



# PEEKSKILL CITY SCHOOL DISTRICT

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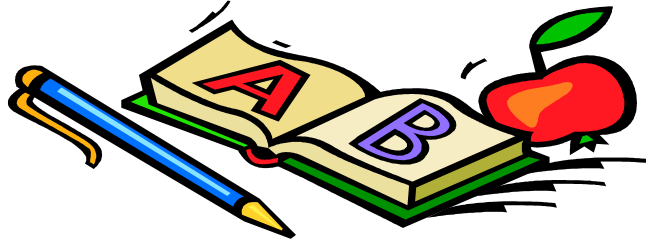
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## SPECIAL SERVICES



The Peekskill City School District provides a broad range of accommodations, modifications, remedial services, related services and/or special education to meet the needs of all students. Some students may require only support services while others require daily-specialized instruction, special classes, or special schools. The Committee on Special Education (CSE) develops the individual program for each student in need of special education in a cooperative effort between school personnel and parent(s)/guardian. Under federal law, students with disabilities are entitled to receive a free appropriate public education in the least restrictive environment.

Special Services offer support to individuals and groups outside of the regular classroom in the areas of guidance, psychology, nursing, speech, special education and Section 504 / Americans with Disabilities Act accommodations. Some of these services, such as guidance and nursing, are provided to all students in our schools; others are provided to meet specific needs. Some of the services are provided only upon recommendation by the Committee on Special Education.

Special education services are provided by certified special education teachers to those students determined by the Committee on Special Education to have special needs that interfere with educational progress. Students who need special education support in order to succeed may receive this help through collaborative/integrated assistance within their regular classroom or through the support of a special educator in a resource room setting. Students who require more intensive service are supported in a special class program where instruction is delivered by a special educator in specific curriculum areas.

### **Nursing Services**

Full time registered nurses are assigned to each building. The nurse serves as a health counselor for students, parents and staff as well as the liaison with physicians or health agencies whose treatment of students is relevant to their school progress. The nurse administers first aid as required and performs annual vision and hearing screenings. Scoliosis screening is performed for students ages 8 to 16. The school nurse is also responsible for making sure that a physical examination is on record for pupils in grades 1, 3, 7 and 10, as well as for new students and candidates for athletic teams. The school nurse monitors the certification of medical immunizations and communicable disease control and is responsible for daily incident reports.

### **Committee on Special Education and the Committee on Preschool Special Education**

The Committee on Special Education (CSE) is a multi-disciplinary team that identifies children in grades K-12 with special education needs such as learning disabilities, speech and language impairments, physical disabilities, emotional disturbance, mental retardation, etc. The CSE recommends programs and services to support the academic program. The Committee is composed of personnel from the Peekskill schools including a chairperson, school psychologist, special education teachers, school physician and a parent of a student receiving special education services. Although it is natural for parents and staff members to be concerned about designating a child as having special education needs, such designation provides assurance that a specially designed program will be provided to the child by the District. At the preschool level, the

Committee on Preschool Special Education (CPSE) identifies children ages 3 to 5 that need special education and recommends appropriate state and county approved Pre-K programs/services.

### **Individualized Education Program**

An Individualized Education Program (IEP) is a formal document enumerating the special services planned for a student who has been designated by the Committee on Special Education or Committee on Preschool Special Education. The IEP contains a summary of the student's strengths and weaknesses, present levels of performance and specific educational goals. It also indicates the nature of the disabling condition and the recommended program and placement. The IEP is the teacher's guide for instruction and states the criteria used to determine the effectiveness of the instructional plan.

### **Instructional Support Team**

In each school, a team of staff members, known as the Instructional Support Team (IST) meets regularly to plan for any student whose performance and/or behavior is a cause for concern. Upon referral by a staff member or parent, the team discusses all aspects of the problem and may recommend further evaluation, classroom intervention, parent contact, teacher consultation or other strategies. If the IST believes the student needs special support and services, it will refer the student to the Committee on Special Education or the Section 504 Committee.

## **CONTINUUM OF SERVICES**

### **CSE**

The District provides the full continuum of services consistent with Part 200.6 of the Commissioner's Regulations.

### **Consultant Teacher Services**

Consultant teacher is a service that provides direct and/or indirect services to students with disabilities who attend regular education classes, including career and technical education classes, and/or to such students' general education teachers. Such services shall be recommended by the CSE to meet specific needs of such students and the student's IEP shall indicate the general education class or classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

- The total number of students with disabilities assigned to a consultant teacher shall not exceed 20 students at the elementary level and 25 students at the secondary level.
- 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.
- The CSE may recommend a combination of resource room and consultant teacher services which, when combined, are not less than three hours each week.

### **Related Services**

Related services shall be recommended by the CSE to meet specific needs of a student with a disability as set forth in the IEP.

- The frequency, duration and location of each such service shall be in the IEP, based on the individual student's need for the service
- Total caseload for related services providers will not exceed sixty-five (65)
- When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five students per teacher or; a student with a disability may be provided with more than one such service in accordance with the need of the student
- Related services may be provided in conjunction with a regular education program or with other special education programs and services

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech therapy, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, orientation and mobility services, parent counseling and training, school health services, vision therapy, school social work, assistive technology services, and other appropriate and supportive services. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device.

### **Resource Room**

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

- The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.
- Students shall spend a minimum of three (3) hours per week in the Resource Room, except that a 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 student will not spend more than 50 percent of the day in the resource room program.
- The total number of students assigned to a resource room teacher shall not exceed twenty (20) at the elementary level and twenty-five (25) at the middle and high school levels.
- Resource room services may be provided either within the classroom or in a separate location, or a combination of both.

### **Integrated Co-Teaching Services**

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and students without disabilities.

- The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEP's. The number of students with disabilities in such classes shall not exceed 12 students, except 13 students may be in a class upon notification of variance to the New York State Education Department (NYSED). A 14th student may be added with the approval of a variance from NYSED.
- School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.

- Additional personnel, including supplementary school personnel, such as teaching assistants, may be assigned to such classes by the district.

### Co-Teaching Model

(Mary Ellen Levin, Ed.D, Manhattanville College & Roberta Wiener, Ed.D. Pace University; Hudson Region University Consortium of Higher Education Task Force on Inclusive Schooling, July 10, 2008.)

Co-teaching is a service delivery system in which

- Two (or more) educators or other certified staff
- Contract to share instructional responsibility
- For a single group of students
- Primarily in a single classroom or workspace
- For specific content (objectives)
- With mutual ownership, pooled resources, and joint accountability although each individual’s level of participation may vary.

### What it IS, What it is NOT

Element of Co-Teaching	Co-Teaching DOES...	Co-Teaching does NOT...
<i>“two or more professionals”</i>	involve at least 2 credentialed professionals-indicating that coteachers are peers having equivalent credentials and thus can truly be partners in the instructional effort. The general education curriculum provides the instructional framework, with flexibility for students who require it.	involve a teacher and a classroom volunteer or paraprofessional, many of whom have not had the professional preparation to coteach nor is co-teaching an appropriate role expectations for them. This is not to say that paraprofessionals do not have important classroom roles-they just should not be asked to fulfill responsibilities of certified staff.
<i>“joint delivery of instruction”</i>	mean both professionals coordinating and delivering substantive instruction, ensuring that both teachers have active roles. Co-teachers should work to ensure that their instructional strategies engage all students in ways that are not possible when only one teacher is present.	mean two adults merely being present in a classroom at the same time. It also does not mean that the general education teacher plans and delivers all of the lessons while the special education teacher circulates. Coteaching does not involve taking turns lecturing to the whole group.
<i>“diverse group of students”</i>	allow teachers to respond effectively to diverse needs of students, lower the teacher-student ratio, and expand the professional expertise that can be applied to student needs.	include separating or grouping students with special needs in one part of the classroom or along the fringes, even if these practices are well-intentioned.
<i>“shared classroom space”</i>	feature co-teachers instructing in the same physical space. Although small groups of students may occasionally be taken to a separate location for a specific purpose and limited time, co-teaching should generally take place in a single environment-separating it from the practice of regrouping for pullout programs.	include teaching teams that plan together but then group and instruct students in separate classrooms.

### Co-Teaching Guidelines:

1. Co-teaching means that **both teachers teach**. The regular ed. and special ed. teachers are responsible for the success of **all students** in the class. It should not be discernible at any time observed which teacher is the RE and the SE teacher. SE teachers are experts in utilizing different techniques to differentiate for all students. RE teachers are experts in their subject areas. The process is one of trust and learning that gives each in the dyad a growing degree of skill, knowledge and proficiency in the other's area of strength.
2. **Successful co-teaching depends upon a positive, respectful and appropriate relationship between the co-teaching dyad.** Both members are valuable professionals, with different, but equally important skills that can enhance everyone's learning experience. The RE teacher brings more content area knowledge and understanding of how the lessons might traditionally be presented. The SE teacher brings strategies and skills for how the content is being taught to reach learners with many different learning styles and needs. **The RE and SE teachers plan together how each lesson can be delivered by both of them so that the essential concepts and skills are made accessible to all students.**
3. Because delivery of lessons is an equal responsibility of the co-teachers, **having and using common planning time is essential** to the success of the team. Common planning **must include analysis of the key concepts** that all students must master in each unit/lesson, identify which concepts may be mastered by only a smaller proportion of the students but will be given exposure, and those that only a rare few students will get that can be provided as extra credit, etc. Also, **the pair should be planning for what types of instruction and activities will be used** by each to impart the key concepts and how class work, hands-on activities, projects, and homework will support and enhance the students' reception and retention of the concepts over time.
4. **Common planning should also include common scoring of papers, tests, etc.,** as often as possible. By doing these things together, the teachers will each learn content more strongly and methods of differentiation more strongly. **This will also provide valuable feedback to both teachers as to whether or not the students achieved the core concepts and can demonstrate proficiency.** Other methods of curriculum-based assessment should be used on a regular basis during each unit to inform groupings of students for activities and support needs, etc. If a majority of students do not demonstrate proficiency on the key concepts, the teachers will then have opportunity to go back, rethink how they presented the unit and/or lesson, and re-teach.

