

HICKSVILLE SCHOOL DISTRICT

SPECIAL EDUCATION DISTRICT PLAN

**District Policies, Practices and Procedures
For Assuring Appropriate Special Education Services**

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STATEMENT OF ASSURANCES

The Board of Education of the Hicksville Union Free School District, as a part of a long standing commitment to excellence in education for all students, supports the provision of special education and related services for students with disabilities under the auspices of the Committee on Special Education and the Committee on Preschool Special Education.

In full support of State and Federal laws pertaining to students with disabilities, it is the intent of this Board of Education to assure that our schools meet the educational needs of students with disabilities. To this end, and in full compliance with the Regulations of the Commissioner of Education, the Board has reviewed this District Plan for Special Education.

By action of the Board of Education in a regularly scheduled meeting, the Board has adopted the Special Education District Plan.

ADOPTED

_____ **President, Board of Education**

_____ **Date**

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OVERVIEW

BOARD OF EDUCATION PROGRAM OBJECTIVES

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 program objectives:

1. To ensure the establishment of plans and policies for implementing school-wide approaches, which may include a response to intervention process pursuant to section 100.2(ii) of the Regulations, and pre-referral interventions in order to remediate a student's performance prior to referral to special education and will identify how the district, to the extent feasible, will use universal design principles in developing and administering any district-wide assessment programs.
2. To provide a free appropriate education in the least restrictive environment for resident students between the ages three and twenty-one or until a regular high school diploma has been achieved by the student, whichever shall occur first.
3. 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 nonacademic and extracurricular programs and activities, which are available to all other students enrolled in the public schools of the district, which may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.
4. To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and appropriate Subcommittees on Special Education (SCSE) for the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and the CSE will monitor the progress of all students with disabilities and will report annually to the Board of Education.
5. To ensure effective communication and collaboration between the CPSE, CSE, SCSE, school staff, school district administrators, parents and community.
6. To ensure that parents are advised of their due process rights and to establish procedures in this regard.
7. To ensure that each preschool student with a disability residing in the district has the opportunity to participate in an appropriate preschool program or services including timely evaluation and placement.
8. To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for consent for evaluation of a preschool or school age student.
9. To ensure the establishment of administrative policies, practices and procedures 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 regular education curriculum.

To provide the human and material resources necessary for the implementation of the full continuum or programs and services as described in Part 200 of the Commissioner's Regulations.

10. to meet the academic, social, physical and management needs of students with disabilities.
11. To provide and describe the guidelines for the appropriate adaptation, and/or modification of instruction and materials to enable students with disabilities to benefit from instruction within the regular education setting, whenever appropriate in accordance with the Regulations.
12. To ensure that students with disabilities have access to an appropriate range of regular education programs and services to the extent appropriate to their individual needs and to provide them appropriate opportunities to earn a high school diploma in accordance with Section 100.5 of the Regulations of the Commissioner of Education.
13. To ensure that a discipline code for student behavior is in place while protecting the rights to continuity of appropriate education for students with disabilities.
14. To ensure the confidentiality of personally identifiable data, information or records pertaining to student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
15. To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.
16. To provide professional development for all personnel who work with students with disabilities in order to assure that they have the skills and knowledge necessary to meet the unique needs of these students and that identify the measurable steps it shall take to recruit, hire, train and retain highly qualified personnel to provide special education program and services in accordance with the Regulations.
17. To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
18. To ensure that students attending school within the district receive the protection of applicable State and Federal regulations. If a student is parentally-placed in a private elementary or secondary school that is not located in the student's school district of residence, parental consent, or consent of a student 18 years or older, must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the parent's district of residence.
19. To ensure that the school district publicly reports on revisions to its policies, procedures and/or practices upon a finding by the Department that the district has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension identification, classification and/or placement of students with disabilities.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS

In accordance with the Reauthorization of IDEA in 2004, 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 educational progress before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the schools' principal and building level teams to investigate avenues of regular education and support services that would provide students with an opportunity to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services and Educationally Related Support Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to Limited English Proficient (LEP) students who do not achieve the annual CR Part 154 performance standards. A description of these services will be approved by the Board of Education and reviewed every two years. Supplemental instruction in *Core Academic Subjects*, as well as support services to deal with barriers to student progress such as attendance, discipline and health, will be afforded to students who score below level on elementary or intermediate State assessments or score below the State designated or local 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 who are in danger of not meeting graduation requirements will be considered prior to making referrals to the CSE. Prior to the referral to the School Support Team (SST), a Child Study Team (CST) meeting will be held at the building level to determine appropriate pre-intervention or pre-referral services. The CST will document the student's strengths, weaknesses, and appropriate programs, services, instructional adaptations and/or modifications to address the student's academic, social and/or management areas. These services and/or approaches may also include but are not limited to additional teachers or teaching assistant support, student or tutorial assistance, counseling support, and computer assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided and shall ensure that written quarterly progress reports are provided in the native language of the parents. These interventions will be documented on the district PPS1 form. A Student Support Team (SST) meeting will be held prior to a referral to CSE. At that meeting, pre-referral strategies, approaches and outcomes of the interventions are reviewed from the PPS1 form and documented on the district's PPS2 form. In addition current levels of performance in relation to pre-referral strategies and/or approaches are documented. 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 PPS2 referral form is sent to the CSE used by the district staff will describe in writing intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral including any supplementary aides or support services provided, or the reason why no such attempts have been 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 10 days of receipt of a referral to the CSE, the building administration, in addition to fulfilling the obligations under Section 200.4 of the Commissioner's regulations, may request a meeting with the parent or person in parental relationship, the student, and the referring person, to determine whether the student would benefit from additional regular education support services as an alternative to special education. These services may include but are not limited to Speech and Language Improvement Services, Educationally Related Support Services, Academic Intervention

Services, and any other services designed to address the learning needs of the student and maintain the student's placement in regular education. At this meeting, if there is a written agreement that the provision of additional regular education support services is necessary, the referral is unwarranted, and the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of 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 regular 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 timeline of the CSE will be maintained.

These pre-referral interventions will not be utilized as a barrier or as an obstacle 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 with additional support services.

DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant the provision of special education services in accordance with an individualized program. The terms used in this Plan shall be defined as stated in Part 200, Part 201 and Part 100 of the Commissioner's regulations.

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

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 placement of students on the basis of similarity of individual needs.

SCHOOL CALENDAR

Special education students participate in the same school calendar as their regular education peers, with the exception of students placed in out of district placements that adopt their own calendar.

Days mean calendar days unless otherwise indicated as school day or business day.

- (1) 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.
- (2) 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 mainstream 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*” (“LRE”) means that the placement of students with disabilities in special classes, separate schools or other removal from the **regular education** environment occurs only when the nature or severity of the disabilities 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 curriculum.

PROCEDURES TO IMPLEMENT LRE REQUIREMENTS

- The student will receive a comprehensive, nonbiased, individual evaluation in the student's 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 determination factor is lack of 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 curriculum.
- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the regular education program, including educationally related support services, has 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 at least 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 regular 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 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 regular education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum; or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.
- Measurable annual goals, including benchmarks or short-term objectives, where required, 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 schools or other removal from the regular education environment will be considered only when the CPSE/CSE determines that a student's education 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 to which the student will not participate with students who do not have disabilities. The parent or guardian and the board of education will be provided a recommendation from the CPSE/CSE that describes the program and placement options considered for the student and a rationale for those options not selected.
- The CPSE/CSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic or educational achievement and learning characteristics, social development, physical development and management needs.
- The CPSE/CSE 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 regular education programs.
- The district is committed to the policy of placing youngsters in the least restrictive environment consistent with their needs. The district provides the full continuum of services as described in Part 200 of the Commissioner's Regulations.
- The district will review programs and services at least annually and will report to the BOE.

SIMILARITY OF NEEDS

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

- Academic or Educational Achievement 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 to 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 REGULAR EDUCATION CURRICULUM

All students with disabilities who reside in the school District shall be provided with an appropriate individual educational program (IEP) that meets the student's 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 regular 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, social development, physical development, and management needs will be the basis for written annual goals and for preschool students and students with severe disabilities, written annual goals, short-term objectives and benchmarks.

In keeping with this policy, the CSE will consider mainstreaming or inclusion 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 educational 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 heterogeneous Regents classes, inclusion 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 requires a Skills and Achievement Commencement Credential. 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 extra-curricular and co-curricular activities, as deemed appropriate to meet their individualized needs.

CPSE AND CSE

APPOINTMENT AND TRAINING

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Preschool Special Education (CPSE) and a Committee on Special Education (CSE). 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. Major functions of the CPSE and CSE include:

RESPONSIBILITIES

The Committees have the responsibility to insure that all necessary procedures for the identification, diagnosis, 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 function of the Committee on Special Education except when a student is considered for initial placement in:

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

Upon a written request from a parent or a person in parental relationship of a student, the subcommittee must immediately refer to the CSE any matter in which the parent disagrees with the recommendation of the subcommittee regarding a modification or change in the identification, evaluation, educational placement or the provision of a free appropriate public education to the student.

The CSE 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 CSE.

TRAINING CPSE/CSE MEMBERS

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

- arranging for attendance at meetings of the Office of Special Education Services (OSSES) regarding CPSE/CSE 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 youngsters suspected of having a disability.
- Participating in annual CPSE/CSE training provided by the New York State Education Department.
- disseminating the Guidebook for Committees on Special Education in New York State, Part 200 of the Commissioner's Regulations, all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
- scheduling workshops and training sessions in the district;
- inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- utilizing SETRC as a training resource; and utilizing the district's attorney as a resource person, if needed, to interpret specific information for the committee members.

GENERAL STAFF DEVELOPMENT

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

At the beginning of each school year, in the case where a student with a disability is participating in mainstream classes, the designated special education teacher will meet with all mainstream teachers to discuss each student's IEP and review the modifications and adaptations that may need to be made for each particular student. Teachers need to be aware of each student's area of disability, testing modifications, special needs with regard to specialized equipment (e.g. enlarged print, taped textbooks, use of a calculator, etc.) and any other special accommodations as stipulated in the IEP.

In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and mainstream teachers, the State Education Department has directed districts to develop a Comprehensive System of Personnel Development. The staff development program for teachers includes detailing goals and objectives for the current school year as well as listing goals for the district during the next five years to train teachers to better meet the needs of youngsters with special needs.

***COMMITTEE ON
PRESCHOOL SPECIAL
EDUCATION***

CPSE MEMBERSHIP

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

- the student's parent;
- the regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- the special education teacher or special education service provider of the student;
- a school psychologist;
- a representative of the school district who is qualified to provide or supervise special education and who is knowledgeable about general education curriculum and the availability of resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist. The representative of the school district shall serve as the chairperson of the committee. The representative of the school district may also serve as the chairperson of the subcommittee.
- The chairperson of the committee on special education, committee on preschool education and subcommittee on special education shall preside over a meeting of such committee and carry out the functions of a chairperson identified in Education Law, including but not limited to sections 200.2(b)(11)(iii), 200.4(a), 200.5(b)(1)(i)(c) and, as appropriate, 200.16(b)(1) of the Regulations, and sections 4401-a, 4402(7)(c) and, as appropriate, 4410(3) of the Education Law.
- 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;
- the parent of a preschool or elementary school age student with a disability who resides in the district or neighboring district, provided that such parent is not a required member if the parent(s) of the child requests that the additional parent member not participate;
- for a student in transition from early intervention programs and services, at the request of the parent, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- other persons having knowledge of 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.
- Except as otherwise provided in this section, all members of a committee on special education, a committee on preschool education, or a subcommittee on special education shall attend a meeting of such committee, except that the parent and the school district may agree that the attendance of a member is not necessary or that a member of the committee may be excused in accordance with the following procedures pursuant to Education Law:

1. A member of such committee or subcommittee 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.
2. A member of such committee may be excused from attending a meeting of the committee or subcommittee, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent to the student and the school district consent, in writing, to the excusal and the excused member submits to the parent and such committee, written input to the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.
3. Requests for excusal of a member of a committee as provided for above and the written input as provided above, shall be provided not less than 5 days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request. Provided however, that a parent shall retain the right to request and/or agree with the school district to excuse a member of the committee or subcommittee at any time including where the member is unable to attend the meeting 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 written consent of the parent to such excusal.
4. Requests for excusals do not apply to the parents of the student or the appointee of the municipality in the case of a committee on preschool special education.

Consensus is the preferred decision-making process. However, where the Committee cannot reach a consensus, the Chairperson shall make the recommendation for the Committee. 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 Administration Building as needed to review referrals throughout the school year and during the summer months.

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

CPSE PROCEDURES

CHILD FIND

The school district will identify, evaluate, and meet the needs of all children, within the school district's jurisdiction, particularly infants and toddlers with disabilities in foster care and/or homeless.

REFERRAL

The Committee on Preschool Special Education (CPSE) is responsible for arranging for 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. Prior consent is needed to conduct

an initial evaluation. The district will not use due process to override parent refusal of consent.

The evaluation process begins when a written request for evaluation is made by either:

- the student's parent or person in parental relationship
- a professional staff member of the school district in which the student resides or the public or private school the student legally attends
- a staff member of a preschool program approved pursuant to Section 4410
- a staff member of an approved program providing special instruction to students ages birth to 3
- a staff member of a program serving infants and toddlers or preschool students
- a licensed physician or judicial officer
- a representative of a public agency with responsibility for the welfare, care or education of students
- a staff member of the Early Intervention Center

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 write to the parent, describing the evaluation procedures and requesting parental consent for the evaluation. A list of County approved evaluation sites will be included. 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 prior written consent (Notice of Recommendation). In the case of a child who was previously served under Part C (early intervention services), inform the parents(s) of his or her right to request an invitation to an initial CPSE meeting be sent to the early intervention service coordinator or other representatives of the early intervention system to assist with the smooth transition of services.

