee may make an inquiry or a complaint directly to the Federal Office for Civil Rights or New York State Division of Human Rights.

## ***SECTION 9***

# MISCELLANEOUS

## SCREENING PROCEDURES

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

The diagnostic screening includes a health examination, review of immunization records, and a determination of receptive and expressive language development, motor development, articulation skills and cognitive development. A report is prepared containing the results of the diagnostic screening conducted on each student.

**Screenings Are Conducted As follows:**

- Kindergarten Screening – all pre-kindergarten students are screened at the end of June prior to their scheduled entrance into kindergarten.

- New Entrant Screening – all new entrants are screened no later than December 1st of the school year of entry or within fifteen (15) days of transfer should the entry occur after December 1st.

Students suspected of having a disability as a result of diagnostic screening can be referred to the IST in a timely manner after completion of the screening. Parents of any student suspected of having a disability which indicates the possible need for special education services, will be notified.

## PROVISION OF SERVICES TO SCHOOL-AGED STUDENTS WITH DISABILITIES NOT SUBJECT TO COMPULSORY ATTENDANCE REQUIREMENTS AND NOT ENROLLED IN SCHOOL

The Committee on Special Education (CSE) is responsible for providing special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register for school-age children. These are children with disabilities determined by the CSE to be eligible for school-age special education services who are no longer eligible for preschool special education services, are not parentally placed in a nonpublic elementary school and are not being home schooled.

If a parent of a child who meets the above criteria elects not to enroll his/her child with a disability in the public school until the child is of compulsory school age, the CSE of the child's school district of residence is responsible to develop an individualized education program (IEP) and offer special education services to the child. The site where the services are to be provided would be determined by the Board of Education. These children are "deemed enrolled" for the purpose of claiming State aid for the provision of special education and related services.

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

The procedures to locate, identify, and evaluate all nonpublic school students with disabilities, including students attending religiously-affiliated schools residing in the school district, must be comparable to activities undertaken for students with disabilities in public schools.

The Board of Education is required to furnish special education programs and services to all students with disabilities who attend a nonpublic school located within the district, upon the written request of the student's parent. If a parent of a student with a disability wishes to have his or her child receive special education programs and services while enrolled in the nonpublic school, the parent must file a written request for special education services with the school district of location by June 1st of the year preceding the school year for which services are requested.

### Implementation of IDEA 2004 and Non-Public School Students

The school district where the nonpublic elementary or secondary school is located will be responsible for the equitable provision of services, child find and consultation requirements in IDEA 2004. If the school district where the nonpublic school is located determines through its child find process that a student is suspected of having a disability, it must immediately refer the student to the CSE of the student's school district of location for evaluation and possible identification as a student with a disability. The school district of location must conduct the evaluation and eligibility determination and, for a student determined eligible for special education services, develop the IESP. The school district of location must provide the services as recommended in the IESP to the student. These special education services do not include special classes or integrated co-teaching services.

The school district where the nonpublic school is located must expend a proportionate amount of its federal funds made available under Part B of IDEA for the provision of services to students with disabilities attending nonpublic schools in the jurisdiction of its public school. Such federal funds may not be used for child find purposes. The school district where the nonpublic school is located can recover tuition from the district of residence for special education services provided to nonresident students. Such tuition must exclude costs paid with federal or State funds by the school district where the nonpublic school is located who provided the special education services. State and local funds provided by the school district of residence must supplement and in no case supplant the proportionate amount of federal funds expended by the school district in which the nonpublic school attended by the student is located.

## SERVICES TO HOME-SCHOOLED STUDENTS WITH DISABILITIES

Section 3602-c of the Education Law deems home-schooled students with disabilities and students suspected of having a disability to be non-public school students solely for the purpose of receiving special education services during the regular school year.

To be eligible for special education services, a home-schooled student must be a district resident entitled to attend public school. In addition, the student would be required to have an individualized home instruction plan (IHIP) that the Superintendent of Schools has determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at home, the school district of location is the same as the student's school district of residence.

The district will notify all parents of students with disabilities who are in home instruction programs that:

- the Committee on Special Education (CSE) will develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents' decision to home school their child.

- the parent must request special education services in writing to the board of education of the school district by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of June of the current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may also be submitted within 30 days of a change in the student's school district of residence.

- Special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.

- Parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process just as parents of nonpublic students are.

- A board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.