### Special Class

A special class is defined as a class consisting of students with disabilities who have been grouped together for all or part of their school day because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than sixteen (16) years of age shall not exceed thirty-six (36) months. This classroom is designed to support students with severe cognitive and/or adaptive behavior deficits. These students may also have physical and/or language delays. Students have high needs for modifications, accommodations, time for processing, repetition, etc. Pacing may be slower. These classes provide academic instruction and Regents curriculum exposure. Instruction in social skills and activities of daily living skills (ADLS) are included. Students generally require services throughout their lives and teachers coordinate referrals and supports to community agencies. Most students remain beyond age 18, often to age 21.

### Out-of-District Placement

Students with disabilities whose needs cannot 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:

1. Special class operated by another school district
2. A BOCES program
3. A special class in a Special Act School District

4. An approved Private School (day)
5. 4201 or State Operated School
6. An approved Residential Placement – in state
7. An approved Residential Placement outside of the state

### **Home and Hospital Instruction**

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

1. elementary school students (grades K-6) will be provided a minimum of five (5) hours per week
2. secondary school students (grades 7-12) will receive a minimum of ten (10) hours of instruction per week, preferably two (2) hours daily.

### **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 CSE determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the recommendation shall:

1. identify the declassification support services
2. indicate the projected date of initiation
3. specify the frequency and duration of such services, not to exceed one year or indicate testing accommodations to be carried over for the life of the student's academic career

### **Teaching Assistants and Teacher Aides**

*What roles can a teaching assistant fulfill?*

A teaching assistant, under the general supervision of the special education teacher, can assist in the delivery of special education services but cannot serve in place of a special education teacher. The following description of duties is provided as guidance in determining the appropriate role for teaching assistants:

- working with individual students or groups of students on special instructional projects
- providing the teacher with information about students which will assist the teacher in the development of appropriate learning and behavioral experiences
- assisting students in the use of available instructional resources and development of instructional materials
- assisting in the development of instructional materials
- assisting in providing testing accommodations
- utilizing their own special skills, and abilities by assisting in instructional programs in such areas as: foreign languages, arts, crafts, music and similar subjects
- assisting in related instructional work as required
- assisting students with specific health related activities as appropriate

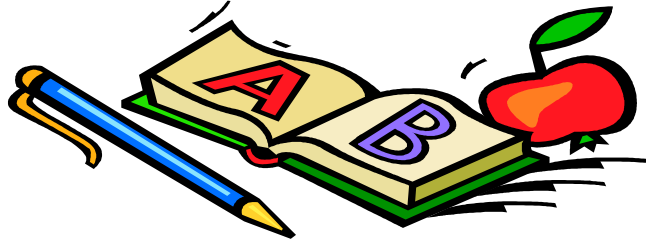


*What roles can a teacher aide fulfill?*

Teacher aides perform non-instructional duties under supervision determined by the local school district in accordance with Civil Service Law. The following description of duties is provided as guidance in determining the appropriate role for teacher aides:

- preparing scripts for recording purposes
- assisting in physical care tasks and health-related activities as appropriate
- assisting students with behavioral/management needs
- assisting in the setup of laboratory equipment, conduct experiments, and performing limited reviews of student laboratory reports
- assisting in the technical preparation and production of media programs
- reading to and playing audio-visual materials for children in lower grades
- assisting in proctoring and other tasks related to the administration of examinations
- assisting in the correction of test papers, recording of grades, maintaining of files and preparing statistical reports
- managing records, materials and equipment
- supervising students (e.g., watching students during recess, hall transitions, etc.)

## SCHOOL AGE SPECIAL EDUCATION PROCESS



### REFERRAL

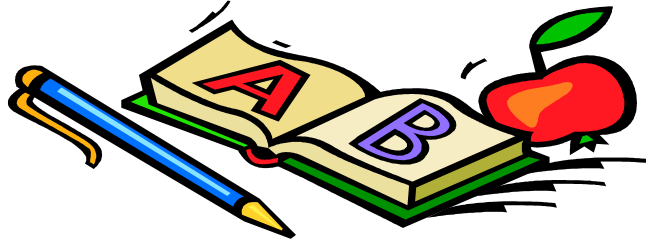
A referral is the first step in the special education process. Persistent learning and/or behavioral difficulties may be an indication that a child needs special education and/or related services. A referral can be submitted by any number of sources, but usually the child's teacher or parent is the referral source.

First, interventions and strategies for improving student performance will be implemented at the classroom level. At school, strategies can range from changing where the student sits to providing structured study guides to assist in independent reading assignments. At home, strategies can range from having the parent sign all completed homework to transcribing assignments. The classroom teacher and various school staff develop both classroom and at-home strategies to assist the student in becoming successful in school.

After a period of time, if the alternative strategies in the classroom and at home are not successful, the classroom teacher should ask for the assistance of the Instructional Support Team. The Instructional Support Team is located in each school and meets as needed to discuss and plan for students in that School. The following staff may be members of the Instructional Support Team: Psychologist, Classroom Teacher, Special Education Teacher, Speech/Language Teacher, Social Worker, Guidance Counselor, Nurse, and School Administrator. Together the classroom teacher and the Instructional Support Team may recommend other remedial services and building level support that can be utilized in the regular education setting.

If the child's difficulties persist after the strategies and/or services have been implemented, a referral to the Committee on Special Education (CSE) may be made. A referral is made in written form and should be dated. This makes it official and provides a start date since there are time lines involved. Informed written consent for evaluations is required by the parent/guardian. The consent for evaluation will be mailed to the parent/ guardian. Upon completion of the evaluations, a committee meeting is scheduled.

## EVALUATION



At the conclusion of the referral process to the CSE, an individual comprehensive evaluation of the child will take place. The comprehensive diagnostic evaluations are provided at no cost to the parent and completed in the child's native language. They are completed by certified professionals who will explain the results of their testing. At minimum, a newly referred student must have the following evaluations: psychological, educational, medical, social history, and classroom observation. Other areas from which information may be gathered include speech/language evaluation, occupational/physical therapy evaluations, psychiatric evaluation, visual evaluation and/or an audiological evaluation. The tests may be conducted by the members of the Peekskill City School District or by practitioners contracted by the school district.

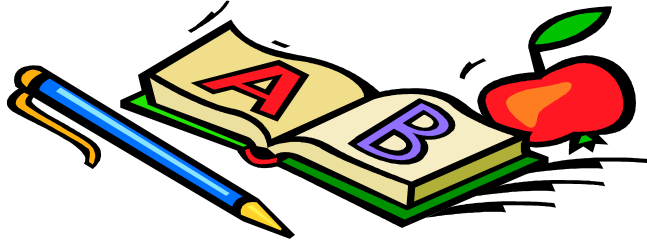
The evaluations recommended by the school district are deemed to be in the child's best interest; however, the parent/ guardian has the right to refuse consent or withdraw consent at any time.

Upon completion of the evaluations, the professional staff will provide the parent/ guardian with the details of the testing results. The evaluations will help the CSE determine if the child possesses an educational disability and whether special education services are required. The evaluations should be multidisciplinary and should not interfere with the child's ability to demonstrate skills or knowledge.

Parent(s)/Guardian have the right to conduct private evaluations at their own expense. If the parent(s)/guardian wish to share this information with the school personnel and the CSE, it will be taken into consideration in identifying the child as being eligible for special education and, if appropriate, in planning the program.

Independent educational evaluations (IEE) may be requested if the parent(s)/guardian are in disagreement with the district's evaluations. Upon completion of the evaluation conducted by the school district, the parent(s)/guardian will have 45 calendar days from the date of receipt of the school district's evaluation within which to request an IEE (see district procedure for full process).

## INITIAL CSE MEETING











Upon completion of the evaluations, a CSE meeting will be scheduled. Parent(s)/Guardian will be notified of the meeting in writing, with a list of anticipated attendees. All initial CSE meetings are held in the Special Education Office. The meeting should include the CSE chairperson, a school psychologist, a special education teacher, the child's teacher, and the parent(s). The parent(s) may bring any individual(s) to the meeting. The general outline of a meeting is as follows: introductions, an overview, a summary of the evaluations, description of the student's classroom performance, other relevant comments, CSE recommendations, and further processes.

## RECOMMENDATIONS

In developing recommendations, the CSE, parent(s)/guardian, and any others present will discuss the evaluations and any other pertinent information on the child. The first decision is whether the child possesses an educational disability that adversely affects his/her educational performance. There are 13 classifications from which the committee draws. They include the following: Autistic, Emotionally Disabled, Learning Disabled, Intellectually Disabled, Deaf, Hearing Impaired, Speech Impaired, Visually Impaired, Orthopedically Impaired, Deaf-Blind, Other Health Impaired, Multiply Disabled, and Traumatic Brain Injured. For a complete definition of each of the disabilities see the **NYS Parent's Guide to Special Education** and/or **Commissioner's Regulations**.

If the child is determined to possess an educational disability, a determination must be made as to the least restrictive educational setting in which the child can receive educational benefit from special education services. In order to accomplish this task the CSE has a variety of placements from which to choose. These placements range in levels of restriction, including class size, student-teacher ratio, and degree of mainstreaming.

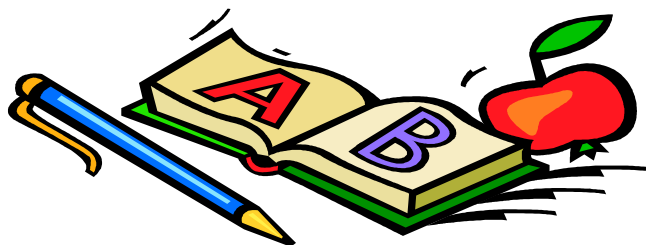
The progression of services is as follows:

-  Related Services Only
-  Consultant Teacher
-  Resource Room
-  Special Class – In District
-  BOCES or Local Public School
-  Special Day School Program
-  Residential School Program
-  Home/Hospital Instruction

In addition to recommending placement, the CSE will review related services, goals/objectives, testing access, alternative testing techniques, second language instruction, transportation, high school credentials, and transition planning, as appropriate.