EVALUATION AND RECOMMENDATION

Preschool evaluators may be private providers or a group of appropriately licensed or certified professionals. The Board will provide the parent(s) with a list of approved evaluators. Parent(s) will select evaluator(s) from the list. The individual evaluation of a preschool child shall include relevant functional and developmental information regarding the child's abilities and needs related 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;
- a social history;
- other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities and;
- a summary report of the finding of the evaluation

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. Test 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 are 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, multidisciplinary 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. The parents will be provided with a copy of the evaluation and summary statement prior to the meeting with copies provided to all members of the CPSE. The results of the evaluation will be provided to the parent in their dominant language or other mode of communication. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting. Prior notice means written statements developed in accordance with section 200.5(a) of the Part, 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.
- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.

Prior to making any recommendation in an approved program of the agency that conducted the initial evaluation, the Committee may, at its discretion, obtain a second evaluation from another approved evaluator. The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within 30 school days. If the Committee determines the student is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which indicates the classification of the disability, the student's present levels of functioning including how the disability affects the student's participation in appropriate activities, measurable annual goals, including short term objectives and benchmarks, and the type of special education program and/or services recommended. IEP's developed on or after September 1, 2009, shall be on a form prescribed by the commissioner and developed consistent with the commissioner's guidelines. The CPSE will recommend, as appropriate, the intensity of services on the IEP after having considered single services or half-day programs or related services only or SEIT only or related services plus SEIT only. Where a related service or SEIT is recommended, CPSE must ask parent to identify child care location or other location site at which services will be delivered. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. It will indicate the childcare location arranged by the parent or other site. The Board will select related service providers from a list maintained by the district. The Board will provide each related service provider with a copy of the student's IEP and will designate a related service provider as the coordinator of the provision of services. 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 notices 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. In addition, the parent may revoke consent in accordance with State and Federal regulations.

PLACEMENT

If the Board of Education agrees with the Committee's recommendation, the Board will arrange for the student to receive appropriate special programs and services within 30 school days, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the committee less than 30 school days prior to, or after, such appropriate starting date selected for such preschool student, in which case, such services shall be provided as soon as possible following the development of the IEP, but no later than 30 school days from the recommendation of the committee. 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. 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.

If the preschool child moves to another school district within a reasonable distance of the placement, the child may continue the placement if it is consistent with the child's individual needs. The municipality must provide transportation to and from special services or programs and will request parents to transport their own children at public expense. Approval of the Commissioner of Education is needed for transportation over 50 miles.

Additional placement criteria:

Chronological age range of students shall not exceed 36 months. Class size shall not exceed 12 preschool students with disabilities with one teacher and one or more supplementary personnel. Approved programs shall provide services for not less than 2 ½ hours a day, 2 days per week. Approved in-state residential programs shall provide services for a minimum of 5 hours a day, 5 days a week.

Annual Review

An annual review is conducted for every preschool student who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. This review is conducted to consider continued eligibility for services and to determine whether the annual goals for the student are being achieved. The IEP is revised, as needed, to address any lack of expected progress towards annual goals, the results of any reevaluation, information about the student provided to, or by, the parents and the student's anticipated needs. A new IEP is prepared at the meeting.

CONTINUUM OF SERVICES

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
- If the CPSE determines that a student needs a single service that service must be provided only as a related service or only as a special education itinerant service.

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

1. RELATED SERVICES:

Services defined in Section 4401 of Education Law, including speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, (nursing services provided by a qualified school nurse or other health services provided by a qualified person designed to enable a student with a disability to receive a free and appropriate public education as described in the IEP of the student), school social work, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

Related Services are provided at a site recommended by the Committee on Special Education and approved by the Board of Education including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start Program
- The work site of the provider
- The student's home*
- A hospital
- A state facility
- A child care location as defined in section 4410

The initial location for the delivery of one or more related services must be stated on the IEP.

2. SPECIAL EDUCATION ITINERANT SERVICES:

Provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the BOE, including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start program
- A student's home*

- A hospital
- A state facility
- A student care location

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

** - Students are entitled to services in the home if the Committee on Special Education recommends and the Board of Education approves of the determination that documented medical or special needs indicate that the student should not be transported to another site.*

The purpose of Special Education Itinerant Services is to provide:

- Direct Service: Specialized individual or group instruction to a preschool student to aid such student in benefiting from the early Childhood program.
- Indirect Services: Consultations provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment and/or modifying instructional methods to meet the individual needs of a preschool student with a disability who attends an early Childhood program.

Special Education Itinerant Services are not less than two hours per week, and total number of students with disabilities assigned to the special education teacher should not exceed twenty (20). Related services shall be provided in addition to SEIT services in accordance with the student's IEP.

3. INTEGRATED SPECIAL CLASS:

No more than 12 preschool students staffed by at least one special education teacher and one paraprofessional or teaching assistant. This class may be provided:

- In a class of no more than 12 preschool students which includes both students without disabilities and students with disabilities.
- In a class of no more than 12 preschool students with disabilities which is housed in the same space as a preschool class with non-disabled students taught by another teacher.

4. SPECIAL CLASS (Half or Full Day)

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 in a special class.

- Chronological age range shall not exceed 36 months.
- Maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional or teaching assistant.
- Services are provided not less than 2-1/2 hours per day, 2 days per week.

If the CPSE recommends a preschool student to an approved program which has no space available in the specific special 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, by a procedure to be established by the Commissioner, to ensure that the student receives a free appropriate public education. If the attendance during the instructional time exceeds 12 students, another staff member shall be assigned to the class. Other staff members may include related service providers and/or supplementary school personnel.

5. 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.

6. INTERIM ALTERNATE EDUCATIONAL SETTING (IAES)

Available to students who have been suspended or removed from their current placement for more than 10 school days. An IAES is an educational setting, other than the student's current placement at the time the behavior precipitating an IAES placement occurred. The school district will ensure that a student placed in an IAES continues to receive services so as to:

- Enable the student to continue to participate in the regular education curriculum, although in another setting;
- Enable the student to progress toward the goals set out in the student's IEP; and
- Receive, as appropriate, a functional behavior assessment and a behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.

COMMITTEE ON SPECIAL EDUCATION

CSE MEMBERSHIP

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

- the parents or persons in parental relationship to the student;
- when conducting a meeting of the CSE or CPSE, the parent and the representative of the school district appointed to the CSE or CPSE may agree to use alternative means of meeting participation, such as conference telephone calls;
- not less than one regular education teacher of the child if the child is, or may be, participating in the regular education environment;
- a school psychologist;
- not less than one special education teacher of the child or, not less than one special education provider of the child be required members of the CSE, subcommittee and CPSE.
- a representative of the school district who is qualified to provide or supervise special education and who is knowledgeable about general education curriculum and the availability of resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist. The representative of the school district shall serve as the chairperson of the committee. The representative of the school district may also serve as the chairperson of the subcommittee.
- The chairperson of the committee on special education, committee on preschool education and subcommittee on special education shall preside over a meeting of such committee and carry out the functions of a chairperson identified in Education Law, including but not limited to sections 200.2(b)(11)(iii), 200.4(a), 200.5(b)(1)(i)(c) and, as appropriate, 200.16(b)(1) of the Regulations, and sections 4401-a, 4402(7)(c) and, as appropriate, 4410(3) of the Education Law.
 1. Except as otherwise provided in this section, all members of a committee on special education, a committee on preschool education, or a subcommittee on special education shall attend a meeting of such committee, except that the parent and the school district may agree that the attendance of a member is not necessary or that a member of the committee may be excused in accordance with the following procedures pursuant to Education Law:
 2. A member of such committee or subcommittee 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.
 3. A member of such committee may be excused from attending a meeting of the committee or subcommittee, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent to the student and the school district consent, in writing, to the excusal and the excused member submits to the parent and such committee, written input to the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.
 4. Requests for excusal of a member of a committee as provided for above and the written input as provided above, shall be provided not less than 5 days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request. Provided however, that a parent shall retain the right to request and/or agree with the school district to excuse a member

of the committee or subcommittee at any time including where the member is unable to attend the meeting 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 written consent of the parent to such excusal.

5. Requests for excusals do not apply to the parents of the student or the appointee of the municipality in the case of a committee on preschool special education.

- 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;
- the school physician, if specifically requested in writing by the parent or by a members of the school at least 72 hours prior to the meeting;
- a parent of a student with a disability who resides in the district or a neighboring school district, and/or may be the parent of a student who has been declassified within a period not to exceed five years and/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 or person in parental relation at least 72 hours prior to the meeting(this provision does not apply to CPSE).
- 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 that person shall be made by the party who invited the individual to be a member of the CSE.
- whenever appropriate, the child with a disability;

Consensus is the preferred decision-making process. However, where the Committee cannot reach a consensus, the Chairperson shall make the recommendation for the Committee. 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. Meetings are held in the Special Education Office and in the buildings as needed throughout the calendar year.

CSE SUBCOMMITTEE MEMBERSHIP (SCSE)

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

- the parents of the student;
- the regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- the special education teacher or special education service provider of the student;
- the subcommittee CSE Chairperson who is a representative of the district qualified to provide, administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of the resources of the school district;
- 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;
- Such other persons having knowledge or special expertise regarding the student, including related service personnel as appropriate, as the committee or 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 CSE;
- the student if appropriate;
- 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.

Consensus is the preferred decision-making process. However, where the Committee cannot reach a consensus, the Chairperson shall make the recommendation for the Committee. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee.

Prior Written Notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings are held in the building as needed throughout the calendar year.

In the event Parents disagree with the recommendation of a subcommittee, the parent shall submit a written referral and request for a full CSE.

CSE PROCEDURES

REFERRAL FOR AN INITIAL EVALUATION

A student suspected of having a disability shall be referred in writing to the chairperson of the district's committee on special education (CSE) or to the building administrator of the school which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs and services. 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 as described in section 100.2(ii). A referral may be made by:

- A student's parent as defined in section 200.1(ii) of the Regulations;
 - 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 the student; and/or
 - 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.
- In accordance with the 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 thought to be disabled, identifying a disabling condition (or determining that no disabling condition exists), and recommending a type of placement. Referrals can be made at any time during the school year. Within 60 calendar days of consent for evaluation, the initial evaluation will be conducted, unless one of the exceptions under Section 200.4(b) (7) apply. The Board of Education will implement placement as appropriate within 60 school days. This timeline begins when a request for a referral for an initial evaluation is made with a written request by:
- student's parent or person in parental relationship
 - 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;
 - a professional staff member of the school district in which the student resides or the public or private school the student legally attends or is eligible to attend;
 - a licensed physician;
 - judicial officer;
 - a professional staff member of a public agency with responsibility for the welfare, health or education of students;

A written request for referral of a student for an initial evaluation made to the school where the student resides or legally attends or is eligible to attend shall, if received by the building administrator or any other employee of the school, be forwarded to the committee chairperson immediately upon its receipt.

The relevant timeframe above shall not apply to the school district if:

- a child enrolls in a school served by the school district after the relevant timeframe has begun and prior to a determination by the child's previous local education agency (LEA) as to whether the child is a child with a disability, but only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent subsequent to the LEA agree to a

specific time when the evaluation will be completed; or

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

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

Except for self-referrals and referrals by parents or judicial officers, the referral must also:

- state the reason(s) for referral and include any test results, records or reports upon which the referral is based;
- describe *pre-referral services or early intervention services* provided to remediate the student's performance prior to referral, including any supplementary aids or support services provided for this purpose, or state the reason why no such attempts were made;
- describe the extent of parental contact or involvement prior to the referral.

Upon receipt of a request for a referral that meets the requirements as outlined above, the school district shall, within 10 school days either:

- Request parent consent to initiate the evaluation; or
- Provide the parent with a copy of such request for referral; and
- Inform the parent of his or her right to refer the student for an initial evaluation for special education programs and/or services; 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 this referral as outlined above, and the party making the request for the referral if a professional staff member of the school district. Upon the request of the parent or school district, any other person making a request for a referral shall have the opportunity to attend such meeting.

A copy of A Parent's Guide to Special Education and Due Process Rights are given to the parent at this time. Translations are provided to assist parents as needed.

Referrals may be withdrawn under the following circumstances:

- The parent and the person submitting the referral agree to the withdrawal.
- The building administrator, upon receipt of a referral or copy of a referral, may request a meeting with the parent or person in parental relationship to the student, and the student, if appropriate, to determine whether the student would benefit from additional regular education support services as an alternative to special education, including the provision of support services, speech and language services, and academic intervention services. If a professional staff member requested the referral, that person shall attend such meeting. The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter, if necessary. If at the meeting the parent and the building administrator agree in writing that, with the provision of additional regular 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 request for referral if a professional staff member of the school district, the parent, and the student, if appropriate, a copy of the agreement. The agreement shall be in the native language of the parent. Such agreement shall contain a description of the additional regular education support services to be provided, instructional strategies to be used and student centered data to be collected and the proposed duration of such program. A copy of the agreement shall also be placed in the student's cumulative education record file. The meeting:

- (a) shall be conducted within 10 school days of the building administrator's receipt of the referral; and
- (b) shall not impede a Committee on Special Education from continuing its duties and functions under this Part.