## REIMBURSEMENT FOR UNILATERAL PLACEMENT IN A PRIVATE SCHOOL

A school district is not required to pay for the tuition for a student with a disability placed in a private school or facility by a parent if that school district made a free appropriate public education available to the student and the parents, instead, elected to place the student in the private school or facility.

If the parents of a student with a disability enroll the student in a private elementary or secondary school without the consent of or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made a free appropriate public education available to the student in a timely manner prior to that enrollment.

The cost of reimbursement may be reduced or denied if, at the most recent IEP meeting that the parents attended prior to the removal of the student from the public school, the parents did not:

- inform the Committee that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

- 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school the parents did not give written notice to the school district of the information described in the preceding paragraph;

- if, prior to parental removal of the student from the public school, the school district informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or

- upon a judicial finding of unreasonableness with respect to actions taken by the parent.

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

- the parent is illiterate and cannot write in English;

- compliance would likely result in physical or serious emotional harm to the student;

- the school prevented the parent from providing such notice; or

- the parents did not receive notice, pursuant to section 615, of their obligation to provide the written notice described above.

## DATA COLLECTION PROCEDURES

All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting data on students with disabilities, 8 NYCRR 200.2(a).

There are two levels at which data collection takes place; one is the district- level census which serves to identify students who reside within the district boundaries, who may be eligible to attend school. The study does not target students who may have disabilities. Therefore, the district will ensure that students with disabilities are located through the census procedures outlined below. The second phase of data collection is for students already identified as having a disability.

### CENSUS PROCEDURES

The registrar, who is a full-time civil service employee, has been trained in the census procedures. She maintains a card file consisting of an individual card for each resident home within the district's boundaries. Mailing labels for district-wide mailings are generated from the district computer program that is designed to provide labels by mailing address. District-wide mailings are marked with a "do not forward" designation. When mail is returned to the district office as being undeliverable, the registrar follows up by marking the appropriate census cards as homes that are vacant. As new families move in, the information on these cards is updated.

In addition to this process, there is a perpetual census updating that occurs; as families move out of the district, the registrar contacts the new families to obtain census information.

There is also a procedure in place to identify resident children who attend non-public schools. The school district compiles information about these students through the school district's Transportation Office, the centralized textbook service and the regional BOCES.

The school district's registration process is one that seeks information to identify students with special needs. The registrar has been instructed to ask new registrants questions regarding their student's need for special education. The registration form also requests such information. Parents of students who are known to have special educational needs are given the telephone number of the Director of Special Education. The registrar also notifies the Special Education Office by email and follows up with a copy of the registration form of all new entrants. This also enables these new entrants to be scheduled for New Entrant Screening, which may determine the need for an in-depth evaluation for a student with a suspected disability.

The district calendar, which is mailed to each home annually, serves as part of "Child Find" by encouraging parents to access the CPSE/CSE if they feel their child may have special needs.

**REGISTER OF PUPILS WITH DISABILITIES**

The Secretary to the Director of Special Education has been trained to record the following data on each pupil:

- pupil's name, address, and birthdate;
- pupil's parents' names, address(es), and the dominant language of the pupil's home;
- pupil's suspected disability;
- dates of referral, evaluations, recommendations of the Committee on Preschool Special Education and Committee on Special Education, actual placement, and annual program reviews;
- site where the pupil is currently receiving an educational program;
- other student information as required by the Individuals with Disabilities Education Act and State regulations, including but not limited to the student's race, ethnicity, limited English proficiency status, gender and disability category; and
- if the pupil is not receiving an appropriate education, the reason shall be described.

The above information is gathered from the following respective sites:

- registration form
- referral form and social history form
- CSE recommendation
- child's confidential folder
- CSE minutes to Board of Education
- CPSE minutes to Board of Education

This information is maintained within the computer-based database which is part of an information management system called Frontline IEP. This system has the ability to generate all the information in the required registry.

Frontline IEP includes a very comprehensive and ongoing training package. The clerical staff in the Special Education Office is trained in the specific data collection procedures.

## SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

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

It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space. In addition, any change to the allocation of space for special education programs will be made in consideration of the needs of participating students with disabilities for placement in the LRE and for the stability and continuity of their program placements.