It may be determined that a student is not eligible to receive special education services. In this case, he/she may be referred for review under Section 504, and a determination will be made as to whether he/she is eligible to receive any accommodations.

## **IMPLEMENTATION**



Once recommendations are made, the district must implement the program and services. It is the responsibility of the CSE and the school district to ensure that these arrangements are in place. If this is the child's first placement in special education in the Peekskill City School District, the parent(s)/guardian must give written consent in order to implement the CSE recommendations.

The child will be issued an Individualized Education Plan (IEP), which will be implemented by the appropriate staff. Should any concerns arise, you should contact the special education teacher first. If these concerns persist, the Director of Special Services should be notified. A CSE meeting can be convened at any time throughout the year to discuss any concerns.

A student with a disability will be subject to the same disciplinary and attendance standards and procedures as those students not identified as having special needs. Please refer to the school's handbook and/or district policy for specific information. A Manifestation Hearing (a meeting to determine any connection between the child's disability and the behavior which led to suspension) will be initiated if the student approaches 10 days of suspensions.

The parent(s)/guardian have the right to review your child's records and to request corrections. The parent(s)/guardian is entitled to obtain one free copy of the child's evaluations.

At age 14 and older, the CSE must, as part of the IEP process, begin transition planning. This process should include, but is not limited to, diploma options and their respective requirements (e.g., Diploma, CDOS, SACC, Vocational Program). The child's guidance counselor will be an integral part of this planning. For further information, contact the child's guidance counselor or CSE.

## **ANNUAL REVIEW**

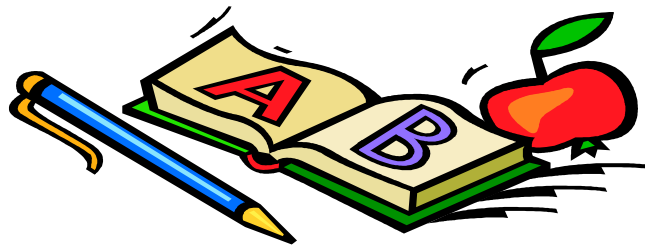
Each year the CSE is required to review the child's existing program. During this process, the CSE will make recommendations, based upon a review of the records, to continue, change, revise, or end your child's special education program. You will receive written notification of the Annual Review. Annual reviews are held at your child's home school. The location is always noted on the written notification letters.

Progress monitoring is part of the evaluation process for all students K-12. The special education teacher will administer the iReady which is a single K-12 adaptive Diagnostic for reading and mathematics that pinpoints student needs down to the sub-skill level, and ongoing progress monitoring shows whether students are on track to achieve end-of-year targets. This assessment is administered 3 times yearly and has the capability of weekly, biweekly and monthly short progress monitoring options as well.

For all meetings at the Peekskill City School District, the CSE members will include a chairperson/psychologist, a regular education teacher, special education teacher, and related services

provider as appropriate. In some cases, it may also be appropriate to have the school physician present. If a parent/guardian would like to exercise their right to this option, the Director of Special Service must be notified 72 hours in advance of any scheduled CSE meeting. It is important for parent(s)/guardians to recognize that they have the right to bring any individual to their child's CSE meeting but that they are not a member of the CSE.

### REEVALUATION



The child will have a re-evaluation or assessment that occurs every three years to provide information to help determine continued placement in special education. You will be asked to sign a consent acknowledging the testing and will receive written notification from the CSE during the school year in which the testing will occur. If the school has not received consent after reasonable attempts to obtain it, the school staff will conduct the appropriate evaluations. Updated information is provided through re-examining the areas of the previously diagnosed disability. The evaluations, which are usually conducted by the district's personnel, are discussed at the student's annual review. The results should be shared with the parents prior to the CSE meeting.

### NEW YORK STATE ALTERNATE ASSESSMENT

<http://www.vesid.nysed.gov/specialed/alterassessment/>  
<http://www.emsc.nysed.gov/osa/nysaa/home.shtml>

The New York State Alternate Assessment (NYSAA) is a part of the New York State Testing Program. NYSAA is a data-folio style assessment measuring the achievement of students with severe cognitive disabilities toward meeting the New York State learning standards at alternate achievement levels. Eligibility for participation in NYSAA is determined by the Committee on Special Education (CSE) according to criteria described in the Administrators' Manual and other materials listed on the website. Student performance is recorded through direct observation and documentation and may include other information such as student work products, photographs, audio and videotapes. Students must be assessed once a year beginning in the school year they become 9 years old through the school year they become 14 (grade equivalents 3-8). The secondary level NYSAA is administered during the school year they become 17-18 years of age (high school).

All students, including those with severe cognitive disabilities are required by federal law to have access to the general education curriculum. The State Education Department (the Department) has aligned Alternate Grade Level Indicators (AGLIs) with the core curriculum in English language arts (ELA), mathematics, science, and social studies for the administration of NYSAA. The content area subject matter assessed by NYSAA is clearly related to the grade level content. While the content is reduced in scope and complexity, students with severe cognitive disabilities are held to high expectations in order to achieve the New York State learning standards. AGLIs afford students the opportunity to experience a richer learning experience.

School districts across the United States are required to assess all students according to federal statute and State regulations. Assessment results tell educators how students are progressing and signal where changes may need to be made in curriculum and/or instruction at the district, school, and classroom levels. Teachers should assess students in all areas (academic, social, etc.) on an on-going basis as part of the instruction cycle.

The No Child Left Behind (NCLB) Act and NYSAA are in part designed to raise expectations for students' academic achievement. Students with severe cognitive disabilities, when given the appropriate instruction and access to the general education curriculum, have demonstrated progress in their knowledge, skills, and understanding in academic content areas that were not initially anticipated by school personnel or parents. Higher expectations require that students with severe cognitive disabilities must have access to the general education curriculum and be provided with specialized instruction, and participate in national, state, and local assessment programs.

**Definition of a Student with a Severe Disability (Section 100.1 of the Regulations of the Commissioner of Education)**

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

## PARENTAL RIGHTS



Due process is a crucial part of the special education process, and its purpose is to protect the child's rights. An overall summary of due process assurances is as follows:

**CONSENT:** You have the right to give or withhold consent for the initial evaluation and placement of your child in special education.

**NOTIFICATION OF ACTIONS:** You must be informed of your rights regarding any proposed actions by the school district; any changes in classification, placement, and services; and the right to examine and obtain copies of your child's records. All correspondence will be in your dominant language.

**RIGHT TO PARTICIPATE:** You have the right to participate in any decisions affecting your child.

**RIGHT TO FILE A COMPLAINT:** You have the right to file a written complaint to NYS Education Department if you feel your child's rights have been violated.





**RIGHT TO AN INDEPENDENT EVALUATION:** If you disagree with the district evaluation, you have the right to an independent educational evaluation.







## SCHOOL AGE SEQUENCE OF EVENTS

### A. REFERRAL

1. Building administrator receives referral. Informs CSE chairperson immediately or
2. CSE chairperson received referral. Informs building administrator within 5 days
3. CSE or sub-CSE notifies parents(s) immediately upon receipt of referral


-  request for consent
-  description of one proposed action (i.e., evaluation)
-  all due process rights
-  sources for parents to obtain assistance in understanding IDEA

4. Withdrawal of referral



-  initiated by building administrator within 10 days of receipt of referral
-  parent and building administrator agree in writing to withdraw or refer to special education
-  CSE Chairperson, professional staff member, parent, and student where appropriate, receive a copy of agreement
-  CSE continues the duties and functions

### B. EVALUATION

5. Parent(s) gives written consent for individual evaluation

-  if no consent, district may initiate impartial hearing within 30 days of receipt of referral

6. CSE or sub CSE



-  arranges for individual evaluation
-  gathers additional information

7. CSE or sub CSE holds meeting, reviews and summarizes information




### C. RECOMMENDATION (IEP)

8. Prior to development of recommendation with supplementary aides and services CSE considers regular education including remedial instruction

9. CSE or sub CSE determines student INELIGIBLE for special education

-  CSE or sub CSE provides appropriate information to the building administrator
-  building administrator determines which is appropriate educationally related support services (ERSS)

10. CSE or sub CSE provides notice to parent(s) and BOE

-  recommendation
-  tests/reports
-  due process rights

11. CSE or sub CSE determined student ELIGIBLE for special education

- invite parent to meeting

12. CSE or sub CSE and parent(s) develop recommendation (i.e., IEP)

- CSE or sub CSE considers general education environment with special and general education supplementary aids and services and supports
- for students 14 years and older, addresses transition services
- invite other agency representatives, as appropriate

13. CSE must make determination if student is considered for initial placement in:

- related services only, resource room, integrated co-teaching, or special class
- special class outside student's school of attendance school primarily serving students with disabilities

14. Sub CSE must refer any parental disagreement to CSE

15. CSE provides notice to parent and BOE

- recommendation
- test/reports
- due process rights
- requests consent for initial placement

#### **D. ARRANGE FOR ENTRANCE INTO RECOMMENDED SETTING**

16. Parent(s) gives written consent to initial placement

17. BOE reviews CSE/sub CSE recommendation, arranges for child's placement or remands the recommendation back to the CSE for review with notice to the parent

- BOE approves child's placement

#### **E. REVIEW IEP**

18. CSE or sub CSE provides notice of annual review to parent(s)

- purpose of meeting Annual Review
- due process rights
- consent required for reevaluation

19. CSE or sub-CSE and parent(s) review and revise IEP

- CSE or sub-CSE considers declassification support services for eligible students
- considers educational progress and achievement and ability to participate in general education

20. CSE or sub-CSE provides notice to parent(s) and BOE

- recommendation
- tests/reports
- due process rights

21. BOE reviews CSE or sub-CSE recommendation, arranges for child's placement or remands the recommendation back to the CSE or sub-CSE or a second CSE / sub-CSE for review with notice to the parent(s)

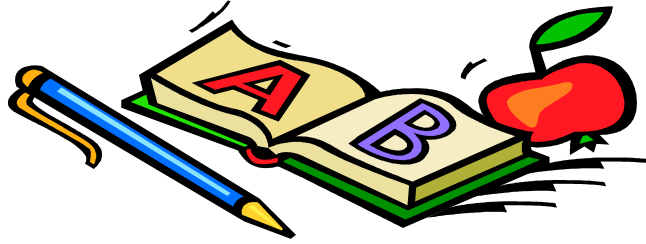
- BOE approves the student's placement

#### **F. REEVALUATION**

22. Appropriate reexamination every three years

- individual needs every 3 years
- continuing eligibility
- consider educational progress and achievement and ability to participate in general education

## PRESCHOOL SPECIAL EDUCATION PROCESS



The Committee on Preschool Special Education (CPSE) is responsible for identifying preschool children (ages 3-5) with disabilities and arranging for the delivery of special education services to eligible children. A broad range of related services and special education programs are available to meet the educational needs of preschool students with disabilities. Under federal law, preschool students with disabilities are entitled to receive a free appropriate public education in the least restrictive environment.