- If the parent does not consent to the initial evaluation within thirty (30) days, the Chairperson will offer the parent an opportunity for an informal meeting with the person who made the referral, professionals most familiar with the proposed evaluation and counsel or an advisor of the parent's choice. The reasons for the referral will be discussed and if both the parent and **such** person submitting the referral agree in writing, the referral will be withdrawn. If the referral is not withdrawn and the parent continues to withhold consent, the chairperson will recommend that the Board appoint an impartial hearing officer to hear evidence and testimony on the need for evaluation.
- Except as otherwise provided in section 200.5 (b)(6) of the Part, in the absence of a written agreement to withdraw a referral, and in the event that parental consent to an initial evaluation is not obtained within 30 days of the date of receipt of referral, the chairperson shall document attempts, including, but not limited to, telephone calls made or attempted and the results of those calls and the correspondence sent to the parents and any responses received made by the chairperson or representatives of the committee to obtain parental consent, and shall notify the board of education that they may utilize the due process procedures described in section 200.5 of the Regulations to permit the district to conduct an evaluation of the student without the consent of the parent.
- In all circumstances, the withdrawal agreement will be in writing and will be placed in the student's cumulative educational file, with copies given to all parties involved. The agreement will specify in writing any alternative methods suggested to resolve the student's difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

EVALUATION AND RECOMMENDATION

Individual evaluation-The individual evaluation and reevaluation must include 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 IEP. 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 evaluation will include a variety of assessment tools and strategies including information provided by the parent to gather relevant functional and developmental information about the student and information related to enabling the student to participate and progress in the regular education curriculum. The initial individual 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 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 will be reviewed by the Committee;

- a social history;
- an observation of the student in the student's learning environment (including the regular classroom setting) or, in the case of a student of less than school-age or out of school, an environment appropriate for a student of that age, to document the student's academic performance and behavior in the areas of difficulty; 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, which may include :

-Functional Behavior Assessment (FBA)-The FBA includes but is not limited to:

- Identification of the problem behavior,
- Definition of the behavior in concrete terms;
- Identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- Formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

-Behavioral Intervention Plans

- The CSE or CPSE must consider the development of a behavioral intervention plan for a student with a disability:
 - Whenever the student exhibits persistent behaviors that impede his or her learning or that of others, despite consistently implemented general school-wide or classroom-wide interventions;
 - When the student's behavior places the student or others at risk of harm or injury;
 - When the CSE or CPSE is considering more restrictive programs or placements as a result of the student's behavior; and
 - As required pursuant to section 201.3 of this Regulations of the Commissioner of Education relating to discipline procedures for students with 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 native 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. 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. The school district will not require a student to obtain a prescription for a drug or other substance identified under the Controlled Substance Act as a condition of receiving an initial or reevaluation for special education services.

Determination of needed evaluation data- The CSE must review the student's local or State assessments results and any observations of the student in his or her classroom as the CSE determines what, if any, additional evaluations are necessary as part of an initial or reevaluation to determine eligibility and the IEP needs of a student with a disability. A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used 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 be involved in and progress in the regular education curriculum. No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student. The evaluation will be sufficiently comprehensive in order 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. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations. The evaluation will be sufficiently comprehensive in order 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. Assessment tools and strategies are used to provide relevant information that directly assists persons in determining the educational needs of the student. A copy of assessment(s) and evaluations are provided at no cost to the parent at the time of the CSE's determination of initial eligibility, ineligibility or continued eligibility.

- Assessments and other evaluation materials used to assess a student with a disability be provided in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally; and
- The assessments of students with disabilities who transfer from one school district to another school district in the same academic year be coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations.

Eligibility Determination

In interpreting evaluation data for the purpose of determining if a student is a student with a disability, as defined in sections 200.1 (mm) or (zz) of the Regulations, and determining the educational needs of the student, the committee on special education and other qualified individuals 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. A student shall not be determined eligible for special education 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.

When determining whether a child has a specific learning disability the school district shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The school district may use a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade. Additional procedures for identifying students with learning disabilities:

- A student suspected of having a learning disability as defined in section 200.1(zz)(6) of the Regulations must receive an individual evaluation that includes a variety of assessment tools and strategies pursuant to subdivision (b). 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 calendar 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 regular classroom after the student has been referred for an evaluation and parental consent, consistent with section 200.5(b) 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 of section 200.4, consider,
 - Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel,
 - 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 regular education teacher as defined in section 200.1(pp) and at least one person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, 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 to 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, mathematics problem solving; and

- The student either:
 - (a) does not make sufficient progress to meet 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 pursuant to section 100.2(ii), or;
 - (b) 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 consistent with section 200.4(b) and
- The CSE determines that its findings under this paragraph are not primarily the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- In addition, 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 effective on and after July 1, 2012, the 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.
- When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of:
 - a. Whether the student has a learning disability;
 - b. The basis for making the determination, including an assurance that the determination has been made in accordance with section 200.4(c)(1);
 - c. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
 - d. The educationally relevant medical findings, if any;
 - e. whether,
 - 1. the student does not achieve adequately for the student's age or to meet State-approved grade-level standards; and
 - 2. the student
 - a. does not make sufficient progress to meet State-approved grade level standards; or
 - i. exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual

development;

- f. the determination of the CSE concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level; and
 - g. if the student has participated in a process that assesses the student's response to scientific, research-based intervention pursuant to section 100.2(ii):
 - i. the instructional strategies used and the student-centered data collected; and
 - ii. the documentation that the student's parents were notified in accordance with section 100.2(ii)(1)(vi).
- Each CSE member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the CSE member must submit a separate statement presenting the member's conclusions.

When an evaluation is completed, a CSE meeting is scheduled. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice will be sent to the parent at least five days prior advising them of the meeting
- At least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call. The attempts will be documented.

Parents are provided with copies of the evaluation reports and documentation of eligibility at the CSE meeting. The results of the evaluation will be provided to the parent in their native language or other mode of communication. The CSE reviews the results to determine eligibility and submits a recommendation to the Board of Education. A student may not be determined to be eligible for special education if the determinant factor for the eligibility determination is lack of instruction in reading or math or limited English proficiency. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade. If the Committee determines the student is ineligible for special education, written notification is sent to the parent/guardian and to the principal, indicating 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 classification of the disability. IEP's developed on or after September 1, 2009, shall 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 results of the student's performance on any general, State or district-wide tests; and other factors unique to the student's disability. The IEP recommendations shall include the following:

- ***Present levels of performance***-A statement of the child's present levels of academic achievement and functional performance; the student's present performance and individual needs in the following areas: academic or educational achievement and learning characteristics, social development, physical development and management needs including how the disability affects student involvement and progress in the general curriculum;
- ***Short-term instructional objectives and benchmarks***-For preschool children and for children who

take New York State Alternate Assessments (NYSSA) aligned to alternate achievement standards, a description of benchmarks or short-term objectives; and a statement of measurable annual goals, including both academic and functional goals.

- ***Measurable annual goals***-The IEP shall list measurable annual goals, including academic and functional goals, consistent with the student’s needs and abilities. The measurable annual goals must relate to:
 - (1) meeting the student’s needs that result from the student’s disability to enable the student to be involved in and progress in the regular education curriculum; and
 - (2) meeting each of the student’s other educational needs that result from the student’s disability.
 - (3) Each annual goal 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.
- ***Special education program and services***-Must include a statement of the special education and related services and supplementary aids and services, as defined in section 200.1(bbb) of the Regulations that will be provided to the student, based on peer-reviewed research to the extent possible;
- ***Periodic progress reports***-IEP Progress Reports will be provided to parent/guardian at the same time as the issuance of quarterly report cards to identify the progress students make toward annual goals.
- the extent, if any, to which the student will not participate with non-disabled students in the regular 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;
- any individual testing accommodations to be used consistently by the student in the administration of State or district-wide assessments of student achievement and in accordance with the State Education Department policy, that are needed in order for the student to participate;
- must include a statement of any “appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child.”
- All students with disabilities are included in all general state and district-wide assessment programs with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs (IEP);
- For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives (within the required statement of a child’s present levels of academic achievement and functional performance);
- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on the state and district-wide assessments;
- If the CSE determines that the student with a disability shall take an alternate assessment on a

particular state or district-wide assessment of student achievement, a statement of why the student cannot participate in the regular assessment, and the particular assessment selected is appropriate for the student;

- must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of program modifications or supports for the school personnel that will be provided for the student.
- if the Committee determines that the student will not participate in a particular State or district-wide assessment or part of such assessment, a statement of why the assessment is not appropriate and how the student will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- indicate the regular class(es) in which the student will receive consultant services; and
- a description of assistive technology devices or services needed for the student to benefit from education.

The IEP must also include:

- Beginning at age 15, and updated annually, a statement of the Coordinated Set of Transition Activities of the student under the applicable components of the student's IEP that focuses on the student's course of study (such as participation in advanced placement courses or a career and technical program), related services as applicable, community training as applicable, employment training as applicable, any functional vocational assessments as applicable and;
- The student's Postsecondary Goals for education, employment and independent living; and
- Beginning at age 15 (or younger, if determined appropriate by the Committee) a statement of needed transition services for the student, including, a statement of the responsibilities of the school district and, when applicable, a statement of the interagency responsibilities or any needed linkages.
- At the time the student graduates, exits, or exceeds the age requirements for FAPE, the school district will provide the student with a Summary of Performance or Student Exit Summary, which will include a summary of the student's academic achievement and functional performance, which must include recommendations on how to assist the student in meeting his or her postsecondary goals. (See also Transition Services).

Consideration of Special Factors:

1. in the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive 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; and

4. consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
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
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.
7. If the recommended placement is to be in a school operated by an agency or school other than the school district in which the student would normally attend if the student did not have a disability or if the education of a student residing in a facility operated or supervised by a State department or agency is the responsibility of the school district, the school district must ensure that a representative of that agency or school attends. If the private school or facility representative cannot attend, the school district must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
8. Where a child is determined to be at risk of a future placement in a residential school, the committee must, with parental consent or consent of a student 18 years of age or older, request in writing that a designee of the appropriate county or State agency participate in any proceeding of the committee to make recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including but not limited to, community support services that may be available to the family. The committee must notify the local social services district when a student who is in foster care placement is at risk of a future placement in a residential school. A copy of such request must be forwarded to the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities. In the event that such persons are unable to attend such meetings, the committee shall attempt alternative means allowing for their participation, such as individual or conference telephone discussions, and such attempts shall be documented;
9. If the purpose of the meeting is to consider the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, the school district shall invite the student. If the student does not attend, the district shall take steps to ensure that the student's preferences and interests are considered. To the extent appropriate and with parental consent or consent of a student 18 years of age or older, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the district should take steps to involve the other agency in the planning of any transition services.

IEP IMPLEMENTATION

If the Board of Education agrees with the Committee's recommendation, the parents will be notified of the decision. Placement of the student in the appropriate special education program or provision of appropriate services will take place within 60 **school** days of receipt of consent to evaluate a student not previously identified as having a disability or 60 **school** days of referral for review. If the recommendation is for placement in an approved in-state or out-of-state private school, programs and services shall be provided within **30 school days of the BOE receipt of the CSE recommendation**. Initial placements require the written consent of the student's parent/guardian. In addition, the student's parent or guardian may revoke consent for placement at any time, subject to the requirements of state and federal regulation. If a parent revokes consent, the special education office shall implement proper procedures under state and federal regulations.

The CSE ensures that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP shall have access to a copy of the IEP; and each teacher and provider is informed of his or her specific responsibilities related to the implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. A copy of the IEP shall be provided to the student's parents at no cost to the student's parents.

The school district must provide special education and related services to a student with a disability in accordance with the student's IEP and must make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the student's IEP.

The school district shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

IEP IMPLEMENTATION AND TRANSFER STUDENTS

Transfer student – A student with a disability, as defined in section 200.1, who transfers school districts within the same academic year, shall be provided with a free appropriate public education, including services comparable to those described in the previously held individualized education program (IEP).

Transfer within New York State – In the case of a Student who had a disability who had an IEP that was in effect in New York State and who transfers from one school district and enrolls in a new school district within the same school year, the School district shall provide such student with a free and appropriate education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time the school district adopts the previously held IEP or develops, adopts and implements a new IEP that is consistent with federal and State law and regulations.

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 school district shall provide such 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 pursuant to this section, if determined to be necessary by such school district, and develops a new IEP, if appropriate, that is consistent with federal and State law and regulation.

Transmittal of Records- The new school district in which the student enrolls shall 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 on which the student was enrolled. The previous school in which the student was enrolled should take reasonable steps to promptly respond to such request from the new school. If the District advises parents in its annual notice that it will forward educational records to school districts where the student seeks or intends to enroll, other agencies requesting the records or the parent initiates the request, no further notice to the parent is required. If not, the agency must make reasonable attempts to notify the parent or eligible student at the last known address and give the parent or eligible student, upon request a copy of the record disclosed and an opportunity to a hearing.

It is not necessary to conduct an IEP meeting if (1) a copy of the child's current IEP is available, (2) the parents indicate that they are satisfied with the current IEP, (3) the school district determines the current IEP is appropriate and can be implemented as written, (4) if no IEP is available, a new IEP must be developed in one week.

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

ANNUAL REVIEW, REEVALUATION AND DECLASSIFICATION

An annual review is conducted for every resident student who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. The review is conducted to determine the student's present levels of performance and educational needs, continued eligibility and need for special education services and whether any modification or additions to the special education and related services are needed to enable the student to meet the measurable annual goals of the IEP and to participate, as appropriate, in regular education. If a revision of the IEP is recommended it must address:

- any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- the results of any reevaluation and any information about the student provided to, or by, the parent;
- the student's anticipated needs;
- or other matters, including a student's need for test accommodations and/or modifications.

Reevaluation-the CSE arranges for an appropriate reevaluation of each student with a disability:

- if the school district determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant a reevaluation or
- if the student's parents or teacher requests a reevaluation;

- at least once every three years; except where the school district and the parent agree in writing that such reevaluation is unnecessary, and
- the school district will not be obligated to conduct a reevaluation on students who graduate with a local or Regents diploma, or who exceed age eligibility for FAPE.

The CSE or CPSE is not required to arrange for the reevaluation of a student with a disability more frequently than once a year, unless the parent and the school district representative on the CSE agree otherwise. A reevaluation of a student with a disability is still required at least once every three years. The school district, whenever possible, will consolidate reevaluation meetings for the student with other CSE meetings for the student.

Determination of needed evaluation data-the CSE must review the student's local or State assessments results and any observations of the student in his or her classroom as the CSE determines what, if any, additional evaluations are necessary as part of an initial or reevaluation to determine eligibility and the IEP needs of a student with a disability. 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 and observations, teacher and related service provider's observations, is conducted to determine what additional data, if any, is needed. The group may conduct its review without a meeting. On the basis of that review, and input from the student's parents, the committee on special education and other qualified professionals, as appropriate, shall identify what additional data, if any are needed to determine: Whether the student has a disability as defined in section 200.1 (mm) or (zz), or in the case of a reevaluation of a student, whether the student continues to have such a disability; the present levels of academic achievement and related developmental needs of the student, including the four areas listed in section 200.1. If no additional data is needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs. The parents are notified of the determination and the reasons for it. The parents are notified of the right to request an assessment and that the district is not required to conduct such an assessment unless requested by the students' parents.