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services (BOCES). Section 200.2(g) Facilities for Special Education Programs requires the district to determine the adequacy and appropriateness of the facilities space available to house special education programs in the geographic area served by BOCES, consistent with the needs for placement in the LRE and for the stability and continuity of program placements for participating students with disabilities. At least once per year, a staff member from the district's Special Education Department will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

The district will provide space, to the extent available, for school-age students from other school districts who need self-contained classes not available in their home schools.

## METHODS FOR EVALUATING PROGRAM OBJECTIVES

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

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

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

- ongoing evaluation of pupil achievement using various standardized diagnostic tests, state assessments and other teacher-made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries;
- yearly departmental goal-setting by the Director of Special Education which is reviewed by the Superintendent of Schools or designee;
- reevaluation of each pupil with a disability; and
- updates to the district plan, as needed.

## PLAN TO ENSURE AVAILABILILTY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS

Section 200.2 (b)(10) of the Regulations of the Commissioner requires the Board of Education to establish a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students. “Alternative format” is defined to mean any medium or format for the presentation of instructional materials, other than traditional print textbooks, that is needed as an accommodation for a disabled student enrolled in the school district. It may include, but not be limited to, Braille, large print, open and closed caption audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

Information on accessible formats can be accessed at the NYSED Office of Special Education website that was created to assist districts in their search for sources for accessible instructional materials (AIM): http://www.nimac.us.

### Identification of the Needs of Students Residing in the District

Advance planning in the selection and ordering of books will help ensure that students with disabilities receive their instructional materials at the same time as the other students in the class.

If the CSE determines that a student needs his or her instructional materials in an alternative format, the IEP will specify the accommodations for the individual student and any related instruction and/or assistive technology devices needed for the student to access the alternative format materials. If the student needs instructional and assessment materials in alternative formats, the CSE should review the following considerations:

- What alternative format is needed?
- What instruction is needed for the student to use the alternative format materials?
- What assessment technology devices or services are needed for the student to access the alternative format materials?
- What supports for school personnel may be needed related to the alternative format(s) recommended?
- What assistance do the parents need to help them acquire skills necessary to support the child’s use of the instructional materials and/or related assistive technology devices?
- What test accommodations might a student need related to the alternative formats?

### Access to and Conversion of Electronic Files

Instructional materials provided in electronic files can offer many flexible options for a student with a disability to access the curriculum when the files are used with a variety of technology and tools such as computer screens using highlighted and enlarged text, screen readers or Braille printers. Students will have access to appropriate software and

hardware in order to provide these materials in an alternative format. This may include, but not be limited to, computers, printers, scanners, alternative keyboards, Braille note takers, tape recorders, screen readers, speaking browsers, screen magnification devices, scan and read, and Braille translation. The district will also access appropriate agencies and resource centers to assist in the conversion of materials into Braille format.

### Ordering Timelines

Braille and large-type booklets will be obtained from the State Education Department for the Elementary and Intermediate State assessments and each Regents and Regents Competency Examination. The Braille and large-type test booklets requested will be included in the regular shipment to the school. These tests will be ordered at the same time that tests are ordered for non-disabled students. If reproduction and/or reformatting of test booklets is required, written advance permission of the State Education Department will be obtained in sufficient time as to administer the test at the same time as administered to non-disabled students. If Braille or large-print conversions are requested, the district will request this conversion at least three months in advance of the exam.

On January 4, 2016, Unified English Braille (UEB) replaced English Braille American Edition (EBAE) as the official literacy Braille code. As of that date, UEB, Nemeth Music, and the International Phonetic Alphabet (IPA) are the official Braille codes for use in the United States. Materials that have been produced in other Braille codes prior to the 2016 UEB implementation date will remain in circulation.

The district will inquire of publisher sales representatives about available formats. If the instructional materials needed by the student cannot be purchased in alternative formats, the district will make reasonable efforts to adapt or convert the materials or provide substantially equivalent materials to the student in a format he or she can access. Consideration will be given as to sufficient time to convert these materials so that the student will be able to participate and progress in the general education curriculum.

### Selection and Procurement of Instructional Materials

The district utilizes a textbook selection committee when considering the purchase of new textbooks or materials. The committee will be informed of the need to give preference to those vendors who agree to provide materials in alternative formats.

When the district selects any new instructional materials for a course, consideration will be given, as one factor, if such materials are available from the vendor in the alternative format(s) needed by the student. Where different textbooks meet the district's criteria for a particular subject matter, the district will give preference to the vendor that agrees to provide materials in alternative formats. If competitive bidding is required for the purchase of instructional material, bid specifications will be drafted to allow the district to select the bidder who can provide materials in alternative formats in a timely fashion by making alternative format availability a specification of the bid.