### REFERRAL

A referral is made to the CPSE when the parent(s)/guardian of a preschool age child and/or professionals involved feel the child may require special education services. The referral can be made by phone or in writing, directed to the CPSE chairperson. A packet of materials will then be sent to the parents, including consent for evaluation form, a list of the state approved evaluation sites in Westchester County, and a copy of the due process rights.

The CPSE chairperson is always available to meet personally with parent(s)/guardian prior to or during the referral/evaluation process in order to answer their questions, assist parents in understanding how the CPSE system works, and to help in completing all the paperwork involved.

### EVALUATION

A preschool child can only be evaluated after the child's parent(s)/guardian have given their written consent for the evaluation to occur.

Parent(s)/guardian have the right to choose from among the list of approved evaluators and the site where they would like to have their child evaluated. The parent(s)/guardian or CPSE chairperson can contact the evaluation site to obtain an evaluation appointment.

An evaluation is a careful look at what your child can and cannot do. It will help the Committee decide if your child needs special education services. Certified professionals who complete evaluations will explain the results of all their testing to you. The evaluations will include:

**Social History:** You will be asked to provide information about your child's developmental history (e.g., first words, when he/she first crawled and walked, age of toilet training, etc.) as well as general family information.

**Physical Exam:** Required by state law, this is a general assessment of your child's health, vision and hearing, and immunization record. This information may be gathered from your child's physician.

**Psychological Evaluation:** Administered by a psychologist, these tests help determine your child's learning potential as well as educational strengths and needs.

**Other:** Comprehensive tests to address your child’s specific needs, such as an educational, speech and language, physical and/or occupational therapy, or audiological, may be administered.

All testing will be provided at no cost to you.

Parent(s)/guardian can withdraw their consent for the evaluation at any time in the process. Once parental consent is withdrawn, the CPSE process stops.

### **INITIAL CPSE MEETING AND RECOMMENDATIONS**

Upon completion of the evaluations, a CPSE meeting will be scheduled. Parent(s)/guardian will be notified of the meeting date and time in writing. All initial CPSE meetings are held at the Special Education Office. The meeting will be attended by the CPSE chairperson; the parent(s)/guardian of the child; at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment); at least one special education teacher, or where appropriate, at least one special education provider (i.e., related service provider) of such child; for a child in transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the Department of Health’s Early Intervention Program.; and an appropriately certified or licensed professional from the municipality. When a child is transitioning from the Early Intervention System, the child’s Service Coordinator is required to attend the initial CPSE meeting. In addition, parent(s)/guardian are welcome to invite anyone they wish to attend the meeting with them.

The purpose of the initial CPSE meeting is to review the child’s evaluations and any other relevant information in order to determine if the child has an educational disability and is eligible for preschool special education services.



There are specific guidelines the CPSE must use to assess whether a child is eligible for services. Specifically, the CPSE must determine whether the child demonstrates a significant delay or disorder in one or more of the following five functioning areas:

- 📌 Cognitive (intellectual processing skills)
- 📌 Language and Communication Development
- 📌 Adaptive (self-help skills, eating, toileting, etc.)
- 📌 Social-Emotional Development
- 📌 Motor Development

Preschool children are not classified according to their disability, as school-age children are. All preschool children are given the same classification: Preschool Student with a Disability.

Once the determination is made that a preschool child possesses an educational disability and is eligible for special education services, recommendations are made by the CPSE to address the child’s special education needs. When considering program options for your child, the CPSE must consider the least restrictive environment; that is, the setting which is most natural for the preschool-aged child while still meeting his/her needs. The range of program services available to preschool children are as follows:

- 📌 **Related Services:** Services can include, but are not limited to, speech/language, physical therapy, occupational therapy, audiology, counseling, and vision therapy. These services are delivered in the child’s environment (i.e., preschool or day care, home, etc.) and are provided by a trained professional.
- 📌 **Special Education Itinerant Teacher:** A special education teacher will travel to the child (at the child’s preschool or other location) to provide individual or group instruction and/or indirect services in which the special education teacher works with the child’s preschool teacher on a consultant basis to help meet the child’s needs.

- 
**Special Class in an Integrated Setting:** This option refers to a special class of no more than 12 preschool children with disabilities which is staffed by at least one special education teacher and one aide or assistant, and which includes non-disabled preschool children. Individual and/or group therapy services are incorporated into the program as needed.
- 
**Special Class:** This option refers to a self-contained preschool class offering comprehensive services and delivered by professionals with expertise in special education. A special class can consist of no more than 12 students per teacher, plus an aide or assistant (12:1:2 ). Individual and/or group therapy services, as needed, are incorporated into this program.




Once recommendations are made by the CPSE, the district must ensure they are implemented. The child's parent(s)/guardian must give consent for the services to begin.

### ANNUAL REVIEWS



The CPSE must meet at least annually to review the child's progress and revise the IEP as appropriate. These meetings are generally held from April through June. The CPSE must provide written notification to the parent/guardian of the annual review meeting. These meetings are held at the Special Education Office. As a child ages out of the CPSE process, the annual review meetings may be combined with the initial Committee on Special Education (CSE) meeting if the child is expected to continue to require special education services in kindergarten. The membership at the annual review meetings will vary depending on the purpose and timing of the meeting. At a minimum, the meeting will include a Chairperson, the child's teacher and a parent member.

### PRESCHOOL SEQUENCE OF EVENTS

#### **A. REFERRAL**

1. CPSE Chairperson receives referral (*if Referral is received by a professional member of the school district, it must be forwarded to the chairperson of the CPSE immediately*)
2. CPSE notifies parent(s) immediately upon receipt of referral
  -  list of approved evaluators
  -  request for consent to evaluate
  -  due process rights

#### **B. EVALUATION**

3. Parent(s) give written consent for evaluation (*If consent to evaluate is not provided, the CPSE implements the district's procedures to ensure that the parent has received and understands the request for consent.*) CPSE:
  -  arranges for evaluation/assessment
  -  gathers additional evaluation information
4. Evaluation conducts individual evaluation and sends results, including recommendation, to all members of the CPSE and to municipality designee

5. CPSE provides parents(s)

- copy of evaluation summary and evaluator's recommendation
- notice of CPSE meeting

**C. RECOMMENDATION (IEP Development)**

6. CPSE holds meeting and reviews information

7. CPSE determines child ineligible for special education

- CPSE provides parent(s)
- notice of its recommendation to the BOE
- test/reports
- due process rights
- requests consent for initial placement

**D. ARRANGING FOR ENTRANCE INTO RECOMMENDED SETTING**

8. BOE notifies parent(s), municipality, preschool program and the Commissioner of its determination

9. Parent(s) give written consent for placement (If parent does not consent, the CPSE terminates action.)

10. Child enters recommended setting

**E. IN-PROGRAM PLANNING**

11. CPSE provides special education personnel with relevant information for effective implementation of IEP

**F. ANNUAL REVIEW**

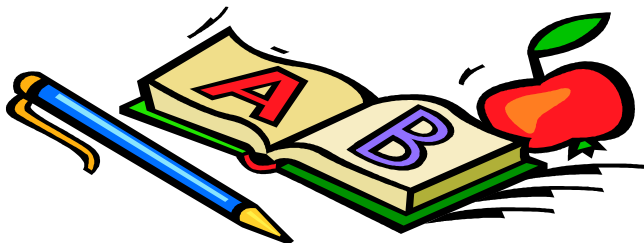
12. CPSE provides to parent(s) notice of annual review

- purpose of meeting
- due process rights

13. CPSE reviews IEP as appropriate and provides parent(s) notice of its recommendation to the BOE

14. BOE notifies parent(s), municipality, preschool program and the Commissioner of its determination

## SECTION 504 (REHABILITATION ACT)



In essence, 504 provides that:

"No otherwise qualified individual with handicaps in the United States,...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."

The definition of disabled under 504 is broader than the definition of a child with a disability under IDEA and NYS Education Law. Under the Rehabilitation Act, a disabled person includes anyone who

- (i) has a physical or mental impairment, which substantially limits one or more major life activities,
- (ii) has a record of such an impairment, or
- (iii) is regarded as having such an impairment.

A student may be referred to the building 504 Committee by school personnel, the parent, or by the CSE if the student is found ineligible for special education. The Peekskill City School District has a 504 Team, which is headed by the Director of Special Education. Additional members can include the principal, evaluator, child's teacher, parent, and additional staff as appropriate. The parent(s)/guardian must sign consent for evaluation. Upon completion of the evaluation(s), a meeting convenes to determine eligibility as per 504 and a 504-accommodation plan is developed.

Each 504 Student Accommodation Plan is reviewed by the building committee (psychologist/chairperson) and parent(s)/guardian on an annual basis to determine continuing needs, modifications, or additions, and the results are sent to the parent(s)/guardian.

Additional printed material and parent information regarding Section 504 can be obtained from the Special Services Office #(914)737-3300 X 326 or 327.