A comprehensive reevaluation is conducted at least once every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The **reevaluation** shall be sufficient to determine the student's individual needs, educational progress and achievement, the ability to participate in instructional programs in regular education and the student's continued eligibility for special education, assess the appropriateness of classification, program and placement. Reevaluations are also initiated prior to the requirement if the school district determines that the educational needs, including improved academic achievement and functional performance, of the child warrants a reevaluation or if the child's parents or teachers requests a reevaluation. The reevaluation will be unnecessary if the parent and the school district agree to it in writing. An evaluation is not required before the termination of a child's eligibility under Part B due to graduation from secondary school with a regular diploma, or due to exceeding age eligibility for a free appropriate public education (FAPE) under the state law. For a child whose eligibility under Part B terminates under the circumstances described above, the school district shall provide the child with the Student Exit Summary, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. (See TRANSITION PLANNING).

Consent is obtained prior to conducting any new test or assessment as part of a reevaluation of a student with a disability. If the district takes reasonable measures to obtain such consent and the student's parent fails to respond, reevaluation may take place without parental consent.

If the Committee determines that no additional testing is needed, the CSE will notify the parent of that determination, the reasons for it, and the right of the parent to request an evaluation. The Committee will also indicate that it is not required to conduct such assessment unless requested by the student's parent.

Before determining that a student is no longer eligible to receive special education services, an evaluation must be conducted. When the CSE determines that a student no longer needs special education services, the Committee may recommend declassification support services for no more than the first year in regular education. Such services may include psychological, social work, speech and language services or non-career counseling or they could consist of assignment of an aide or consultant to the classroom teacher. Continuation of test modifications upon declassification is not automatic. The CSE may determine that 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. A school district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education.

Amendments to the IEP after the annual review-The CSE can amend the student's IEP after the annual review by either rewriting the IEP or by developing a written document to amend or modify the student's current IEP. Any recommendations for amendments to the IEP can only be made in a CSE meeting and the parent must receive prior written notice of the changes made to the IEP. The parent and the school district may agree not to convene a meeting of the CSE for the purpose of making those changes, and instead may develop a written document to amend or modify the student's current IEP under the following circumstances:

- the parent makes a request to the school district for an amendment to the IEP and the school district and such parent 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 in such parent's native language or other dominant mode of communication, informs and allows the parent the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes and the parent agrees in writing to such amendments.

Amendments to an IEP pursuant to the above shall not affect the requirement that the CSE review the IEP at least, annually, or more often if necessary.

The parent must receive a copy of the document that amends or modifies the IEP. Upon request, the parent must be provided a revised copy of the entire IEP with the amendments incorporated.

REQUEST FOR EVALUATIVE INFORMATION FROM AN AGENCY

A timeline of 42 days of the date of receipt of a request by an authorized agency for evaluative information on a student in order for the school district to provide such information and recommendation to the requesting agency. The CSE, after receiving such a request, will obtain parental consent or consent of a student 18 years of age or older for the evaluation.

CONTINUUM OF SERVICES-To enable students with disabilities to be educated with non-disabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, providing related services, resource

room programs and special class programs within the regular education classroom.

1. 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 regular education program or to a less restrictive program or service. These services 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. The teacher for whom the services are being provided must have an opportunity for input at the CSE meeting.

2. CONSULTANT TEACHER SERVICES BOTH DIRECT AND INDIRECT

Consultant teacher services will be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes including career and technical classes, and/or to such students' regular education teachers. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and shall be included in the student's individualized educational 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:

- 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 committee on special education 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.
- The total number of students with disabilities assigned to a consultant teacher shall not exceed 20.
- When consultant teacher services are specified in the Student's IEP, the regular education teachers of the student for whom service will be provided must be given the opportunity to participate in the instructional planning process with the consultant teacher to discuss the goals and/or objectives and to determine the methods and schedules for such services following the development of the IEP.

3. RELATED SERVICES:

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech and language pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, orientation and mobility services, medical services as defined by regulations, parent counseling and training, school health services, school nurse services, (nursing services provided by a qualified school nurse or other health services provided by a qualified person designed to enable a student with a disability to receive a free and appropriate public education as described in the IEP of the student), school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services, such as therapeutic recreation that a student needs in order to access the regular education curriculum and to benefit from special education under existing federal regulations. Additionally, interpreting services and the early identification and assessment of disabling conditions in students may be a related service. A medical device that is surgically implanted or the replacement of such device is not included.

- The frequency, duration and location of each service shall be in the IEP, based on the individual student's need for the service.
- Speech/language services provider's caseload will not exceed 65.

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

SPEECH-LANGUAGE SUPPORT SERVICES-INDIRECT

Students do not qualify for speech-language services or have been declassified. The speech language pathologist provides the teacher with compensatory and pre-referral strategies. The need for the continuation of services will be reviewed at the end of each marking period or as necessary. Services are not IEP driven.

SPEECH-LANGUAGE SUPPORT SERVICES-DIRECT

Non-classified students who present with speech and/or language delays/deficits that impede academic success. Children will receive direct speech/language therapy services via a push in and/or pull out model. Services are not IEP driven.

SPEECH-LANGUAGE CLASSIFIED

Students meet Part 200 criteria of Speech Language Impairment either as their sole impairment or as the result of another condition including but not limited to mental retardation, autism, multiple disabilities, such that an Individualized Education Plan is mandated.

TRANSITIONAL SPEECH SERVICES

Students have been declassified from speech and language services. The speech language pathologist will monitor or provide services as needed to ensure that students generalize skills or utilize compensatory strategies in the classroom for a maximum of one year.

4. RESOURCE ROOM

The resource room program is for the purpose of supplementing the regular education classroom instruction of students with disabilities who are in need of such supplemental programs. Resource room services shall be provided in accordance with the following provisions.

- The instructional group in each resource room period does not exceed five students. Each resource room period is instructed by a special education teacher or a certified reading teacher, where appropriate.
- Students shall spend a minimum of 3 hours per week and not more than 50 percent of the day in the 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.
- 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.

5. INTEGRATED CO-TEACHING SERVICES:

A group of students with the same or different disabilities who are fully included into the regular education environment but who are in need of a more intense level of support than can be provided in resource room. Students are integrated into age appropriate regular education classrooms with

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

- Effective July 1, 2008, the number of students receiving integrated co-teaching services in a class shall not exceed 12 students.
- School personnel shall minimally include a special education teacher and a regular education teacher.
- Additional personnel, including supplementary school personnel, assigned to such classes by the district, may not serve as the special education teacher.

6. 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 16 years of age will not exceed 36 months. A student with a disability shall be placed in a special class to the extent indicated in his/her IEP.

7. 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-must share evaluations conducted at location with the school district of residence.
- An approved Residential Placement.
- Admission to public school of students residing in Office of Mental Health, (OMH), Office of Mental Retardation and Developmental Disabilities (OMRDD) or childcare institutions-the school district's CSE reviews the decision of the recommendation of the OMH, OMRDD or childcare institution's CSE. The school district's determination goes to the BOE.

For those students with disabilities placed by the District in out-of-District placements, the District will take the following steps to monitor and address the students' attendance:

- The District will issue written requests to all out-of-District placements made by the District that such placements inform the District if any students placed there by the District have had any extended absences of five consecutive days, or, if a student has had an unusually high number of non-consecutive absences in a short period of time
- The District will contact the out-of-District placements to obtain attendance records for students placed by the District in out-of-District placements to obtain attendance records for students placed by the District in such out-of-District placements periodically, but not less than quarterly
- The District will contact the out-of-District placements periodically, but not less than quarterly, to check on the overall progress of the students placed by the District in such placements

- If a concern regarding attendance is raised by the out-of-District placement, the District or a student's parents/persons in parental relation, a Committee on Special Education or Sub-committee on Special Education meeting will be scheduled. At the Committee on Special Education meeting/Sub-committee on Special Education meeting, the Committee on Special Education/Sub-committee on Special Education shall review the student's attendance, consider whether his or her attendance and/or the behaviors associated therewith is impacting his or her ability to access the educational program and determine whether additional evaluations, including, but not limited to, a functional behavioral assessment is warranted, given the circumstances of each specific case and/or whether a different placement should be considered and/or recommended
- In the event the Committee on Special Education/Sub-committee on Special Education recommends a functional behavioral assessment and as a result of the functional behavioral assessment, it is determined that the student's behaviors are impacting his or her ability to learn and access the educational program, the District will develop a positive behavior intervention plan to address the behaviors and a follow-up Committee on Special Education/sub-Committee on Special Education meeting will be held, at which time the behavior intervention plan and the student's program will be reviewed.

8. HOME AND HOSPITAL INSTRUCTION

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

- Instruction for elementary school students will be provided a minimum of 5 hours per week;
- Secondary school students will receive a minimum of 10 hours of instruction per week, preferably 2 hours daily.
- Youngsters who are awaiting placement may be assigned, on an interim basis and with their parent's consent, to alternate-site instruction. This instruction is identical to home teaching except that the actual instruction takes place outside the home.

9. INTERIM ALTERNATE EDUCATIONAL SETTING (IAES)

Available to students who have been suspended or removed from their current placement for more than 10 school days. An IAES is an educational setting, other than the student's current placement at the time the behavior precipitating an IAES placement occurred. The school district will ensure that a student placed in an IAES continues to receive services so as to:

- Enable the student to continue to participate in the regular education curriculum, although in another setting;
- Enable the student to progress toward the goals set out in the student's IEP; and
- Receive, as appropriate, a functional behavior assessment and a behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.

10. DECLASSIFICATION SUPPORT SERVICES

Students exiting special education may be considered for declassification services. Declassification support services are defined in the Part 100 Regulations. Testing modifications may be continued as recommended by the CSE.

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

- identify the declassification support services
- indicate the projected date of initiation,
- frequency and duration of such services, not to be continued for more than one year

***ADDITIONAL
EVALUATION, IEP
AND PLACEMENT
CONSIDERATIONS***

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

The Board of Education shall upon receipt of the IEP recommendations, 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 or Preschool 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 days prior to, or after, such appropriate starting date, in which case the services shall be provided no later than 30 days from the recommendation of the Committee.

For CSE, evaluation shall be completed within **60 calendar days** of receipt of consent to evaluate a student not previously identified as having a disability or within **60 calendar 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 program/services prior to the Board of Education meeting.

If the Board disagrees with the recommendation of the CPSE/CSE, it will 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 recommendation to the Board of Education with revisions, if any.

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The recommendation to declassify students with disabilities is the responsibility of the Committee on Preschool Education (CPSE) and Committee on Special Education (CSE). As declassification constitutes a significant change of identification and placement, CPSE and the CSE shall reevaluate the child prior to making this recommendation. The CPSE and 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 and CSE shall reevaluate the child without consent.

In order to determine the nature of this reevaluation, the school staff including members of the CPSE and 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, reports by related services providers and other professionals. This review shall not constitute a CPSE and a CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CPSE and 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 and the 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 and the 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 child 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 CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CPSE and 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 additional educationally related support services, academic intervention services, or other services that may be appropriate for the child.

PROCEDURES FOR ASSESSING LIMITED ENGLISH PROFICIENT (LEP) STUDENTS OR PUPILS WITH LIMITED ENGLISH PROFICIENCY

SCREENING

As part of the Kindergarten screening, youngsters who appear to be Limited English Proficient (LEP) are screened by the ESL teacher. The ESL teacher also screens LEP new entrants to the district. In order to determine educational needs, the screening is completed in the student's native language. One method that is used to determine the student's predominant language is the Home Language Survey. If the student does not speak English, the ESL teacher administers the Language Assessment Battery (LAB) to determine language proficiency. If the student scores at or below the cut-off point on the LAB, the student is determined to be limited in oral proficiency and ESL services are provided. Students who are referred for a bilingual assessment have usually been in the ESL program. Traditionally, the referral comes from the ESL teachers who discuss the problem with the building team or guidance counselor and/or the school psychologist regarding the possibility of a disability interfering with acquisition of academic and/or language skills. ESL students and LEP or ELL students are required to take all State Assessments including the English Language Arts Assessment after being in the United States for one year.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not an evaluation for eligibility for special education and consequently, does not require parental consent. Prior to a referral, regular education supports known as pre-referral or pre-intervention strategies are attempted to determine if the student can make progress through these interventions.

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. In making a determination of eligibility for special education and related services, a child may not be identified as a child with a disability if the determinant factor for such determination is limited English proficiency.

CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR LIMITED ENGLISH PROFICIENT STUDENTS

The CPSE/CSE 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 must ensure that all tests and assessment procedures are administered so as not to be racially and culturally discriminatory.

The procedures for ensuring appropriate and non-discriminatory evaluations for youngsters who are Limited English Proficient will be as follows:

- The CSE referral will indicate the youngster's native language, as determined by the Home Language Survey and other assessments.
- The CSE referral includes a section that must be completed on youngsters who are Limited English Proficient 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.

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 CPSE/CSE 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 / evaluations:

- The length of time the youngster has been in the United States;
- The amount of instruction that the youngster has received in the United States as well as his or her home country;
- The length of time the youngster has been receiving ESL instruction;
- Attendance in school;
- The youngster's proficiency in his native language as well as English proficiency;
- The types of regular education supports that the youngster has received.
- A bilingual evaluator will be obtained who is knowledgeable about the youngster'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 languages will be sought that are normed on the same or similar population as the country from which the student has come. 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 morpholinguistic based measures.
- Age-appropriate adaptive behaviors will also be taken into consideration.
- All areas of suspected disability will be evaluated in the child's native language (e.g. speech).
- The bilingual evaluator will conduct a complete bilingual social history.
- The evaluation report will state the language in which the assessment was administered.
- If the tests normally used are not considered valid for the LEP 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 CPSE/CSE when reviewing bilingual evaluations:

- A bilingual professional or translator will be present at the CPSE/CSE meeting and the attendance sheet will indicate the name and language of this interpreter.
- The CSE 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.
- In keeping with the doctrine of Least Restrictive Environment, the CPSE/CSE will determine if remedial services and other regular education supports can be tried before considering special education services.
- All notices requiring consent and informing parents of CPSE/CSE recommendations will be translated into the parent's dominant language.
- The program or services recommended for the student may consist of a combination of ESL and special education services, as recommended by the CSE.