### Procedures for New Entrants during the School Year

When a new student enters the district, the CSE will review the student's previous IEP to determine if the IEP has specified the need for materials to be provided in an alternative format. If the IEP indicates that the student requires an alternative format, the district will immediately either provide the necessary software or hardware necessary for the conversion or contact the appropriate agency to either purchase or convert the materials.

If a student requires additional materials in an alternative format, the special education teacher or school psychologist will be responsible for providing this information to the Director or Assistant Director of Special Education, who will be responsible for arranging the provision of materials in an alternative format.

## THE USE OF UNIVERSAL DESIGN PRINCIPLES IN DISTRICT ASSESSMENTS

The Board of Education acknowledges its goal and its obligation to include the widest range of students, including students with disabilities and students with limited English proficiency, in standardized assessments. To further this goal of ensuring equal access to districtwide assessments and to ensure that assessments provide the most accurate measure of student performance of all students, the district, to the extent feasible, will use universal design principles in developing and administering any districtwide assessment program.

"Universal Design" is an approach to designing and delivering course instruction and materials to be usable to students of all learning styles without adaptation or retrofitting. The Board of Education shall incorporate the following universal design principles into the development and administration of districtwide assessments:

- **Inclusive assessment population** – tests designed for state, district or school accountability shall include every student, except those in alternate assessments, and be designed to meet the demands of increased diversity among students;
- **Precisely defined constructs** – the specific constructs tested must be clearly defined so that all non-construct cognitive, sensory, emotional and physical barriers are removed;
- **Accessible, non-biased items** - accessibility will be built into items from the start, and bias review procedures will ensure that quality is retained in all items and that a lack of sensitivity to disability or cultural differences does not influence results;
- **Amendable to accommodations** – the test design shall be compatible with and facilitate the use of needed accommodations;
- **Simple and clear instructions and procedures** – all instructions and procedures will be simple, clear and presented in understandable language;
- **Maximum readability and comprehensibility** – a variety of readability and plain language guidelines will be followed (e.g., sentence length and number of difficult words are kept to a minimum) to produce readable and comprehensible text;
- **Maximum legibility** – characteristics such as type size, spacing, font and paper size will be, to the extent practicable, easy to decipher in text, tables, figures, illustrations and response formats.

## HEALTH AND SAFETY PRECAUTIONS FOR STUDENTS WITH DISABILITIES

For students with disabilities, each committee on preschool special education or committee on special education must identify if the student has behaviors that impede his or her learning or that of others. This includes a consideration of whether a student has the tendency to wander or elope and, if so, to ensure that a functional behavioral assessment (FBA) of the behavior is conducted and that the behavior is addressed through proper supervision and through an individualized behavior intervention plan based on the results of the FBA.

In addition, our district schools have ensured that there are building policies, procedures and protocols in place to prevent and address instances of wandering and elopement, particularly for students with cognitive impairments. These include, but are not limited to, the following.

- Staff training on awareness and response
- Supervisory notification and 911 calls
- Communication protocols with local police
- Use of school-wide communication and alert systems i.e. panic button app
- Pre assignments for building and ground searches
- Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area
- Immediate family notification
- Identification of students with known elopement behaviors to local building principals, hall monitors, and security guards

These procedures have been incorporated into each school's school safety building plan.

## ***SECTION 10***

# DISTRICT PROGRAMS

## SCHOOL-AGED SPECIAL EDUCATION

The Glen Cove City School District operates a variety of programs and services for students who possess disabilities. These services are provided to district residents at no cost and in the least restrictive environment upon the recommendation of the Glen Cove Committee on Special Education and with the approval of the Glen Cove Board of Education.

These services are available to pupils with disabilities through the end of the school year during which their 22nd birthday occurs, or until a regular high school diploma has been attained, whichever shall occur first.

A description of each of the Special Education Program options prioritized from least restrictive to more restrictive follows.

### TRANSITIONAL SUPPORT SERVICES

Upon the recommendation of the Committee on Special Education, this service may be provided to a student with a disability who is making the transition into a general education program. Its goal is to provide support to a student who no longer requires special education services, while monitoring the progress of the student during the transitional period. This support may be provided to the student's regular education teacher as the child makes the transition to a totally mainstreamed program. Each student is assigned to a certified special education teacher for this purpose. The student's progress is reviewed on a regularly scheduled basis, usually at the conclusion of each marking period. It is a temporary service which, when successful, leads to the declassification of the student. A student is eligible for this service at any age or grade level.