## SECTION 504 PARENT/STUDENT RIGHTS

Below is a description of the rights granted by Section 504 of the Rehabilitation Act of 1977 to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to the following:

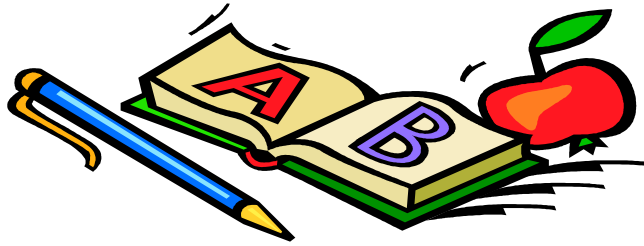
- Right to have your child with disabilities take part in and receive benefits from public education programs without discrimination because of his/her disability.
- Right to receive all information in the parent's or guardian's native language or primary mode of communication.



- ✿ Right to have your child receive a free appropriate public education which includes the right of the child to be educated with students without disabilities to the maximum extent appropriate.
- ✿ Right to have your child have an opportunity to participate in school programs and extracurricular activities sponsored by the School District.
- ✿ Right to receive notice in a reasonable time before the School District identifies, evaluates or changes your child's placement.
- ✿ Right to inspect and review all of your child's educational records, including the right to obtain copies of education records at reasonable cost unless the cost would deny you access to the records, and the right to request that the record be amended if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you have the right to request a hearing.
- ✿ Right to have educational evaluation and placement decisions made based on information from a variety of sources and by persons who know the needs of the student, the meaning of the evaluation data, and placement options.
- ✿ Right to periodic reevaluation and evaluation before any significant change in accommodation or placement.
- ✿ Right to file a complaint with the school district's Section 504 compliance coordinator by writing:

✿ Ms. Joyce Long - Director of Special Services  
Peekskill City School District  
1031 Elm Street  
Peekskill, NY 10566

**SECTION 504 OF THE REHABILITATION ACT:**  
**Grievance Procedure**



The Peekskill School District does not discriminate on the basis of disability in its education programs and in the activities it operates. An initial determination as to whether a student has a disability as defined in § 504 of the Rehabilitation Act is made by the § 504 Committee which includes persons knowledgeable about the student, the meaning of evaluation data, and placement and service options. A student may be referred to the § 504 Team by a parent, by school personnel, or the CSE. A statement of procedural safeguards with respect to review by the § 504 Committee is attached.

Any complaint of discrimination that cannot be resolved through the process of § 504 Committee review should be addressed through the following grievance procedure:

**Step 1: Informal Discussion with Building Principal**

Complainants are encouraged to try to resolve problems promptly through informal dispute resolution. The complainant meets informally with the building principal and discusses the complaint. The principal will investigate and, if further action appears to be needed, may, with the consent of the complainant, take steps necessary to resolve the issues, may ask the § 504 team to consider new material. If the complaint cannot be informally resolved, the principal will reply in writing about the results of the fact-finding within 10 working days of the initial meeting.

**Step 2: Written Complaint**

If the complaint is not satisfactorily resolved, the complainant may file a written grievance with the School District's § 504 Coordinator. The written complaint must include:

- A clear statement of the alleged violation.
- The remedy sought by the complainant.
- The complainant's signature and date.

The § 504 Coordinator will conduct a fact-finding review of the grievance. The fact-finding will include an opportunity for the complainant to meet with the Coordinator for the purpose of presenting information which bears on the issues. After completing the fact-finding, the Coordinator will prepare a written report of the investigation that will include:

- A clear statement of allegations of the grievance and remedy sought.
- A statement of the facts as contended by each party.
- A statement of the facts as found by the coordinator.
- A narrative describing actions taken by the School District to address the matter which is the subject of the complaint.
- The Coordinator's determination as to whether the events described in the complaint constitute a violation of Section 504.

If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The report will be filed with the Superintendent. A copy of the report will be provided to the complainant. If the Superintendent agrees with the recommendations of the coordinator, the recommendations will be implemented.

If Parents believe that there were any facts that were not available to the Coordinator, which would affect the fact-finding determination, or if Parents disagree with the final determination, they may file a written request for review of the determination with Dr. Lorenzo Licopoli, Superintendent of Schools, setting forth the specific basis for their appeal, within seven days of their receipt of the fact-finding determination.

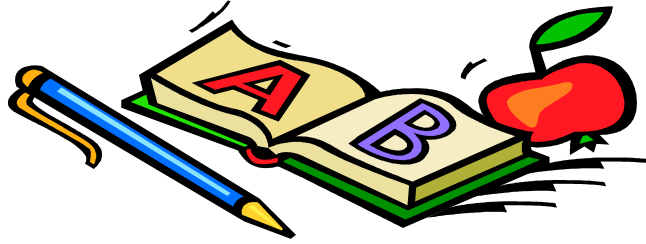
### **OCR Complaint**

At any stage in this grievance procedure, the complainant has the right to ask the § 504 Coordinator to schedule an impartial review hearing. The complainant may also at any time file a formal complaint with the Office for Civil Rights, U.S. Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York, NY 10005-2500. The Office for Civil Rights can be reached at (646) 428-3900 or (877) 521-2172(TDD) or Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

The School District's § 504 Coordinator is:

Joyce Long – Director of Special Services  
914-737-3300 X326 or 327

## FAMILY RESOURCES



### (S.E.P.T.O.)

The Peekskill Special Education PTO (S.E.P.T.O.) was formed in 2005 as a collaborative effort between parents and the Special Education Department to improve and enhance support for children with special needs in the Peekskill City School District.

**OUR MISSION:** The mission of the Peekskill S.E.P.T.O. is to partner with the Special Services Department through networking opportunities with parents, teachers, and other professionals; to advance the quality and delivery of special education services; and to help parents understand special education issues through forums, discussion groups, and workshops.

Rosemarie Sibrizzi, President  
Rosa Rodriguez- Vice President  
Nancy Flaherty, Treasurer  
Rosemarie Sibrizzi, Secretary

Contact: [peekskill\\_septo@outlook.com](mailto:peekskill_septo@outlook.com)

## FEDERAL RESOURCES

- 📖 PL 99-457: Preschool Special Education
- 📖 PL 101-336: American Disabilities Act of 1990
- 📖 PL 101-392: Carl Perkins of Vocational and Applied Technology Education Act of 1990
- 📖 PL 101-476: The Education of the Handicapped Act Amendments of 1990
- 📖 PL 101-496: The Developmental Disabilities Assistance and Bill of Rights Act of 1990
- 📖 Code of Federal Regulations: Part 300
- 📖 Section 504 of the Rehabilitation Act of 1973
- 📖 Family Education Rights and Privacy Act (34 CFR Part 99); FERPA also known as the Buckley Amendment


## NEW YORK STATE RESOURCES


- 📖 Part 200 of the Rules and Regulations of the Commissioner of Education - provides a consistent statewide process for ensuring a free appropriate public education for all disabled pupils within New York State.
- 📖 Part 100 of the Rules and Regulations of the Commissioner of Education - establishes consistent statewide standards for the education within New York State.
- 📖 Part 117 of the Rules and Regulations of the Commissioner of Education - establishes standards for diagnostic screening of new entrants to the schools and those failing below the state reference points on certain exams.




## RELATED FILES

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 File parent member request.doc(DOC - 14 KB)

 Procedural Safeguard Notice- English(PDF - 279 KB)

 Procedural Safeguard Notice- Spanish(PDF - 247 KB)









## RELATED LINKS

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- <http://www.ldonline.org/>  
LD OnLine seeks to help children and adults reach their full potential by providing accurate and up-to-date information and advice about learning disabilities and ADHD. The site features hundreds of helpful articles, multimedia, monthly columns by noted experts, first person essays, children's writing and artwork, a comprehensive resource guide, very active forums, and a Yellow Pages referral directory of professionals, schools, and products.
- <http://www.vesid.nysed.gov/>  
New York State's Vocational and Educational Services for Individuals with Disabilities
- <http://www.parentnetworkwny.org/>  
Parent Network of WNY. Parents helping parents and professionals enable individuals with disabilities to reach their own potential.

## INTERNET RESOURCES

-  New York State Education Department: "<http://www.nysed.gov>"
-  Learning Disabilities: "<http://www.ldonline.com>" & "<http://www.ldresources.com>"
-  Closing the Gap: "<http://www.closingthegap.com>"
-  Center for Applied Special Technology: "<http://www.cast.org>"
-  National Institute on Disability and Rehabilitation Research: "<http://www.ed.gov/offices/OSERS/NIDRR>"
-  International Dyslexia Association: <http://www.interdys.org>

## ORGANIZATIONS

- ADD Action Group: New York - 212-769-2457
- Alexander Graham Bell Assoc. for the Deaf: Washington, D.C. - 202-337-5220
- American Foundation for the Blind: New York - 212-620-2020
- American Speech-Language-Hearing Association - 301-897-5700
- Association for Retarded Citizens of the J.S.: Texas - 817-640-0204
- Autism Society: Washington, D.C. - 202-783-0125
- Children and Adults with Attention Deficit Disorders (CHADD): Putnam - 278-3012
- Clearinghouse on the Disabled (OSERS): Washington, D.C. - 202-732-1245
- Connecticut Association for Learning Disabilities, 203-
- Council for Exceptional Children: Virginia - 703-620-3660
- Cystic Fibrosis Foundation: Maryland - 301-881-9130
- Down Syndrome Society: New York - 212-764-3070
- Dystonia Medical Research Foundation: Illinois - 312-755-0198
- Epilepsy Foundation of America: Maryland - 301-459-3700
- Fragile X syndrome: Massachusetts - 508-462-1990
- Foundation for Children with Learning Disabilities: New York - 212-687-7211
- International Brain Injury Association: Washington, D.C. - 202-296-6443
- Muscular Dystrophy Association: New York - 212-586-0808
- National Association for the Visually Impaired: New York - 212-889-3141
- National Easter Seals Society: Illinois - 312-243-8400
- Noonan's Syndrome Society: San Jose, CA - 408-723-5188
- Orton Dyslexia Society: Maryland - 301-296-0232
- Parents Involved in Child Development (PICD): Connecticut - 203-869-9132
- Prader-Willi Syndrome Association: Minnesota - 612-933-0113
- Rett Syndrome Association: Maryland - 301-248-7031
- Special Education Training & Resource Center (SETRC): No. Westchester - 245-2700/So. Westchester – 948-7271
- Solving the Mystery of Autism Foundation (SMA): Westchester - 235-8757
- Spina Bifida Association of America: Maryland - 301-805-0213
- State Education: Westchester - 245-0010
- Student Advocacy: Westchester - 345-3313
- The Assoc. for Persons with Severe Handicaps (TASH): Washington 206-523-8446
- Tourette Syndrome Association: New York - 212-224-2999
- United Cerebral Palsy Association, Inc.: New York - 212-481-6300