EXTENDED SCHOOL YEAR (CPSE/CSE)

The Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE) will determine whether a student requires a structured learning environment of up to 12 months 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 or knowledge during the months of July and August of such severity so as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. A special program or service shall operate for at least 30 days during the months of July and August. In accordance with Section 200.6(j) and 200.16(h) of the Commissioner's Regulations, students will be considered for twelve-month special services and/or programs to prevent substantial regression if they are:

- preschool students/school age 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;
- preschool students/school age students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- preschool students/school age students who are recommended for home and hospital instruction or students/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;
- preschool students/school age students whose needs are so severe that they can be met only in a seven-day residential program; or
- Preschool students/school age students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or program provided in a structured learning environment 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 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 20 and 40 school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight weeks or more would indicate that substantial regression has occurred.

Parent consent is required for initial placement in a 12- month program or service.

ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

Universal design-A concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

The school 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. The 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 student with a disability, including a functional evaluation of the child in the child'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 child.

A student's need for assistive technology is determined through the individual evaluation. The district's CPSE/CSE 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 service 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.

EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT

Students, who entered the ninth grade during the 2001 – 2002 school years and thereafter, are required to complete one unit of study in a foreign language other than English before completing the twelfth grade. 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 who disabilities specifically and severely impair receptive and/or expressive language skills, or exhibits other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most youngsters would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students who are completing sixth, seventh, or eighth grade, the CSE will take the following steps:

- Curriculum will be reviewed to determine whether the language requirement has been completed.
- If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors that may be relevant to ability to benefit from language instruction in the following year.
- In determining whether or not exemption is “appropriate”, particular attention will be paid to severity of the speech and language impairment. Exemption may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that 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 IEP showing necessary testing modifications and classroom modifications will be made available to the language instructor by the student’s special education teacher.

School district and State Education Department policies strongly favor fulfillment of the language requirement by all students prior to completion of ninth grade. Only students whose receptive or expressive language is severely impaired will be exempted unless there are specific factors that in combination with language problems make exemption necessary.

TRANSITION PLANNING

DEFINITION

“Transition Services” means a coordinated set of activities for a child with a disability that is designed within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’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 shall be based upon the student’s strengths, preferences, and interests, and shall include needed activities in the following areas: 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. It shall be ensured that all students with disabilities have available to them a free and appropriate public education (FAPE) that emphasized special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.

INDIVIDUALIZED TRANSITION PLAN

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, and updated annually, the IEP shall, under the applicable components of the student’s IEP, include:

- (a) 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 as defined in section 200.1 (ff) of this Part;
- (b) appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- (c) a statement of transition service needs of the student that focuses on the students course of study, such as participation in advanced-placement courses or a vocational education program;
- (d) 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
- (e) 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, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel (e.g., administrators, psychologist, related service provider, regular education teacher) may be asked to participate in the process.

The Transition Services IEP contains the following elements:

- Individualized long-term post-secondary adult outcome statements for
 - a) education
 - b) employment
 - c) community living
- Coordinated set of transition activities in the areas of instruction; employment/post secondary activities; related services, community experience; and, if appropriate, activities of daily living/functional vocational assessment evaluation including responsibility for implementation and date of implementation
- Graduating, aging out or exiting students with disabilities must have a Student Exit Summary (SES) included in their IEP the year in which they leave their school setting. The SES is a summary statement of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his or her postsecondary goals.
- Timelines and procedures for transfer of information to adult agencies for students transitioning to adult services, including written notice to parents or student and the opportunity to consent to transfer is 20 days.

VOCATIONAL ASSESSMENTS

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 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 following:

- 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.

LEVELS OF VOCATIONAL ASSESSMENT

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

The Level I 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.

When a vocational/career assessment raises issues that need clarification or does not provide adequate information for decision making, additional assessments may be recommended by the CSE. The additional assessments are not necessarily given in hierarchical order and a student can be recommended for a more formalized testing from a specialist in vocational assessment and/or a situational work assignment.

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

The Level III vocational assessment is a situational assessment conducted while a student is actually engaged in real or simulated work related or 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.

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

AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES

Students with disabilities are no longer eligible for a free appropriate public education once they reach the age of 21 or attain a high school diploma. The district has a mandated responsibility to implement an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning services previously discussed in this plan.

Aging-out is specifically designed to meet the needs of three groups of students with severe disabilities:

1. Students attending residential out-of-state schools that have attained or will attain the age of 18 prior to June 30 of the current school year.
2. Students attending residential in-state schools that have attained or will attain the age of 18 by June 30 of the current school year.
3. Students attending non-residential, in-state programs 100% of the time, who have intensive management needs and who are likely to require adult services: The process for eligible students begins at the first annual review after the student reaches the age of 15.

Although the procedures for referral of students in these three groups are not identical, there are certain common overriding steps:

- Identification of students likely to need adult service based on criteria noted above
- Notification to parents or students
- Obtaining consent to release information
- Referral to agency(ies)
- Submission of reports to the State Education Department

OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS

It is the policy of the school district to encourage students with special education needs to pursue high school diplomas. Access must be provided to required courses, electives and tests as specified in Part 100 of the Regulations of the Commissioner. The Committee must consider the high school credentials the student will seek to attain a high school diploma or Career Development and Occupational Studies Commencement Credential or Skills and Achievement Commencement Credential. To assure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:

1. The Committee on Special Education (CSE) will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the middle school, the CSE will make an assessment as to whether or not the student's capacities indicate probable success in a course of study leading to a diploma, or whether his or her needs could be better met in an individualized education program designed to culminate in the award of a Career Development and Occupational Studies Commencement Credential or Skills and Achievement Commencement Credential. Where appropriate, the student will participate in this decision-making process.
2. The decision will be reviewed annually. The CSE will consider the following factors:
 - current levels of achievement;
 - learning rate;
 - preference of student and family
3. The CSE will consider whether the student's disability is such that s/he is entitled to testing modifications, which will be specified on the IEP.
4. The district will offer appropriate remedial instruction for all students.
5. The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
6. If the student's special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the district in special classes. In any such case, instruction in subjects granting credit toward graduation will be provided in accordance with curriculum objectives and minimum required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught. A record of the objectives and criteria for mastery will be subject to approval by the building principal and maintained in the special education office. Evaluation of student work will be completed in accordance with the individual educational needs of the student.
7. Prior receipt of a Career Development and Occupational Studies Commencement Credential or Skills and Achievement Commencement Credential does not preclude subsequent granting of a regular diploma if appropriate assessments and necessary credits are achieved before the end of the

school year in which a student reaches his/her twenty-first (21st) birthday. In all cases in which a Career Development and Occupational Studies Commencement Credential or Skills and Achievement Commencement Credential is issued, parents will receive written notice that a student is entitled to receive a free and appropriate public education until the end of the school year in which he/she reaches his/her twenty-first (21st) birthday or obtains a high school diploma.

GUIDELINES FOR ISSUANCE OF A CAREER DEVELOPMENT AND OCCUPATIONAL STUDIES COMMENCEMENT CREDENTIAL AND A SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL

The Board of Education and district staff shall comply with all federal and state requirements concerning the education of children with disabilities.

The district subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. In accordance with this, it is expected that students with disabilities will be guided toward a course of study which will lead to the achievement of a high school diploma. It is recognized however that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. There are currently two non-diploma high school exiting credentials available for students with disabilities in the District:

1. Career Development and Occupational Studies Commencement Credential – this Credential is available to students with disabilities, other than those assessed using the New York State Alternate Assessment. This Credential may be a supplement to a regular diploma or may be awarded as an exiting credential, provided the student has attended school for not less than twelve (12) years, excluding Kindergarten. To receive this Credential a student must:

a. Comply with the following requirements:

- i. Complete a career plan;
- ii. Demonstrate attainment of the commencement level knowledge and skills relating to career development and occupational studies learning standards in the area of career exploration and development;
- iii. Integrate learning and universal foundation skills;
- iv. In grades 9-12, satisfactorily complete the equivalent of two (2) units of study in Career and Technical coursework and/or work-based learning, provided the equivalent units of study shall include a minimum of fifty-four (54) hours of documented school supervised work-based learning experiences related to career awareness, exploration and/or preparation; and
- v. Within one year prior to a student’s exit from high school, at least one (1) employability profile must be completed for the student; or

b. Meet criteria for a national work readiness credential.

Notwithstanding the foregoing, for students with disabilities who exit from high school prior to July 1, 2015, the District may award the career development and occupational studies commencement credential to a student who has not met all of the above requirements if the District, including the principal and relevant personnel, has determined that the student has otherwise demonstrated knowledge and skills related to the commencement level career development occupational studies learning standards.

For students with disabilities who transfer from another school district, the principal shall, after consultation with relevant faculty, evaluate the work-based learning experiences and coursework on the student's transcript or other record to determine whether the student meets the requirements for such Credential.

This Credential shall be issued at the same time the student receives his/her Regents or local high school diploma, except that for a student whose disability prevents him or her from earning a Regents or high school diploma, any time after such student as attended at least twelve (12) years of school, excluding Kindergarten, has received a substantially equivalent education elsewhere or at the end of the school year in which a student attains the age of twenty-one (21).

2. Skills and Achievement Commencement Credential – this Credential is available only to students with severe disabilities that are assessed using the New York State Alternative Assessment. This Credential may be issued to students with severe disabilities, who attend school for at least twelve (12) years, excluding Kindergarten, or at the end of the school year in which a student attains the age of twenty-one (21) may exit with this Credential. This Credential must be accompanied by a summary of the student's levels of achievement in academic and career development and occupational studies and functional performance. This Credential is based upon and shall contain a notation that it is based upon achievement of alternate academic achievement standards.

If either the Career Development and Occupational Studies Commencement Credential or the Skills and Achievement Commencement Credential is awarded to a student less than twenty-one (21) years of age, it will be accompanied by a written statement of assurance that the student shall be eligible to attend the public school of the District in which the student resides without the 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 twenty-one (21), whichever shall occur first.

PROCEDURAL SAFEGUARDS

INFORMED CONSENT AND PRIOR WRITTEN NOTICE (CSE AND CPSE)

DUE PROCESS HEARINGS

Hearings:

Upon receipt of the parent's due process complaint notice, or the filing of the school district's due process complaint notice, the board of education shall arrange for an impartial due process hearing to be conducted in accordance with the following rules:

- Appointment from the impartial hearing list must be made in accordance with the rotational selection process established in section 200.2(e)(1) of the Regulations.
- The rotational process must be initiated immediately, but no later than two business days after receipt by the school district of the due process complaint notice or mailing of the due process complaint notice to the parent.
- The impartial hearing officer may not accept 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 to initiate the hearing within the first 14 days of the time period specified above.
- The board of education or designated trustees shall immediately appoint an impartial hearing officer to conduct the hearing. A board of education may designate one or more of its members to appoint the impartial hearing officer.
- Unless an extension is granted pursuant to the above as follows:
 - When the school district files a due process complaint notice, the hearing or pre-hearing conference shall commence within the first 14 days after the date upon which the impartial hearing officer is appointed.
 - When a parent files a due process complaint notice, the hearing or a pre-hearing conference shall commence within the first 14 days after:
 1. the date upon which the impartial hearing officer receives the parties' written waiver of the resolution meeting; or
 2. the impartial hearing officer receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
 3. the expiration of the 30-day resolution period, whichever occurs first, unless
 4. the parties agree in writing to continue mediation at the end of the 30-day resolution period, in which case, the hearing or pre-hearing conference shall commence within the first 14 days after the impartial hearing officer is notified in writing that either party withdrew from mediation.

INDEPENDENT EDUCATIONAL EVALUATIONS

At the time of CSE initial or reevaluation, the CSE Office will inform parents regarding their right to an independent evaluation by providing them with a copy of the Due Process Notice. When they disagree with the evaluation conducted by the CSE, parents may request an independent evaluation. A parent is entitled to only one independent evaluation at public expense each time the school district conducts an evaluation with which the parent disagrees. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained will be provided upon request. 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's 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's criteria, the parent is not entitled to reimbursement at district's 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 final placement determination.

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

- The request must be in writing or verbally at a CSE meeting.
- The qualifications of the evaluator and the location of the evaluation shall be the same as the criteria that the district uses when it initiates an evaluation. This includes, but is not limited to, the following:
 - 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 State Education Department; and
- The evaluation will take place in Nassau County. For the purposes of this policy, Long Island Jewish Medical Center shall be deemed to be situated in Nassau County.
- 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.
- 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, if any. In the absence of unusual circumstances, costs will be deemed reasonable and allowable if the proposal cost is within 20% of the cost paid by the District for the same evaluation:

RESOURCES FOR INDEPENDENT EVALUATIONS

Adelphi University
Speech/Hearing
Garden City, N. Y. 11530
877-3000

Child Development Center
Nassau County Medical Center
2201 Hempstead Tpke.
East Meadow, N.Y. 11554
527-5914

Hofstra University
Hempstead Tpke.
Hempstead, N.Y. 11550
463-5660

Long Island Jewish Hospital
Schneider's Children's Hospital
269-01 76th Avenue
New Hyde Park, N.Y. 11040
(718) 470-3540

North Shore Child Guidance
480 Old Westbury Road
Roslyn Heights, N. Y. 11577

North Shore University Hospital
Neuropsychological Division
400 Community Drive
Manhasset, N. Y. 11030
562-3054

Peninsula Counseling Center
381 Sunrise Highway
Lynbrook, N. Y. 11563
599-1181

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 or, the student is a ward of the State. In the case of a child who is a ward of the state, a surrogate parent may alternatively be appointed by the judge overseeing the child’s care, provided that the surrogate meets the requirements by law. In the case of an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Act, the school district shall appoint a surrogate in accordance with the 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 and, to the extent possible, shall:
- have no other interest which could conflict with their primary allegiance to the student they would represent;
- be committed to acquaint themselves personally and thoroughly with the student and the student’s educational needs;
- and
- be generally familiar with the educational options available to students with disabilities.