### CONSULTANT TEACHER SERVICES

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes, including career and technical education classes, and/or to such students' regular education teachers. Such services shall be recommended by the Committee on Special Education to meet the specific needs of a student with a disability. The student's Individualized Education Program (IEP) shall indicate the regular education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

(1) The total number of students with disabilities assigned to a consultant teacher shall not exceed 20.

(2) Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week, except that the CSE may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week.

## RELATED SERVICES

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students. The CSE recommends any related service that is appropriate to a student's individual needs.

Related services currently provided in the district include psychological services, speech and language therapy, medical services for diagnostic purposes, physical and occupational therapy, and parent counseling and training.

The district employs eight full-time psychologists, three social workers, seven counselors, six full time and one part-time speech and language therapists to provide their respective services. Due to the low incidence of pupils with disabilities that require other related services, the district contracts with BOCES and/or private agencies when other services are needed.

## SPEECH AND LANGUAGE THERAPY

The goal of speech and language therapy is early identification of communication disorders and therapeutic remediation of articulation and phonological deficits, stuttering, voice disorders, and receptive and expressive language problems, which adversely affect a student's educational performance.

This is a district-wide program with services provided by three full-time and one part-time certified speech and language therapists. Services are rendered either individually or in small groups of two to five students The services are provided predominantly on a pull-out basis and the location of the service is indicated on each student's IEP. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least on an annual basis.

## SCHOOL PSYCHOLOGICAL SERVICES

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in the Committee on Special Education (CSE), referral, evaluation and placement; monitoring of student progress; pre-referral intervention; consultation with teachers, administrators and parents; student and parent counseling; and liaison activities with community agencies and other professionals. Additional functions relating to special education students include: assisting teachers in the development of interventions to help students in achieving Individualized Education Program (IEP) goals; performing Functional Behavioral Assessments and developing, monitoring and updating Behavior Intervention Plans; coordinating CSE annual review meetings; conducting reevaluations; and exploring out-of-district educational alternatives when necessary.

## COUNSELING

Counseling as a related service is provided to those students whose psychosocial needs interfere with their benefiting from education. The focus of school-based counseling must be on the school-related difficulties of the student with a disability, and is designed to assist the student in overcoming social, emotional or learning difficulties that interfere with the educational process. Counseling services improve communication and interaction between the student and school personnel in order to enable the student to be more productive. Counseling also addresses those social skills that students need to function appropriately.

Counseling services are provided district-wide by the school psychologists, social workers, and school counselors. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least once annually.

## PHYSICAL AND OCCUPATIONAL THERAPY

**Physical Therapy** as a related service is directed towards developing and maintaining the student's physical potential for independence in all education-related activities. A major focus of physical therapy is to develop the student’s ability to safely negotiate the school environment.

The district contracts for physical therapy services with Board of Education approved agencies. These agencies provide a licensed therapist who evaluates the students and provides therapeutic services as per the recommendation of the CSE. In addition, the physical therapist consults with the special education teachers and is available for CSE meetings and parent-teacher conferences, as needed.

**Occupational Therapy** is concerned with the impact of a student's disability on his or her learning performance and ability to independently execute the functional tasks required in the school environment. Occupational therapy focuses on how the student receives and interprets the sensory information that is used in coordination with the motor control needed to meet the demands of the environment. The occupational therapist assesses skill levels and provides remediation in the areas of deficit such as postural control, motor planning, visual perceptual skills, hand skill development and

sensory processing. The therapist may also provide alternative materials and

environmental modifications to facilitate independence and generalization of those skills. Occupational therapy may be provided individually, in a small group, or as a consult to the classroom teacher, based on the recommendation of the CSE.

## ITINERANT SERVICES FOR STUDENTS WITH HEARING IMPAIRMENTS

Hearing Itinerant Services are designed to provide direct specialized instruction to students, ages five (5) to twenty two (22) years of age, with hearing impairments who are enrolled in a general or special education program. Specialized instruction in speech, reading and auditory training are provided by a teacher of the deaf and hard of hearing. These services are necessary in order for students to benefit from their primary educational program.

Due to the low incidence of students with hearing impairments that require this specialized service, the district generally contracts with Nassau BOCES to provide this service when needed.