## **RESOURCES FOR PARENTS AND STUDENTS**

- ❖ Hypertext <http://add.miningco.com/library/weekly/bl1213.htm>  
The Online 'Zine for Kids with ADD  
Kids will find information about their medication, posters of famous people with ADD, online quizzes and chats.
- ❖ The Can Do! Web Site <http://www.nlbbs.com/~mbush/>  
Self acceptance and self promotion in an uplifting and inspirational format.
- ❖ Internet Resources for Special Children <http://www.irsc.org/>  
This site is dedicated to communicating information relating to the needs of children with disabilities.
- ❖ LD Online <http://www.ldonline.org/>  
LD Online provides a wealth of information about students with learning disabilities. Expert articles, KidZone and Finding Help are among the features of this site.
- ❖ Individuals with Disabilities Education Act  
<http://www.ed.gov/offices/OSERS/IDEA/index.html>  
This US government site deals with the need to equalize opportunities for children with disabilities.
- ❖ Special Needs Education Network <http://www.schoolnet.ca/sne/>  
Here, there is current information about special education, online lesson plans, newsletters and more.
- ❖ Band-Aides and Blackboards <http://funrsc.fairfield.edu/~jfleitas/contents.html>  
All about growing up with medical problems
- ❖ The Office of Special Education and Rehabilitative Services (OSERS)  
<http://www.ed.gov/offices/OSERS>  
This organization offers current research, funding opportunities, examples of funded projects and information on the National Center to Improve the Tools for Educators
- ❖ American Sign Language Browser <http://commtechlab.msu.edu/sites/aslweb/browser.htm%20A>  
browser where you can look up video of thousands of ASL signs and learn interesting things about them.

## ACRONYMS

Over the course of your child's participation in support services, you will come across a significant number of acronyms. Below, and on the following page, is a list of acronyms that may be of some assistance:

- AAMR American Association on Mental Retardation
- ABA Applied Behavioral Analysis
- ADA Americans with Disabilities Act
- ADD Attention Deficit Disorder
- ADL Activities of Daily Living
- ADHD Attention Deficit Hyperactive Disorder
- AE Age Equivalent
- AHRC Association for the Help of Retarded Children
- AIT Auditory Integration Training
- AT Assistive Technology
- BOCES Board of Cooperative Educational Services
- BOE Board of Education
- CMHC Community Mental Health Center
- CP Cerebral Palsy
- CPSE Committee on Preschool Special Education
- CR Community Residence
- CSE Committee on Special Education
- CSEA Civil Service Employee Association
- CT Consultant Teacher
- CSW Certified Social Worker
- DD Developmental Disability
- DDP Developmental Disability Profile
- DFY Division for Youth
- DOH Department of Health
- DSS Department of Social Services
- ED Emotionally Disabled
- FAS Fetal Alcohol Syndrome
- FTE Full Time Equivalent
- FY Fiscal Year
- ICF Intermediate Care Facility
- ID Intellectual Disability
- IEP Individual Education Plan
- IH Impartial Hearing
- IHO Impartial Hearing Officer
- ILC Independent Living Center
- IST Instructional Support Team
- IQ Intelligence Quotient
- LD Learning Disabled
- MD Multiply Disabled
- MHL Mental Hygiene Law
- NI Neurological Impairment
- NYALD New York Association of Learning Disabilities
- NYCRR New York Codes, Rules and Regulations
- NYSARC New York State Association of Retarded Children
- NYSED New York State Education Department
- OAD Office of Advocate for the Disabled
- ODD Oppositional Defiant Disorder
- OHI Other Health Impaired
- OI Orthopedically Impaired



- OMH Office of Mental Health
- OMRDD Office of Mental Retardation and Developmental Disabilities
- OSES Office of Special Education Services
- OT Occupational Therapy
- PDD Pervasive Developmental Disorder
- PIAT-R Peabody Picture Vocabulary Test – Revised
- PPVT-R Peabody Picture Vocabulary Test – Revised
- PT Physical Therapy
- PWS Prader-Willie Syndrome
- PLS-3 Preschool Language School – 3
- ROM Range of Motion
- RR Resource Room
- RTF Residential Treatment Facility
- SI Sensory Integration
- SSI Social Security Income
- SI Speech Impaired
- SRO State Review Officer
- SS Standard Score
- TAPS Test
- TEACCH Treatment and Education of Autistic and Communication Children
- TDD Telecommunication Devices for the Deaf
- TLC Test of Language Competency
- TOLD-2 Test of Language Development – 2
- VI Visual Impairment
- VMI Visual Motor Integration
- WAIS-R Wechsler Adult Intelligence Scale – Revised
- WIAT Wechsler Individual Achievement Test
- WPPSI-R Wechsler Adult Intelligence Scale – Revised
- WRAT-3 Wide Range Achievement Test – 3rd Edition
- WISC-III Wechsler Intelligence Scale – 3rd Edition
- WJ-R Woodcock-Psycho-Educational Battery - Revised
- New York State Education Department

## **SPECIAL EDUCATION DEFINITIONS**

**504** is a component of the U.S. Rehabilitation Act of 1973, and protects the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. This may be defined as regular or special education services. Section 504 does require development of a plan, usually referred to as a 504 plan, although this written document is not mandated. The Individualized Education Program (IEP) of IDEA may be used as the 504 plan. Typically, a student who needs 504 services needs accommodations and/or related services but does not need special placement or instruction from a special education teacher. For example, students with ADD or ADHD, who do not qualify under the disability categories of IDEA, often have 504 plans. General education teachers, resource teachers, and speech and language therapists usually provide the additional services.

### **A**

**Accessing the General Education Curriculum** occurs when students with disabilities are actively engaged in learning the content and skills of the same curriculum that is being taught to general education students. This is our current perspective on access, which is more focused on curriculum access than access to a particular setting. Access is more likely to occur when instructional and learning goals are operationalized and monitored through appropriate assessments, research-based instructional practices and materials are utilized, and accommodations matched to the child's individual needs are made available.

**Accommodations** are services or supports used to enable a student to fully access the subject matter and instruction. An accommodation does not alter the content or expectations; instead it is an adjustment to instructional methods. Accommodations should be specified in a student's IEP. Examples include books on tape, content enhancements, and allowing additional time to take a test.

**Adaptation** involves an adjustment to the instructional content or performance expectations of students with disabilities from what is expected or taught to students in general education. Adaptations are usually included as part of a student's IEP. Adaptations can include decreasing the number of exercises the student is expected to complete, assignment of different reading materials, or use of a calculator instead of working out problems by hand.

**Annual Goal** is a statement of reasonable expectations for a student with a disability to accomplish in the next 12 months. These goals are included in the student's IEP and should help to direct the services and instruction the student will receive.

**Assistive Technology** is technology designed to be utilized in an assistive technology device or assistive technology service. An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. Examples include: Braille readers, motorized wheelchairs, and specialized keyboards.

**Autism** (as defined by IDEA) means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects educational performance. Characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to changes in daily routines or the environment, and unusual responses to sensory experiences. The term autism does not apply if the child's educational performance is adversely affected primarily because the child has emotional disturbance. A child who shows the characteristics of autism after age 3 could be diagnosed as having autism if the criteria above are satisfied.

## B

**Bullying** includes behaviors and actions that are verbal, physical and/or anti-social, such as exclusion, gossip and non-verbal body language. It can occur at school or in transit between school and home.

## C

## D

**Deaf-Blindness** (as defined by IDEA) means concomitant [simultaneous] hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**Deafness** (as defined by IDEA) means a hearing impairment so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

**Developmental Delay** occurs when a child's development progresses at a slower rate than most children. This is often seen as a delayed achievement of one or more of a child's milestones. A developmental delay can affect a child's physical development, cognitive development, communication development, social or emotional development, or adaptive development.

**Disproportionality** is the over or under representation of minority students in special education. In other words, there is a disproportionate number, either a significantly larger or smaller percentage, of students from a specific minority background receiving special education services than the percentage of that minority in the population generally. Typically, African Americans and Hispanics are over-represented and Asians are underrepresented. IDEA '97 specified that disproportionality needs to be addressed by state and local districts.

**Dyslexia:** Students who have dyslexia demonstrate an inability to attain language skills commensurate with their intellectual ability. The challenges these students face mainly arise in the area of processing information and having the ability to reproduce it in an understandable fashion. Individuals having dyslexia may demonstrate problems in any of the areas of reading, writing, spelling, or math calculations.

## E

**Emotional Disturbance - ED** - (as defined by IDEA) means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

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

**Extended School Year (ESY)** refers to the special education and related services which meet the state standards that a student with disabilities receives beyond the school year as stipulated in the IEP. These services are provided at no charge to the family or student.

## F

**FAPE** stands for "free appropriate public education." This right is guaranteed to students with disabilities by IDEA. The provision states that special education and related services, in accordance with the state's standards, are provided free of charge under public supervision and direction in compliance with the student's IEP. It includes preschool, elementary school, or secondary school education.

## G

**General Curriculum** is the established plan of instruction for all students in a Local Education Agency (LEA). It can be based on the LEA's or state's standards and benchmarks. It incorporates the core of what students learn - i.e., the mandated academic instruction. Social, communication, and life skills are sometimes also integrated.

**Gifted** students show outstanding talent compared to other children of their age, experience or environment.

## H

**Hearing Impairment** (as defined by IDEA) means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but is not included under the definition of "deafness."