PROCEDURES FOR ASSIGNING SURROGATES:

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

1. 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;
2. 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;
3. 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. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education or other body responsible for the provision of special education programming and services within ten (10) days of the date of determination by the Committee.
4. Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
5. The foster parent of the student, who otherwise meets the qualifications of a surrogate parent, may be appointed as the surrogate parent of the student without being appointed from a list approved by

the Board of Education.

6. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may be appointed as temporary surrogate parents until a surrogate can be appointed that meets the appropriate qualifications.

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. This procedure allows parties to resolve disputes involving any matter for which an impartial due process hearing may be brought about through a mediation process, including matters arising prior to the filing of a due process complaint notice. The mediation process is voluntary on the part of the parties and is not used to deny or delay a parent's right to a hearing on the parent's due process complaint. A mediator must be knowledgeable in laws and regulations relating to the provision of special education services. 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 mediators are qualified, impartial and have been trained in effective mediation techniques. A mediator may not have a personal or professional interest that would conflict with his or her objectivity in the mediation process and may not be an employee of a school district or program serving students with disabilities. Mediation 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. An individual who serves as a mediator may not be the 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 mediator must be a disinterested party who is under contract with:

- A parent training and information center or community parent resource center in the state, or
- An appropriate alternative dispute resolution entity to encourage the use, and explain the benefits, of the mediation process to the parents.

In the case that a resolution is reached to resolve the issues in the request for a due process hearing through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that:

- States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court;
- The written, signed agreement is signed by both the parent and a representative of the agency who has the authority to bind such agency; and
- Is enforceable in any state court of competent jurisdiction or in a district court of the United States.

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.

At the end of the mediation session, the parties enter into a written agreement. Agreement may be reached on any or all of the concerns or issues, which were discussed during the mediation session. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. Discussions during the mediation session are confidential and may not be used as evidence in any subsequent hearings or proceedings.

The CPSE or CSE must immediately amend the student's IEP to be consistent with a mediation agreement.

The Community Dispute Resolution Center (CDRC) in Nassau County will conduct Special Education mediation. 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.

APPOINTMENT OF IMPARTIAL HEARING OFFICERS

The Board of Education annually establishes and maintains a list of names and qualifications of all Impartial Hearing Officers available to serve in the school district.

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 Impartial Hearing Officer (IHO) if the individual was certified as an IHO prior to September 1, 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 and
- Successfully complete a State Education Department training program.

Procedures

1. The selection of an impartial hearing officer must be made from a list of all hearing officers who are certified and available to serve in the school district.
2. Possess knowledge of, and the ability to understand, the provisions of IDEA; the federal and state regulations pertaining to IDEA; and legal interpretation of IDEA by federal and state courts;
3. Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
4. Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice.
5. The list must be established and maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.
6. 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.
7. If a hearing officer declines appointment, or if within 24 hours the Impartial Hearing Officer fails respond or is unreachable after reasonable efforts by the school district, each successive Impartial Hearing Officers whose name next appears on the list, shall be offered appointment until such appointment is accepted. These attempts will be documented.

For further information concerning the impartial hearing process, refer to the Notice of Due Process Rights.

GUARDIAN AD LITEM

In the event 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 familiar with the provisions of the Part 200 Regulations who is appointed from the list of surrogate parents or who is a pro-bono attorney appointed to represent the interests of a student in 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.

***RECORDS ACCESS
AND
CONFIDENTIALITY***

NOTICE OF RIGHTS CONCERNING STUDENT RECORDS

Following is an explanation of the rights of parents/guardians concerning school records relating to their student 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 students, 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, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified report 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 or prior to any Committee on Special Education meeting or Impartial Hearing.
- 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 Superintendent of Schools.
- 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 as more fully set forth in the Board of Education’s Student Records Policy.
- The Board of Education’s Student Records Policy includes Directory Information regarding students. In the Policy, Directory of Information includes the following items: student’s name, address, telephone number, date of birth, parents’ names, and dates of attendance. Parents have the right to have their student’s name and the information indicated above removed from the Directory Information List. If a parent chooses to do so for the current school year, they are to advise the Office of the Superintendent of Schools in writing by a designated date. Parents who choose to remove their student’s name and other information from the Directory Information List should be advised that it will impact data which parents receive through the channels of the PTA/PTAs Organizations, including PTA/PTAs phone chains regarding pertinent school information.

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 through the district CPSE.

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 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 had demonstrated, to the satisfaction of the principal, that he or she is the actual and only person responsible for the student and for making decisions on the student’s behalf. Non-custodial parents have the same rights concerning access to their students’ 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 opportunity to present a court order or other binding instrument barring 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, a personal identifier 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.

RECORDS KEPT IN LOCATION AND THEIR CUSTODIAN(S)

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 tests and follow-through letters regarding remedial services; high school transcript, correspondence which is pertinent to the educational development of the student; accomplishments; records of suspensions or other disciplinary matters; and honors and awards.

Materials kept in that location should include referral for educationally-related support services (ERSS), Academic Intervention Support Services, or evaluation for special education; records from family court and student protective services; information relating to drug or alcohol abuse; and any other confidential material. The principal of the school shall determine if this secondary record source should be established. Information concerning AIDS-related illness in a student or a family will be subject to the district’s policy statement on AIDS.

	Central Administration	CSE Office	Main or Guidance Office	Principal	MS / HS Attendance	Teacher	Nurse	Clinician
Cumulative Academic								
Health								
Attendance								
Registration								
Standardized Test Records								

CONFIDENTIAL

PSYCHOLOGICAL

Special Education								
Related Service Evaluations								

The school psychologist maintains reports of evaluations and copies of professional reports provided by parents.

INSPECTION OF SCHOOL DISTRICT RECORDS

Parent(s), guardian(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:

1. The parent or eligible student should submit to 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 so that they may be inspected at one site (except for special education records, as described below). Such review will be scheduled promptly after receipt of the written request for access and in no case more than forty-five (45) days from the date of that receipt or prior to any Committee on Special Education meeting or Impartial Hearing. For records containing information on more than one student, parent/student access is limited to only the information, which pertains to their student.
 - Records may be obtained upon direct request to the Director of Special Education and Pupil Personnel Services. Appointments for review of special education records will be made upon a minimum of three days’ notice at the mutual convenience of staff and parent or eligible student.
 - Upon request, record review will be arranged prior to any Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) meeting or any discussions regarding an Individualized Education Program.
2. Within five (5) school days of receipt of a written request for a record reasonably described, the principal or guidance counselor shall make such record available, deny such request in writing, or furnish a written acknowledgment 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. Records may be inspected between 9:00 AM and 3:00 PM. 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 student.

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 Education 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 written consent only under the following circumstances:*

1. "Directory Information" may be disclosed, where appropriate, without consent.
2. Educational records concerning a particular student may be released only to staff members, contractors, consultants, volunteers and other outside service providers under the direct control of the district who have "responsibility for the student, and then only if it is educationally necessary to consult the records".
3. Records in the custody of the Department of Special Education will be released to school officials and members of the Committees on Special Education or Preschool Special Education only for purposes set out in the Individuals with Disabilities Education Act (IDEA)¹, including, but not limited to, identification of a student's disabling condition and development of an individualized education program.
4. 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:
 - where the student is also enrolled or receives services
 - 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 Services to be essential for the provision of educational services/ planning. The District shall give notice to parents or eligible students when such

disclosure is made. They may request and receive a copy of any records released under this provision.

5. Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs, or enforcement of federal legal 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.
6. 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 or institutions. The District shall require recipients of such information to provide written assurances that personally identifiable information received will be destroyed when no longer needed for the study.
7. Records may be released without consent to accrediting organizations to carry out their accrediting functions.
8. 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.
9. 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 REQUESTS 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 regular education record and will keep a record of all information disclosed and access permitted. Such record will include 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,
- 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.

PROCEDURES FOR MAINTAINING CONFIDENTIALITY OF CPSE AND CSE RECORDS

Student records and files are kept in locked files in an office that is also locked when left unattended. An electronic alarm system is activated when the building is closed. The CPSE/CSE secretaries monitor access to student files. They acknowledge and are familiar with all staff that have access. Professionals visit the CPSE/CSE office when they need access to a file. The CPSE/CSE secretary obtains the file and the professional proceeds to a designated area where the review can take place. The access log is signed. When the professional's review is complete, the file is returned to the CPSE/CSE secretary.

Only professionals who are working with the student and parents who are members of the CPSE/CSE are allowed access to the records. Specified support staff are also allowed access to student files in order to complete tasks such as filing, sending and receiving records, etc. The student's original record is not allowed out of the office at any time.

PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

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

1. The parent or student shall notify the Principal or the Director of Special Services 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 Principal or the Director of Special Services will hold an information 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 Principal finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.
2. The Principal or the Director of Special Services will also advise the student or parent of the right to place in the education record a statement commenting on the challenged information and/or setting forth any reason for disagreeing with this decision. The district as part of the education record shall maintain an explanation placed in an education record under this paragraph as long as the district maintains the record. The district with the education record will release it whenever the provisions of this policy authorize such release.

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

HEARING PROCESS

1. A hearing pursuant to paragraph 1 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.

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 shall direct the principal or Director of Special Services to make the appropriate changes. Otherwise, he shall advise the parent

of the right to place in the education record a statement commenting on challenged information as described in paragraph 2, above.

SPECIAL PROVISIONS RELATING TO ALCOHOL OR DRUG ABUSE SERVICES AND AIDS

Services provided within the school district to diagnose drug or alcohol abuse or to provide treatment or direct referral for treatment will be subject to Federal Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records. Information, verbal or in written form, indicating participation in such program will not be released without the student's written consent.

Effective February 1, 1989, all school personnel are required by law to protect the privacy of students or other people (i.e., family members) identified in student records as having AIDS or having tested positive for exposure to the AIDS virus. Each release of any such information requires the express written consent of the parent, or the student, if over the age of 18. A separate consent is required for each disclosure. Consent for release of information which allowed a school to receive such information does not authorize disclosure by school personnel. Information covered by this provision shall not be included in a student's records unless necessary for the provision of educational services and appropriate care, and, where it must be included, it shall to the greatest extent possible, be recorded separately from other information so as to allow the school to release other information, if authorized, without release of the AIDS-related information.

ACCESSIBILITY

ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES

It is the policy of the school district 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 hearing-impaired parents who require such assistance. Parents requiring this or another accommodation (i.e.; translators, barrier-free site) to participate in meetings of the Committee on Special Education are requested to notify the Special Education Office.

Students with disabilities enrolled in the school district have the opportunity to participate in appropriate programs and extra-curricular activities.

ACCESS TO PROGRAMS AND EXTRA-CURRICULAR ACTIVITIES

ACCESS TO EDUCATIONAL OPPORTUNITIES

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Employment and educational opportunities, including vocational educational opportunities, are offered by the Hicksville Union Free School District to boys and girls on an equal basis without discrimination on the basis of sex.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The District official responsible for the coordination of activities relating to non-discrimination is Brian K. Heyward, Assistant Superintendent, who serves as the Title IX Coordinator. The Coordinator will provide information, including information on complaint procedures, to any student or employee who feels that the District or its officials may have violated her or his rights under Title IX. The office is at the Administration Building of the Hicksville Union Free School District at 200 Division Avenue or the telephone number is (516) 733-6612. 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 for Human Rights.

MISCELLANEOUS

SCREENING PROCEDURES

A comprehensive program 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 in the spring prior to scheduled entrance into kindergarten.
- New Entrant Screening – all new entrants are screened no later than December 1 of the school year of entry or within 15 days of transfer should the entry occur after December 1.
- Students suspected of having a disability as a result of diagnostic screening must be referred to the CSE within 15 days 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.

GUIDELINES FOR PROVIDING PUBLIC SCHOOL SERVICES to STUDENTS IN NON-PUBLIC SCHOOLS

CHILD FIND

The school district in which the nonpublic school is located shall immediately refer any nonpublic school student identified through its child find process as a student suspected of having a disability to the committee on special education of the student's school district of residence for evaluation and possible identification as a student with a disability by the committee on special education of the school district of residence. Records shall be kept on number of children to be provided to the State regarding the number of children evaluated, the number of children determined to have disabilities and the number of children served.

FEDERAL FUNDS

The school district in which the nonpublic school is located shall expend a proportionate amount of its federal funds for provision of services to students with disabilities attending such nonpublic schools, provided that such federal funds may not be used to carry out the child find requirement. District of location may charge district of residence for actual costs for:

- Evaluation
- CSE Administration
- Services

Parent consent to share personally identifiable special information between the districts is required for billing. If no consent has been obtained, the school district can submit claim to SED on form prescribed by the Commissioner.

CONTRACTS

The Board of Education providing services shall be entitled to recover tuition from the district of residence of such pupils in accordance with a formula promulgated by the commissioner by regulation. In the case of the education of students with disabilities, such tuition shall exclude costs paid with federal or state funds. State and local funds provided pursuant to this section shall supplement and in no case supplant the proportionate amount of federal funds to be expended by the school district in which the nonpublic school attended by the student is located pursuant to the individuals with disabilities education act.

CHARTER SCHOOLS

If the Charter School arranges to have the school district of residence provide special education, the school district will provide services in the same manner it serves students with disabilities in other public schools in the district, including the provision of supplementary and related services on site to the same extent to which it has a policy or practice of providing such service on the site of other public schools.