## ITINERANT SERVICES FOR STUDENTS WITH VISUAL IMPAIRMENTS

Vision Itinerant Services are designed to provide direct, specialized instruction to students, ages five (5) to twenty two (22) years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. The teacher of the vision impaired (TVI) meets individually with the student and trains the student in the use of residual vision, and the listening, organizational and tactual skills that are specific to the student's individual situation**.** This related service includes direct instruction in the use of various optical aids, large print books, worksheets, orientation and mobility services, tactile and recorded material and current technology. Depending on the needs of the student, the TVI may teach the student to read Braille and write using a Braillewriter. Teachers may also assist students in acclimating themselves to new instructional environments and may assist other teachers in meeting the student’s educational needs.

## ORIENTATION AND MOBILITY SERVICES

Orientation and mobility training provides sequential instruction to students with visual impairment or those who are blind in the use of their remaining senses to determine their position within the environment and in techniques for safe movement from one place to another. Orientation is the process of using sensory information to establish and maintain one’s position in the environment; mobility is the process of moving safely and efficiently within one’s environment. The goal of orientation and mobility service is to train students to travel safely and independently in a variety of environments.

## RESOURCE ROOM PROGRAMS

The resource room program is supplemental in nature and is designed to assist students in remediating skill deficits and in dealing more effectively with assignments from their general education classes. The program consists of identification and diagnostic assessment and small group and/or individualized instruction in basic academic skills, oral and written language, study and organizational skills. Encouragement and emotional support are also provided. Ongoing consultation with general education classroom teachers is an integral part of this program in both meeting educational needs as well as in helping students develop basic skills and competency in content areas.

The instructional group in each resource room period does not exceed five students, who are grouped according to their similarity of need. Each resource room period is instructed by a special education teacher. Students shall spend a minimum of three hours per week receiving resource room services and shall not spend more than 50 percent of their time during the day in the resource room program. The regulations permit the CSE to recommend that a student with a disability who also needs resource room services in addition to consultant teacher services to receive a combination of such services consistent with the student's IEP for not less than three hours each week.

The total number of students assigned to a resource room teacher will not exceed 20 at the elementary level and 25 at the middle and high school levels. The service may be provided using both a pull-out and push-in model, although it is predominantly provided using a pull-out model.

Resource room programs are available at all grade levels as per the recommendations of the CSE.

## ELEMENTARY LEVEL SPECIAL EDUCATION

### INTEGRATED CO-TEACHING SERVICES

According to the current Part 200 Regulations of the Commissioner of Education, which was last updated in October 2016, section 200.6 states that a school district may include integrated co-teaching services in its continuum of services that its provides to students with disabilities. Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, provided that the number of students with disabilities in each class does not exceed 12 students. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher. Additional personnel assigned to such classes by the district may not serve as the special education teacher.

While this option, unlike other continuum options, is not required to be available for all students with disabilities, school districts are strongly encouraged to phase this practice into its schools.

An important component of this program is the ongoing collaboration between the general and special education teacher. Adaptations of curriculum, methodologies, assessments, assignments and environment are assessed and individualized for each student, in accordance with the needs specified in each student IEP. The speech pathologists, as well as the remedial reading and math teachers, also provide supportive and/or consultative services to these students.

The district provides ongoing support to the professional staff associated with the inclusion program through staff development opportunities, common planning time, whenever possible, and administrative support that focuses on co-teaching strategies and curriculum adaptations/modifications. As needed, the Director or Assistant Director of Special Education observes the inclusion classes and meets with the general and special education teachers, related service providers and when appropriate, the teacher aides, to provide this support.

### ELEMENTARY SPECIAL EDUCATION CLASSES

The elementary special education class that is non-categorical serves students who are classified as having a disability by the Committee on Special Education. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3).

The district currently has two special class ratios 12:1:1 and 8:1:1

Many of the elementary special education students are mainstreamed into one or more academic subjects as per the recommendation of the CSE and as specified in their Individual Education Programs. The students spend as little as 2 hours per day up to the maximum of five hours daily in their special education class, according to their individual needs. Therefore, although the class roster may have a maximum of twelve children listed, there are many opportunities for smaller group and individualized instruction.

**Special Class 12:1:1** There are no more than twelve students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. Each full time class is staffed by a certified special education teacher and a teacher assistant.