## I

**Individuals with Disabilities Education Act (IDEA)** was first enacted in 1975 as the Education for all Handicapped Children Act. It is a comprehensive law that governs the education of students with disabilities. The current version of the law was amended in 2004 (referred to as IDEA '04 or PL 108-446). For more information about the IDEA, go to the U. S. Department of Education's IDEA web site at <http://idea.ed.gov/>. This new site was created to provide a one-stop shop for resources related to IDEA and its implementing regulations.

**Individualized Education Program (IEP)** is a legal document designed by a team of educators, specialists, and the child's parent(s)/guardian(s) that outlines the child's learning/behavioral goals and objectives. This document must be updated at least every 12 months; however, an IEP team meeting can be called by any member of the team at any time. The IEP includes a description of the child's present level of educational performance and identifies annual goals and objectives along with methods for assessing progress toward goals and objectives. In addition, the IEP includes any necessary supports, accommodations, adaptations, and/or related services.

**Inclusion** occurs when students with disabilities are included in the general education classroom/program to the extent possible. Any support services the student needs will be provided in this setting.

**Intellectual Disability - ID** - (as defined by IDEA) means significantly sub average general intellectual functioning, existing concurrently [at the same time] with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

## K

## L

**Learning Disabled (LD)** As currently defined in IDEA, the term refers to a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (IDEA).

**Least Restrictive Environment (LRE)** refers to the concept that children with disabilities should be educated to the maximum extent possible with children who are not disabled while meeting all their learning needs and physical requirements. The type of setting is stipulated in a child's IEP.

## M

**Mainstream** is the placement of a student with a disability into a general education classroom or any non-academic setting (such as physical education, lunch, etc.) for any part of the school day. This type of placement is often seen as being appropriate once it is determined that the child is able to keep up academically or interact appropriately with the other students.

**Modification** involves an adjustment to the instructional content or performance expectations of students with disabilities from what is expected or taught to students in general education.

**Multiple Disabilities** (as defined by IDEA) means concomitant [simultaneous] impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

## N

## O

**Other Health Impairment - OHI** - (as defined by IDEA) means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that (a) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and (b) adversely affects a child's educational performance.

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

**OSEP - US Office of Special Education Programs.** An office within OSERS charged with assuring that the various states comply with IDEA.

**OSERS** - US Office of Special Education and Rehabilitative Services. An agency of the federal government's executive branch within the Department of Education.

**Occupational Therapy (OT)** are support services that focus on developing functional skills related to sensory-motor integration, coordination of movement, fine motor skills, self-help skills (dressing, self-feeding, etc.), adaptive devices/equipment, and positioning for school work. Can also include improving,

developing or restoring functions impaired or lost through illness, injury, or deprivation or preventing, through early intervention, initial or further impairment or loss of function.

## P

**Parent Training and Information Center**-or PTI is a terrific information resource for parents of children with disabilities. Every state has at least one PTI. Each one has a different name. The PTI's for Texas are PATH, PEN, and TEAM. PTI's are funded through our nation's special education law, the Individuals with Disabilities Education Act (IDEA). As you can probably guess from their name, their purpose is to *provide parents with information and training* about: disabilities; parent and children's rights under the IDEA and other relevant laws; and resources in the community, state, and nation. Parent Centers know about the needs of children and families. They understand school policies and practices. Through their experience with the education of children with disabilities, the needs of families and schools, Parent Centers make valuable contributions on a local and statewide basis in support of schools to improve services and outcomes for students with disabilities.

## Q

## R

**Related Services** are developmental, corrective, and other services required to assist a student with a disability to benefit from special education. May include transportation and support services such as speech pathology, audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment, counseling, interpreters for persons with hearing impairments, medical services for diagnostic or evaluation purposes, school health services, social work services in schools, and parent counseling and training.

## S

**Section 504** is a component of the U.S. Rehabilitation Act of 1973, and protects the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. This may be defined as regular or special education services. Section 504 does require development of a plan, usually referred to as a 504 plan, although this written document is not mandated. The Individualized Education Program (IEP) of IDEA may be used as the 504 plan . Typically, a student who needs 504 services needs accommodations and/or related services but does not need special placement or instruction from a special education teacher. For example, students with ADD or ADHD, who do not qualify under the disability categories of IDEA, often have 504 plans. General education teachers, resource teachers, and speech and language therapists usually provide the additional services.

**Speech or Language Impairment** (as defined by IDEA) means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance.

## T

**Traumatic Brain Injury -TBI-** (as defined by IDEA) means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities;

psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

**Transition** is the set of activities and services that assist students with disabilities to successfully move from the school environment to the post-school environment, such as employment, post-secondary education, or vocational training. These services can include adult education, independent living, and community participation.

**U**

**V**

**Visual Impairment Including Blindness** (as defined by IDEA) means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

**W**

**X**

**Y**

**Z**






## Appendix A

### PROCEDURAL SAFEGUARDS NOTICE

#### **Rights for Parents of Children with Disabilities, Ages 3-21**

Parents are vital members of a team called the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) that is responsible for developing an appropriate educational program for your child. You must be given opportunities to participate in the discussion and decision making process about your child's needs for special education. The following information concerns procedural safeguards - your legal rights under Federal and State laws to be involved and make sure that your child receives a free appropriate public education.

#### **Procedural safeguards notice is provided:**

-  upon initial referral for evaluation of your child.
-  with each notice of a CSE or CPSE meeting.
-  upon reevaluation of your child.
-  when the district receives a letter from you requesting an impartial hearing.
-  when a decision is made to suspend or remove your child for discipline reasons that would result in a disciplinary change in placement.

There are many times when the school district must notify (tell) you in writing of its proposed (planned) action and ask for your written consent (permission) to carry out this action.

#### **Consent means that:**

1. you have been informed, in the language you speak or other kind of communication that you understand, of all the information about the activity for which your permission is asked.
2. you understand and agree in writing to the activity for which your permission is needed.
3. your permission is given freely and may be withdrawn at any time. However, if you withdraw your consent, it is not retroactive (it will not apply to actions already taken by the district).

#### **Your consent will be requested when:**



1. your child will be evaluated for the first time by the Committee to decide if he or she has a disability and needs special education.
2. your child is recommended to receive special education services and programs for the first time.
3. your child is recommended to receive twelve-month special education services and/or programs during July and August for the first time.
4. your child will be reevaluated.
5. the school district proposes to use your private insurance. In this case, you must be notified that, if you refuse to allow the school district to access (use) your private insurance, the district is still responsible to provide all required services at no cost to you.
6. another agency other than a school requests to review records about your child. The request for consent will include information about the records that will be released and to whom they will be given.



## **NOTICES: Prior Notice and Meeting Notice**

As a parent of a child with a disability or suspected disability, you will receive notices to tell you about proposed special education services, meetings and your rights. Notice is a written statement provided to you in the language you speak or other kind of communication that you understand unless it is clearly not possible to do so. If the language you speak at home (your native language) or other kind of communication you understand is not a written language, the district must take steps to make sure that the notice is translated orally or by other means (such as sign language) so that you understand the notice. You have the right to ask for an interpreter, translator or reader for the meetings.

In addition to this procedural safeguards notice, you will also receive:

-  prior notices and
-  notices of meetings

### **Prior Notice**

Prior notice is written notice that is given to you a reasonable time before the school district proposes to or refuses to start or change the identification, evaluation, or educational placement or the provision of a free appropriate education to your child.

#### **Prior notice must include:**

1. a description of the action offered or refused by the CSE or CPSE.
2. an explanation of why the school district will or will not take action.
3. a description of any other options (choices) the school district considered and the reasons why those choices were refused.
4. a description of each evaluation, procedure, test, record or report the school district used as a reason to offer or refuse an action.
5. a description of any other factors that are relevant to the district's decision.
6. a statement that you have protection under the law. This legal protection is called procedural safeguards and they are listed in the procedural safeguards notice. If the procedural safeguards notice is not included with the prior notice, the prior notice will describe the ways you can obtain (get) a copy of a description of the procedural safeguards.
7. sources for you to contact to get assistance in understanding the special education process and your rights.

If the prior notice relates to an action by the school district that requires your consent, the district will give you notice at the same time they request your consent. You should also receive prior notice before your child graduates from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma.

## **NOTICE OF MEETINGS**

Whenever the Committee proposes to conduct a meeting to develop or review your child's IEP or to discuss the provision of a free appropriate public education to your child, you must receive a meeting notice.

1. You must receive a written meeting notice at least five days before the meeting unless you and the school district agree to meet within five days or in certain meetings relating to discipline

procedures. If the proposed meeting time or place is not good for you, you may call the school district to ask for a change that is good for both of you.





2. If you are unable to attend the meeting, the district can use other ways to encourage your participation. They may call you before a meeting occurs to talk about evaluation results and ask you for information, or they may ask you to participate in the meeting by telephone.

**A Meeting Notice must include:**

1. the purpose of the meeting and the date, time, location and names and titles of the persons expected to attend the meeting.
2. a statement that you have the right to participate as a member of the Committee.
3. a statement telling you that you may bring anyone to the meeting who has knowledge or special expertise about your child.
4. a statement of your right to ask the school physician to be at the meeting of the CSE. (This does not apply to parents of preschool children.) You must do this in writing at least 72 hours before the meeting.
5. a statement that you may request in writing that the additional parent member of the Committee not participate in the meeting of the Committee.
6. if the meeting is a Subcommittee meeting, a statement that you may make a written request to the full Committee if you disagree with the recommendation of a Subcommittee.
7. for students for whom a meeting will be held to consider transition services, a statement that indicates the purpose of the meeting and that the student will be invited and lists any other agencies that will be invited to send a representative.
8. for preschool students, a statement that you have the opportunity to address the Preschool Committee in writing or in person.

**YOUR CHILD'S EDUCATIONAL RECORDS**

You have the right to ask for and read records about your child unless the district has been legally notified in writing that your rights as a parent have been terminated or otherwise limited by a court order. You have the right to ask for and receive explanations and interpretations of the records from your school district. You may also receive copies of your child's educational records. The school district may charge a reasonable cost for copies of the records. However, if you cannot afford the fee, you still have the right to review and receive the records. You may also have your representative inspect and review the records. Upon your request, the school district must make your child's records available to you:

-  within a reasonable time.
-  in no case more than 45 calendar days after you ask.
-  before any meeting about your child's IEP.
-  before any due process hearing about your child's special education needs.