SCHOOLS FOR THE DEAF OR BLIND

There shall be reimbursement of costs of tuition and maintenance for students attending a State-supported school for the deaf or blind. Admission to State-operated schools for the blind and deaf

through appointment by the Commissioner.

STATE OPERATED SCHOOLS

Additional members of the Multidisciplinary Team (MDT) may be appointed by the school district of residence.

OUT OF DISTRICT PLACEMENTS

The CSE/CPSE may recommend a placement in a school that uses psychotropic drugs only if such school has a written policy pertaining to such use and the parent is given the written policy at the time the recommendation is made.

WRITTEN AFFIRMATION:

When timely and meaningful consultation occurs, the school district shall obtain a written affirmation signed by the representatives of participating private schools, and if such representatives do not provide such affirmation within a reasonable period of time, the school district shall forward the documentation of the consultation process to the Commissioner of Education.

CONSULTATION:

To ensure timely and meaningful consultation, the school district, shall consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children, including regarding,

- (I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- (II) the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities, including the determination of how the amount was calculated;
- (III) the consultation process among the school district, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (IV) how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate day service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- (V) how, if the school district disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district chose not to provide services directly or through a contract.

PROCEDURES

New York State Residents:

The parent must make a request for services, in writing for dual enrollment services, by June 1 of the preceding year to the district of location. Such a request shall be filed with the Board of Education of

the school district in which the parent or person in parental relation of the student resides in on or before June 1st. Where a student is first identified with a disability after June 1st of the proceeding year and April 1st of the current year, such request shall be submitted within 30 days after such student is identified. The District's due process notice shall advise parents of the filing deadline.

An Individualized Education Services Program (IESP) shall be developed by the CSE based on the student's needs with the same contents as an IEP.

The provision of services will be on an equitable basis compared to special education programs and services provided other students with disabilities attending public and nonpublic schools located within the school district.

Non-Residents of New York State

A Services Plan (SP) shall be developed based on the proportionate share of federal dollars as determined through the consultation process. There will be no FAPE entitlement and no process for the district of location to recover costs for evaluations or CSE meetings. Due process will apply to evaluations only.

The procedures to locate, identify, and evaluate all non-public private school students with disabilities, including religious-school children residing in the school district, must be comparable to activities undertaken for students with disabilities in public schools. The board of education shall consult with appropriate representatives of private school students with disabilities, that may include representatives of organizations of non-public school groups, selected parents of students with disabilities enrolled in non-public schools and selected representatives of the non-public schools in the school district, on how to carry out the activities described in the Regulations of the Commissioner of Education.

Referrals for Evaluation of Students Suspected of having a Disability

The referral will immediately be directed by the building administrator of the non-public school or by the CSE (if the referral is submitted to the CSE office) to the Committee on Special Education. The district of location shall evaluate the student and implement a Individualized Educational Service Plan.

DUE PROCESS

Parentally placed students who are residents of New York State can use the due process procedures to resolve disputes. The due process complaint notice goes to the district of location unless the parent is disputing a district of residence's offer of FAPE (IEP).

Services to Students Identified as Disabled

1. If a student is identified by the Committee on Special Education as being in need of special education, the Committee must notify the parent that the student is entitled to an appropriate education at public expense. However, if the parent wishes to continue the student in non-public school, the district shall arrange for appropriate services pursuant to Section 3602-c of the Education Law, provided the parent's request is prior to June 1st.
 2. If a parent disagrees with any recommendation of the Committee with respect to either identification or the offer of services, the parent may appeal the recommendation to an impartial hearing officer in accordance with Section 200.5c of the Regulations of the Commissioner of Education.
 3. Related services and educational services for both resident and non-resident students will be provided within the district in which the non-public school is located. Related services include counseling, speech and language therapy, occupational therapy, physical therapy, and any other health or welfare services.
- The district cannot compel the parent of a student with a disability to place the student in public school.

CENSUS

The district conducts an annual census via mail in accordance with Education Law, Sections 3240 and 3241. The purpose is to locate and identify all students who reside in the district.

The Attendance Office notifies the CSE or CPSE of any youngsters identified in the census that are new to the district or have been noted as "disabled". Official notification to CSE is on the district Census Form.

On an annual basis all new entrants will be required to have a census form completed. The Attendance Office will notify the CSE and CPSE of any student who is suspected of having a disability.

A register of students with disabilities identified through the District Annual Census will be kept. Students with disabilities who are homeless or who are wards of the State will be included in the district's census and register of students with disabilities.

Data will be recorded on each student, including, but not limited to, student's race, ethnicity, limited English proficiency status, gender and disability category.

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

It is the policy and practice of the Board of Education of the district to ensure, to the maximum extent appropriate, 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 maximum extent appropriate, 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.

Further, it is the policy and practice of the Board of Education to ensure, to the maximum extent appropriate, 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"). At least once per year, a staff member from the district's Department of Special Education 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 continue to meet with Nassau BOCES to work toward N.Y. State Education Department's requirement in developing the regional plan that reduces the number of special education students in center based non-integrated settings. In addition, in an attempt to provide the least restrictive environment for all students, the district will continue to provide space, to the extent available, for school-age students from other school districts who need special programs not available in their home schools. The district will also attempt to provide the Board of Cooperative Educational Services with grade appropriate space for resident and non-resident students if such space is available.

PROCEDURES FOR EVALUATING PROGRAM OBJECTIVES

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, etc., 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 for programs, services and procedures.

The goal of the special education program in the district is to provide each youngster 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 student achievement using various standardized diagnostic tests and other teacher made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEP's;
- qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries; and
- triennial reevaluation of each student with a disability as outlined in NYSCR 200.4 (f)(4)

DISTRICT PROGRAMS

SUMMARY OF DISTRICT DAY PROGRAMS

Program Title/Location

Description and Disability

Consultant Teacher Direct

Minimum of two hours of services per week given to the student and/or mainstream teachers to support the student in a regular education class. Available for all mildly disabled students.

(All Schools)
Grades K-12

Consultant Teacher Direct/Indirect
(All Elementary Schools)

Minimum of 40 minutes of service in the regular education class per day and one 40 minute session of academic skills per week.

Resource Room
(All Schools)
Grades K-12

Minimum of three hours per week of instructional support in small groups not to exceed five (5) students or within a blended regular education class. It is available for all students with moderate and less than moderate disabilities that interfere with their ability to learn.

Integrated Coteaching Classes
(All Schools)
Grades K-12

Minimum of 40 minutes per day in a regular education class with the support of a general and special education teacher working as a team. This program serves both students with disabilities and non-disabled students. Teaching assistants supplement the classes.

Special Class
Grades K-12

Special Class Program emphasizing academic skills for students with autism, speech/language disabilities, moderate to severe learning disabilities, emotional disabilities, intellectual disabilities or multiple disabilities. This service is available in a general education class or in a separate environment.

Life Skills
Developmental
Learning Class

Curriculum designed for students who are designated to take the New York State Alternate Assessments and follow a curriculum guided by the New York State Alternate Assessment Learning Standards. Students are six or more grade levels below expected performance levels. This program is available K-12.

Life Skills
CSE/IEP

Curriculum designed for students who are designated to take the New York State Alternate Assessments and follow a curriculum guided by the New York State Alternate Assessment Learning Standards. Students are six or more grade levels below expected performance levels. This program is available K-12.

Note: Students in all instructional groups are placed according to the similarity of their needs. No instructional group is permitted to have students with more than a three-year span in age with the exception of High School students over the ages of 16.

CONSULTANT TEACHER DIRECT/INDIRECT (ALL SCHOOLS)

The service is available for students in grades kindergarten through twelve who can benefit from the general curriculum with limited special services.

The consultant is a certified Special Education teacher who works directly or indirectly with the student having special needs for a minimum of two (2) hours per week. Through collaboration with the regular education classroom teacher and other specialists, an individualized program is designed to assist the student's learning within the regular education classroom setting.

STAFF:

In addition to the consultant teacher who works in collaboration with the regular education class teacher, support staff may include the speech/language therapist, school psychologist, or other support personnel.

NEEDS:

While every Special Education program must address individual learning styles and needs, students served in the consultant teacher model share the following similarities:

- The students are able to learn within the regular education classroom with limited direct intervention from the special educator.

TEACHER'S ROLE:

The role of the consultant teacher is to collaborate with the classroom teacher, parent, and other support personnel in the development of an appropriate classroom program. This may include modification of materials, procedures, and methods of instruction or, at times, direct instruction to the student.

RESOURCE ROOM PROGRAM

ELEMENTARY SCHOOLS

The Elementary Resource Program is designed for students whose primary disability is learning disabled, speech impaired or mild emotional disturbance. The program serves students in grades K-5. The maximum capacity is five (5) students per group with twenty (20) students per certified special education teacher.

The program consists of identification and diagnostic assessment, small group and/or individualized instruction in basic academic skills, language, study and organizational skills. Encouragement and emotional support is provided. Ongoing consultation with general classroom teachers is an integral part of this program.

STAFF

The Elementary Resource Program consists of a special education teacher and support staff, which may include a school psychologist, a speech and language therapist or social worker.

NEEDS

While the curriculum in special education programs is consistently adapted to individual learning styles, the Elementary Resource Program serves students with the following similar educational needs:

- Academic - Instruction in basic academic skills, oral and written language, study skills and organization; development of sense of academic competence; support for content areas; attention and concentration.
- Social/Emotional - Age-appropriate behavior, interpersonal skills, sense of competency.
- Management - Clarity of expectation, structure, support and encouragement
- Physical - Elementary physical education requirements with appropriate adaptations or modifications in areas such as vision, hearing, activity level, mobility, manual dexterity, etc.

TEACHER'S ROLE

The role of the teacher(s) is primarily to coordinate efforts of mainstreaming teachers in meeting educational needs as well as to help students develop basic skills and competency in content areas.

SUPPORT SERVICES

Other support services to the student may include case conferences, liaison with community agencies and other professionals, counseling, and psychological consultations as needed for diagnosis or evaluation, and speech and language therapy.

HICKSVILLE MIDDLE SCHOOL

Hicksville Middle School Resource Program is designed for students whose primary disability is learning disabled, speech impaired or mild emotional disturbance. Recommended capacity is five (5) students per group with twenty-five (25) students per certified special education teacher. The program serves students grades 6-8. Students with disabilities are mainstreamed into regular education services and are out of the regular class for Resource Room and other services as outlined on their IEP's.

The program consists of identification and diagnostic assessment and direct individualized, small group instruction involving instructional strategies that will assist students in the regular education classroom through the use of the acquisition of compensatory skills in order that students may master concepts and information. These include organization of time, priority goal setting, appropriate study skills, academic reinforcement, and communication skills. Direct instruction on the transfer of the skills or strategies acquired to the academic demands of mainstream classroom settings is provided. Students are prepared to become self-advocates in expressing academic needs and are aided in identifying and utilizing services to support academic needs. Ongoing consultation with regular education classroom teachers is an integral part of the resource program.

STAFF

Hicksville Middle School's Resource Program consists of special education teachers and a support staff, which may include a school, psychologist, a speech and language therapist, social worker and guidance counselor.

NEEDS

While every special education class and/or program must address individual learning styles, students in the Hicksville Middle School Resource Program share the following similar needs:

- **Academic** - Instruction in basic skills, oral and written language, study and organization skills; attitudinal development; and support for content areas.
- **Social/Emotional** - Age-appropriate behavior, interpersonal skills, sense of competency, career development.
- **Management** - Clarity of expectations, structure, support and encouragement.
- **Physical** - Middle School physical education requirements with adaptations or modifications made as necessary in areas such as vision, hearing, activity level and mobility.

TEACHER'S ROLE

The role of the teacher(s) is primarily to coordinate efforts of mainstreaming teachers in meeting educational needs as well as to help students develop basic skills and competencies in content areas.

SUPPORT SERVICES

Other support services to the student may include counseling, liaison with community agencies and other professionals, case conferences, speech and language therapy and psychological counseling consultations as needed for diagnosis and evaluation.

HICKSVILLE HIGH SCHOOL

Hicksville High School Resource Program is designed for students whose primary disability is learning disabled, speech impaired or mild emotional disturbance. Recommended capacity is five (5) students per group with twenty-five (25) students per certified special education teacher. The program generally serves students between the ages of fourteen (14) and nineteen (19). Students with disabilities are mainstreamed into regular education services and are out of the regular class for Resource Room and other services as outlined on their IEP's.

The program consists of identification and diagnostic assessment and direct individualized, small group instruction involving instructional strategies that will assist students in the regular education classroom through the use of the acquisition of compensatory skills in order that students may master concepts and information. These include organization of time, priority goal setting, appropriate study skills, academic reinforcement, and communication skills. Direct instruction on the transfer of the skills or strategies acquired to the academic demands of mainstream classroom settings is provided. Students are prepared to become self-advocates in expressing academic needs and are aided in identifying and utilizing services to support academic needs. Ongoing consultation with regular education classroom teachers is an integral part of the resource program.

STAFF

The Hicksville High School's Resource Program staff consists of an interdisciplinary team which includes a teacher and support staff and may include a school psychologist, a social worker, a speech and language therapist and guidance counselors.

NEEDS

While every special education class and/or program must address individual learning styles, students in the Hicksville High School Resource Room Program share the following similar educational needs:

- Academic - Instruction in basic skills, oral and written language, study skills and organization; attitudinal development; and support for content areas.
- Social/Emotional - Age-appropriate behavior, interpersonal skills, sense of competency, career development.
- Management - Clarity of expectations, structure, support and encouragement.
- Physical - High School physical education requirements with adaptations or modifications made as necessary in areas such as vision, hearing, activity level and mobility.

TEACHER'S ROLE

The role of the teacher(s) is primarily to coordinate efforts of mainstreaming teachers in meeting educational needs as well as to help students develop basic skills and competencies in content areas.

SUPPORT SERVICES

Other support services to the student may include counseling, liaison with community agencies and other professionals, case conferences, speech and language therapy and psychological counseling consultations as needed for diagnosis and evaluation.