The program utilizes a language-based multisensory approach to develop pre-academic and readiness skills. Specialized techniques are employed to reinforce and strengthen phonemic awareness, sight word development, vocabulary, writing, math and language skills at the appropriate level for each child.
Social and behavioral goals are addressed; age-appropriate social interactions through both individual and group experiences are emphasized.

**Special class 8:1:1** There are no more than eight students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. Each full time class is staffed by a certified special education teacher and a teacher assistant.

The program is an intensive program utilizing ABA approaches, methods include discrete trial training (DTT), direct instruction (DI), pivotal response training (PRT), natural environment teaching (NET), and incidental teaching. In addition there are embedded language-based multisensory approaches to develop pre-academic and readiness skills. Specialized techniques are employed to reinforce and strengthen phonemic awareness, sight word development, vocabulary, writing, math and language skills at the appropriate level for each child.

## SECONDARY SPECIAL EDUCATION

Finley Middle School consists of grades 6 through 8. Grade 6 functions in a manner similar to the elementary model. The integrated class model, now known as integrated co-teaching services described above, is available for sixth grade students. It consists of a general education teacher and a full-time special education teacher in English, Math, Science and Social Studies.

Secondary special education in Glen Cove, grades 7-12, is a departmentalized program which was established in order to more effectively meet the educational needs of a population of students with disabilities in relation to Part 100 curriculum requirements and to adhere to the concept of the least restrictive environment. All secondary level students with disabilities in Glen Cove participate in a high quality inclusive educational setting where students are held to high expectations for achievement and have

meaningful access to challenging academic content that prepare them for college and careers.

## SECONDARY RESOURCE ROOM

The secondary level resource room program consists of identification and diagnostic assessments, direct individualized and or small group instruction targeting skills application that students need to master academic subject concepts and information. These include executive function skill development, organization of time, priority goal setting, appropriate study skills, academic reinforcement, and communication skill

## CO-TAUGHT CLASSES – INTEGRATED CO-TEACHING SERVICES

Since 1996, the district has offered a co-teaching model which pairs a learning skills specialist and a content area specialist to team-teach Regents curriculum to students with disabilities. In addition to being co-taught, some of the classes are also extended, meaning, students are provided additional periods of instruction, either during the same year or over the course of two years.

High school classified students are also provided integrated co-teaching services for all required courses that lead to a Regents diploma: four years of English and social studies and three years of math and science. This model also includes grades 9 and 10 to support the skills needed to successfully pass the Regents exams needed for graduation with a high school diploma.

Many students with disabilities in Glen Cove opt for a vocational sequence and avail themselves of the offering of either BOCES Barry TECH or LISHA. Most of the students are able to participate in the general education vocational program; each year there may be a student or two who require the Intensive Support Services program of Barry TECH.

All secondary level students participate in general education classes, to the maximum extent appropriate, in the academic areas and have the opportunity to participate in courses in the foreign language, physical education, fine arts, music, and practical arts departments.

At both the Middle School and the High School, each student has a special education teacher assigned as his or her contact teacher. This teacher is personally responsible for the student’s integration into the school. This teacher, through ongoing communication with the general education teachers, the student's parents, and the other special education department members, provides a source of support for the student.

## SPECIAL EDUCATION CLASSES

The secondary special education classes are non-categorical and currently serve students who are classified as being disabled through the Committee on Special Education. Students are grouped according to similarity of need and as per the four grouping criteria - levels of academic achievement, social development, physical development, and management needs - defined in 8 NYCRR200.6(a)(3).

There are no more than fifteen students per class roster and the age span between the youngest and oldest student is less than or equal to 36 months. Each full time class is staffed by a certified special education teacher and a teacher aide pending class ratio

New York State Alternately Assessed (NYSAA) special class ratio is 8:1:1. There are no more than eight students per class roster and the age span between the youngest and oldest is less than or equal to 36 months. Each full time class is staffed by a certified special education teacher and a teacher assistant.

## DECLASSIFICATION SUPPORT SERVICES

When the CSE determines that a student no longer requires special education services and can be placed in a general education program on a full-time basis, the student may be considered for declassification support services.

Declassification support services are those services provided to a student or student's teacher to aid in the student's transition from special education to full-time general education, including:

- for the student, psychological services, social work services, speech and language services, counseling (other than career counseling) and other appropriate support services; and

- for the student's teacher, the assistance of supplementary school personnel and consultation with appropriate personnel.