Personal information about your child may not be released without your consent unless it is:

1. given to school officials or teachers with a legitimate educational interest, State and local educational authorities, or certain individuals designated under Federal Law.
2. used to meet a requirement under Federal Law.

## **EVALUATIONS**

### **Individual Educational Evaluation**

An individual educational evaluation means any procedures, tests, or assessments, including observations, given individually to your child to find out whether he or she has a disability and/or to identify his/her special education needs. The term does not include basic tests given to groups of children in a school, grade or class.

The results of the evaluation must be shared with you. When the CSE or CPSE has conducted an evaluation for determining your child's eligibility for special education, you must be provided a copy of the evaluation report and documentation of determination of eligibility. In addition, if you are the parent of a preschool child, the CPSE must also give you a copy of the summary report of the findings of the evaluation.

### **Independent Educational Evaluation**

An independent educational evaluation (IEE) of your child means a procedure, test or assessment done by a qualified examiner who does not work for the school district or other public agency responsible for the child's education. You may get an IEE at district expense if you disagree with the evaluation arranged for by the school district. If you ask the school district to pay for the IEE, the school district may ask, but not require, you to explain the reason why you object to the district's evaluation. Independent evaluators (outside testers) must meet the same qualifications as school district evaluators and follow the accepted evaluation procedures. The school district must provide you with a copy of its policy regarding the criteria (rules) upon which an IEE can be reimbursed including the location of the evaluation and the qualifications of the evaluator.

#### **You have the right to:**

1. receive, when you ask your school district, information about where an IEE may be obtained and the school district's criteria under which the evaluation is obtained.
2. have the results of an independent IEE discussed by the CSE or CPSE as part of its review and in the development of your child's IEP.

## **DISCIPLINARY PROCEDURES**

The procedures for the discipline of students with disabilities must be in accordance with section 3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the school has the authority to suspend or remove your child for violating the school's code of conduct, you and your child have certain rights throughout the process.

You have the right:

1. to be notified immediately by telephone, if possible, and to receive written notice within 24 hours if the suspension is for 5 school days or less. The notice should describe the incident, suspension and your child's rights. You also have the right to request an informal conference with the school principal.
2. to receive written notice of your opportunity for a superintendent's hearing, if the suspension is for more than 5 consecutive school days, which describes your child's rights to counsel and to question and present witnesses.
3. for your child to receive alternate instruction during the first 10 days of any suspension or removal to the same extent as nondisabled students, if your child is of compulsory school age.
4. for your child to receive education services necessary to enable your child to progress in the general education curriculum and appropriately advance toward achieving his or her IEP goals if your child is suspended or removed for more than 10 school days in a school year.
5. for your child also to have services to address the behavior that resulted in the disciplinary action if your child is removed to an interim alternative educational setting.
6. to have the CSE develop or review and implement a behavioral intervention plan for your child that is based on the results of a functional behavioral assessment, if your child is suspended or removed for more than 10 school days in a school year.
7. to a CSE meeting to determine whether your child's behavior which led to the disciplinary action is related to his or her disability (manifestation determination), for suspensions or removals in excess of 10 school days in a school year that would constitute a disciplinary change in placement.
8. for your child not to be suspended or removed for behaviors that are determined to be related to your child's disability, except for suspensions or removals 10 school days or less in a school year and for removals to interim alternative educational settings.
9. to challenge, in an expedited due process hearing before an impartial hearing officer, the decision of the CSE regarding the relationship between your child's behavior that resulted in a disciplinary action and his or her disability (manifestation determination).
10. to challenge, in an expedited due process hearing before an impartial hearing officer, any placement decision related to discipline.

### INTERIM ALTERNATIVE EDUCATIONAL SETTING – HASS’S WAY

1. **Drugs/Weapons:** School authorities may remove your child to an interim alternative educational setting for up to 45 calendar days if your child carries or possesses a weapon to or at school, on school premises, or to a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
2. **Dangerousness:** An impartial hearing officer may order the removal of your child to an interim alternative educational setting in a dangerous situation (i.e., maintaining the student in the current educational placement is substantially likely to result in injury to your child or to others).
3. An interim alternative education setting is a temporary educational placement for a period of up to 45 calendar days, other than your child’s current placement, that:
  - enables your child to continue to progress in the general education curriculum;
  - provides services and modifications described in the IEP to meet the IEP goals; and
  - includes services and modifications to address the behavior that resulted in the disciplinary action and are designed to prevent the behavior from reoccurring.
4. As a parent, you have the right to challenge, in an expedited due process hearing, the decision to place your child in an interim alternative educational setting. During this process, unless you and the school district otherwise agree to another placement, your child will remain in the interim alternative educational setting until the period of time of the removal expires, but not more than 45 days. However, an impartial hearing officer can extend the placement in the interim alternative educational setting.

Students with disabilities, students presumed to have a disability for discipline purposes, and students referred for special education while subject to disciplinary action.

1. **Students with disabilities:** A student who has been identified by a CSE or a CPSE as a student with a disability must be afforded all the due process rights in this notice.
2. **Students presumed to have a disability:** If you believe that the school district had knowledge that your child was a child with a disability prior to the behavior that resulted in the disciplinary action, you have the right to assert that your child is a student presumed to have a disability. If it is determined that the district did, in fact, have such knowledge, then your child has all the rights and protections in this notice.
3. **Students not yet identified as a student with a disability:** If you request an initial evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner (completed no later than 15 school days after you request the evaluation with a CSE meeting to determine eligibility no later than 5 school days after the completion of the expedited evaluation). Until the evaluation is completed, your child remains in the educational placement determined by school authorities, which can include suspension.

## **COMMONLY ASKED QUESTIONS**

### **What is the Committee on Special Education (CSE)?**

The Committee on Special Education (CSE) is a multidisciplinary team, appointed by the Board of Education. The CSE is responsible for students with disabilities from ages 5-21. The CSE is authorized to identify students in need of services by determining eligibility, developing an Individualized Education Plan (IEP), placing the student in the least restrictive environment in which they can succeed and provide appropriate services to meet the child's educational needs. The team meets at least annually to review a child's IEP and determine program from that point forward. Parents are encouraged to participate in each step of the process.

The committee members are appointed annually by and responsible to the Board of Education, hold meetings on a regular basis to respond to initial referrals, amendment requests and process required annual review meetings. The District is committed to identifying children with disabilities and providing necessary, appropriate services and support within the least restrictive environment. If you suspect your child has a disability, please contact your building principal or the Special Education office.

### **Will I be notified of the CSE Meetings?**

You will be notified by mail of the date, time and location of the meeting. The letter will also inform you as to who is expected to attend the meeting.

### **Should I bring someone with me to the meeting?**

Parents may choose to bring anyone they wish to the meeting. As with the CPSE meetings, there is a volunteer parent who serves as a parent member. This parent member has a child who is currently receiving special education services. If you do not wish the parent member to attend the meeting, you may request, in writing, that the parent member not attend.

### **Who should I expect to be invited to the CSE meeting?**

*The CSE members include:*

- You, the parent or guardian of the student
- The district's CSE Chairperson
- A school psychologist
- Your child's general education teacher
- Your child's special education teacher or service provider
- An individual who can interpret the instructional implications of evaluation results
- The student, when appropriate

### **How long will my child need Special Education?**

Children's needs are unique, and every child's rate of progress differs. The CSE reviews the progress of all classified children annually to assure that their programs remain appropriate, and to make necessary modifications. Changes in services can be considered at any time during the school year. Should the need arise, you, your child's teacher or service provider, may request a CSE meeting at any time to review the appropriateness of special education services.

### **When will my child be reevaluated?**

Every 3 years children who receive special education services are reevaluated to determine individual needs and continuing eligibility for special education services. This evaluation was previously called a "triennial." The reevaluation does not necessarily require that your child be retested. In some cases, current educational information, teacher conferences, parent conferences, observations and a review of records provides the required information needed for the CSE to recommend services. You will be notified in writing when your child is scheduled to be reevaluated and you will be requested to give your written consent.

### **What is declassification?**

Students who no longer require services are declassified. The process entails a full evaluation, written reports, and a CSE meeting. It is a CSE decision and not an individual decision.

Students who are declassified are often provided with declassification accommodations. These include, but are not limited to testing accommodations. Students who still require more in depth services, but no longer qualify for CSE services, are referred to the school's 504 Committee.

### **What is an Annual Review?**

A student's Individualized Educational Plan (IEP) is reviewed at least once each year. This is the Annual Review. A Committee on Special Education (CSE) is convened to review and discuss the student's progress for the past year and to make plans for the coming year. A child's parents, teachers, and service providers are invited to the meeting.

Educators are required to submit written reports with both anecdotal information and discrete data. Summer is part of the next school year. It is at this time that Extended School Year (ESY) services are discussed and possibly added to the IEP.

### **What is an Individualized Education Plan (IEP)?**

The Individualized Education Plan (IEP) is a legal document. The components are mandated by Federal and State law. Included in the document are demographic information; attendees at meetings; the student's strengths, weaknesses, and needs; services; goals and objectives; program modifications; testing accommodations; standardized test scores; participation in general education, etc. The plan is created at the CSE meeting.

All educators who work with the child must adhere to the IEP. They are to have access to the IEP. There is legislation that is mandating that all of a child's educators be provided with a copy of the IEP. Access is provided only to those who work with the child. Providers must maintain IEPs in secured and locked places.

### **Where can I find information about my rights as a parent of a child with a disability?**

As a parent, you are a vital member of the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) in New York State. The CSE/CPSE is responsible for developing recommendations for special education programs and services for your child. You must be given an opportunity to participate in the CSE/CPSE discussion and decision-making process about your child's needs for special education. The procedural safeguards describe your legal rights under federal and State law to be informed about and involved in the special education process and to make sure that your child receives a free appropriate public education (FAPE). A copy of the procedural safeguards can be found on the district website in English and Spanish.