INTEGRATED COTEACHING CLASS

ELEMENTARY, MIDDLE AND HIGH SCHOOL

The continuum of services may be offered in a regular education class with the support of a general and special education teacher working as a team (collaborative teachers). This program services both students with disabilities and regular education students. The program entitles the students with disabilities to receive modified activities while following the core curriculum as indicated on their IEP's. Support classes are offered by the special education teacher for the purpose of pre-teaching, re-teaching and remediation.

STAFF: A regular education teacher and a special education teacher work collaboratively to meet the academic and functional needs of the students in the inclusive classroom. Teaching Assistants are directed and supervised by the teachers to work with students in regular classes and support classes.

TEACHERS' ROLES:

Knowledge and Planning

- Both teachers understand the curriculum standards with respect to the content area
- Teachers plan spontaneously, with changes occurring during the instructional lesson
- The special education teacher is familiar with the methods and materials in the content area
- Teachers regularly plan together
- Regular education teachers know and understand the disability and ability profiles of students with special needs in their integrated classes
- Teachers know effective strategies and techniques
- Teachers implement research-based strategies and techniques
- Teachers understand the critical components of the integrated classroom
- Lesson planning is a shared responsibility of both teachers

Relationships and Roles

- Teachers read the non-verbal cues of their teaching partners
- Teachers move freely about the space in the classroom
- Teachers agree on the goals of the classroom
- Teachers present lessons in the classroom
- Classroom rules and routines are jointly developed
- Humor is used in the classroom
- Materials are shared
- The "chalk" passes freely between teachers
- A variety of classroom management techniques are used to enhance the learning of all students
- An ongoing positive relationship is maintained
- Movement and positioning of teachers is fluid and each teacher assumes different roles at different times
- Philosophical differences of the teachers are acknowledged, yet the teachers work toward mutual understanding
- Teachers keep the energy and enthusiasm alive each day
- Communication between teachers is open and honest
- Teachers use different models-parallel models; station models; group models; whole class team model;
- Teachers share clerical and grading responsibilities

Student and Program Evaluation

- Many measures are used for grading students
- The needs of all students are being met
- Test modifications and accommodations are commonplace
- IEP goals and objectives are considered as part of the grading for students with special needs
- A positive climate is maintained
- Students with special needs are passing in integrated classes
- Basic literary skills (reading and writing) of students are improving in integrated classes
- Students are given frequent opportunities to respond in integrated classes
- Teachers agree on the grading standards in the integrated class

NEEDS:

While every special education class and/or program must address the individual needs of students, students in the Collaborative Class share many of the following needs:

Academic - Instruction in appropriate cognitive and academic skills; development of vocational skills and positive work attitudes.

Social/Emotional - Age appropriate behavior, interpersonal skills, sense of competence.

Vocational - At the High School level, instruction in specific vocational skills with an emphasis on job matching each students vocation to his/her aspirations and skills.

Management - Clarity of expectations, structure, support and encouragement.

Physical - Physical Education requirements with appropriate adaptations or modifications for special needs in areas such as vision, hearing, health, activity level, mobility, manual dexterity, etc.

SUPPORT SERVICES:

Other support services to the students may include individual and group counseling, parent guidance; guidance and supervision from school-based and community resource people, case conferences, psychological consultations as needed for diagnosis and evaluation, speech and language therapy, and special scheduling.

SPECIAL CLASSES: HICKSVILLE ELEMENTARY, MIDDLE SCHOOL AND HIGH SCHOOL

Special Classes at Hicksville Middle School and Hicksville High School are cross-categorical classes serving students whose primary disability is learning disabled, emotionally disturbed, speech and language or hearing impaired, or mild mental retardation. The age range for students is three years up to 16 and the maximum capacity is 15 students.

Course content parallels mainstream curricula. The instructors modify the teaching techniques to enhance student participation and comprehension. In addition to course content, skill development is taught and reinforced. Teachers are guided by the student's IEP. Behavioral needs are addressed within the classroom setting. The special education teacher and/or teaching assistants are available to help support students in the regular education classes.

ACADEMIC:

- individualized and small-group instruction at a modified pace to meet student needs;
- cooperative learning techniques incorporate strengths and aid in student motivation;
- institutes structure, organization and accountability into students' self concept.

PHYSICAL:

- strengthening of fine motor skills;
- can reinforce gross motor skill development;
- identify age-appropriate behaviors within various social settings;
- general physical education and electives are part of gross motor development.

SOCIAL:

- development and reinforcement of social skills - verbal and nonverbal communication;
- implementation of appropriate role models within the typical class setting;
- increase awareness of individual differences of self and others;
- identifying personal strengths and weaknesses;
- development of behavior management techniques to be incorporated.

MANAGEMENT:

- student requires moderate supervision in an academic and behaviorally oriented environment;
- closely monitored reinforcement schedules may be initiated and continued through to extinction;
- constant refocusing is essential.

TEACHER'S ROLE:

In addition to the teaching of academic skills, the role of the teacher is primarily to provide curriculum modifications and support, supervision, and guidance.

NEEDS:

While every special education class and/or program must address the individual needs of students, students in the Special Class Integrated Program share many of the following needs:

Academic - Instruction in appropriate cognitive and academic skills; development of vocational skills and positive work attitudes.

Social/Emotional - Age appropriate behavior, interpersonal skills, sense of competence.

Vocational - At the High School level, instruction in specific vocational skills with an emphasis on job matching each students vocation to his/her aspirations and skills.

Management - Clarity of expectations, structure, support and encouragement.

Physical - Physical Education requirements with appropriate adaptations or modifications for special needs in areas such as vision, hearing, health, activity level, mobility, manual dexterity, etc.

SUPPORT SERVICES:

Other support services to the students may include individual and group counseling, parent guidance; guidance and supervision from school-based and community resource people, case conferences, psychological consultations as needed for diagnosis and evaluation, speech and language therapy, and special scheduling.

SPECIAL CLASS WITH LIFE SKILLS

- individualized reading and mathematics;
- pre-vocational skills and vocational skills;
- integrated academics;
- daily living skills.

ACADEMIC:

- require group and individual instruction in decoding, sight vocabulary, and reading comprehension skills, at the student's individual pace;
- require group and individual instruction in basic mathematics and money concepts;
- develop academic skills necessary to maximize student independence socially and vocationally;
- improve vocational skills as a foundation for enhancing vocational opportunities;
- continue to develop proper communication skills, language usage, and written language;
- continue to programmatically promote self help and ADL skills/travel training.

PHYSICAL:

- participation in mainstream physical education program with additional supervision;
- instruction in fine and gross motor coordination;
- continue to increase understanding of health and human development.

SOCIAL:

- reduce anxieties and frustrations related to academic and building responsibilities;
- continue to develop socialization skills to allow the student to effectively and appropriately relate to others;
- continue to develop appropriate adaptive behavior and physical skills for academic, vocational and daily living environments;
- continue supervised participation in mainstream classes and events to reinforce learned skills.

VOCATIONAL:

- instruction in specific vocational skills
- emphasis upon job matching each student's vocation to his/her aspirations and skills.

MANAGEMENT:

- needs highly structured environment with specific goals and objectives;
- needs small group and individual instruction;
- needs reinforcement of appropriate behavior;
- requires behavior modification techniques;
- require the use of adaptive materials and devices for optimal learning;
- can benefit from realistic learning environments appropriate to related objects;
- can benefit from a multi-sensory approach to learning.

SUPPORT SERVICES

- Other support services to the student may include individual and group counseling; guidance and supervision from school-based and community resource people; case conferences; psychological consultations as needed for diagnosis and evaluation; speech and language therapy; and support of a vocational teacher and job coaches.

OTHER SUPPORT SERVICES

SCHOOL PSYCHOLOGICAL SERVICES

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in Committee on Special Education (CSE) referral, evaluation and placement; monitoring of student progress; consultation with teachers; student and parent counseling; and liaison with other professionals. Additional functions relating to special education classes include: assisting teachers in the development of interventions to help students and the development of an individualized education program (IEP); monitoring the delivery of services to special education students; coordinating subcommittee annual review meetings; conducting three-year reevaluations; exploring out-of-district educational alternatives, when necessary; monitoring progress of students after placement; conducting functional behavior assessments and developing Behavior Intervention Plans; training teachers in the implementation of new regulations and procedures.

SOCIAL WORKER

The following major areas of responsibility are assigned to social workers: monitoring students' progress; consultation with teachers; providing transitional support services to students moving into programs that are less restrictive; parent education; student and parent counseling; intervening during crisis (i.e.. student abuse, bus problems, etc.); conducting functional behavior assessments and developing Behavior Intervention Plans; and liaison between school and home and community agencies.

SPEECH, LANGUAGE AND HEARING SERVICES-(SEE CONTINUUM OF SERVICES)

Specialists in speech and language assist school staff with the identification and instruction of students with speech, language and hearing disorders. They provide diagnostic and remedial services for students with articulation disorders, stuttering and voice disorders, expressive and receptive language problems, hearing deficits, cerebral dysfunction, oral-motor disorders and cleft palate. Much of the activity of these specialists involves observation, individual testing and counseling, related conferences with parents and consultations with teachers regarding instructional methods.

PHYSICAL THERAPY

Physical therapy is provided in order for a physically disabled student to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive need of the student; program planning and treatment program when indicated; consultation with regular education teachers in the mainstreaming process; supervision and instruction of nonprofessional personnel in dealing with the physical needs of the students.

OCCUPATIONAL THERAPY

The occupational therapist serves students whose disabilities prevent them from functioning normally within the school environment. The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper extremities necessary for handwriting and other classroom fine motor tasks, modulating a student's sensory responses that interfere with everyday activities, developing the activities of daily living, providing adaptive equipment as necessary and counseling students with disabilities around their participation in activities. The goal of the occupational therapist is to provide appropriate treatment to increase the student's ability to function independently in the school environment.

HEARING EDUCATION

Hearing Education is designed to provide direct specialized instruction to students, ages 4.9 to 21 years of age, with hearing disabilities 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.

VISION EDUCATION

Vision Education is designed to provide direct specialized instruction to students, ages 4.9 to 21 years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. This related service includes direct instruction in the use of various optical aids, use of large print books and worksheets, tactile and recorded material and current technology. 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 SERVICE

Orientation and mobility training for students who are vision impaired or blind is based on a student's cognitive ability and geared to his or her specific vision deficit. This training assists students in traveling safely in a variety of environments and develops their independence. There is currently one student in district whose individual needs require this training.

CRITERIA FOR SPEECH/LANGUAGE SERVICES-(SEE CONTINUUM OF SERVICES)

When a student's communication disorder significantly interferes with ability to make appropriate educational gains, he or she must be referred to the Committee on Special Education (CSE) for evaluation. Students whose educational performance is found not to be adversely affected by a communication disorder, but who seem able to benefit from some form of speech therapy as part of their regular education programs should be referred to the building school support team.

There are a number of speech and language problems that are not viewed as disabling conditions:

- Exhibiting uneven development in speech or exhibiting language deficits that may correct themselves in a relatively short period of time.
- Using speech patterns or communication skills which are below age level but which do not adversely influence classroom performance in relation to social adjustment, regular education development and/or academic learning.
- Using dialect differences and non-standard sentence construction which may vary from standard

English, but which are not significantly deviant; i.e., speaking in linguistically non-standard English, using the double negative construction (“Don’t give me no pen.”). Dialect differences, while not consistent with the rules of Standard English, are not viewed as a communication disorder and will be addressed within the regular education classroom.

- Speaking a language other than English.

CRITERIA FOR COUNSELING SERVICES

Counseling as a related service will be recommended by the CSE under the following circumstances:

- An emotional or management difficulty interferes with a student’s ability to make appropriate educational gains.
- The difficulty is one which, in the clinical judgment of the evaluation team, can be addressed through school-related counseling with a qualified professional.
- The student does not appear at the present time to require medical intervention or a therapeutic milieu in order to make educational gains.

GUIDANCE PROGRAM

An effective guidance program offers services that are integrated into the total school climate and curriculum and that influence all activities associated with the learning process. These services must follow a consistent coordinated pattern of organization in order to make the total educational process relevant to the learner. This program, at all school levels, will enhance the achievement of goals and objectives of the school.

This program insures that all students, regardless of disability, have an opportunity to take advantage of the guidance program. All students, including students identified as disabled, have access to group or individual counseling. Support services, which may include counseling, are also available. Every disabled student will have the same opportunity to review educational progress and career plans on an annual basis as non-disabled students.

The guidance program's objectives are that each student will:

- develop a realistic understanding of self;
- develop skills in problem solving and decision making;
- explore the world of work and develop the understanding and skills necessary to make realistic, educational and vocational choices;
- develop positive interpersonal relationships;
- develop the academic and personal skills necessary to prepare them to successfully meet the challenges of today's complex world.

BOCES NASSAU CAREER/TECH COURSE OFFERINGS

AGRICULTURE:

Agricultural Occupations
Ornamental Horticulture
Large Animal Care
Small Animal Care

AVIATION:

Aircraft Maintenance
Aviation Operations

VEHICLE MAINTENANCE:

Auto Body
Auto Mechanics
Automotive Occupations

BUSINESS:

Computer Business Operations
Office Service Occupations

CONSTRUCTION TRADES:

Air Conditioning/Refrigeration and Heating
Carpentry
Building Maintenance Occupations
Welding
Construction Electricity
Plumbing and Heating

ELECTRONICS:

Computer Repair
Electronics Occupations

FOODS:

Advanced Culinary Services
Baking
Baking Occupations
Commercial Food Preparations
Food Service Occupations

GRAPHICS:

Commercial Art
Commercial Photography
Commercial Printing
Fashion Technology
Graphics Occupations

HEALTH:

Dental Assistant
Health Service Occupations
Medical Assisting
Nursing Assisting
Medical Laboratory Technician
Practical Nursing

PERSONAL SERVICES:

Student Development Services
Cosmetology
Personal Services Occupations
Introduction to Occupations
Occupational Related Math
Occupational Related Science

