

# PEEKSKILL CITY SCHOOL DISTRICT

Peekskill, New York

## **DISTRICT PLAN FOR SPECIAL EDUCATION**

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

2013

ADOPTED BY THE BOARD OF EDUCATION ON

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**STATEMENT OF ASSURANCES**

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

In full support of State and Federal laws pertaining to students with disabilities, it is the intent of this Board of Education to assure that the educational needs of special education students are met. To this end, and in full compliance with the Regulations of the Commissioner of Education (Section 200.2), the Board has reviewed this District Plan for Special Education.

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

Adopted: \_\_\_\_\_

President, Board of Education

Date

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## SECTION 1

# INTRODUCTION



## **SPECIAL EDUCATION PHILOSOPHY & GOALS**

The Peekskill City School District Board of Education subscribes to the concept that all students must be provided with effective instruction, opportunities for academic achievement, and equal access to the New York State Learning Standards consistent with the Common Core Curriculum. Recognizing its responsibilities towards students with disabilities, the Board of Education has adopted the following statement of philosophy of special education which is the cornerstone of its programs.

- Students will be educated within their local schools whenever possible.
- The District is committed to the concept of the least restrictive environment which allows for maximum contact and participation with non-disabled peers.
- Special education services, provided within or outside of District, will be limited to those necessary to address the nature and need of the student's disability.
- The goal of special education in the Peekskill City School District is to provide each student with individualized instruction consistent with an Individualized Education Program (IEP) leading towards college and career readiness.
- This District recognizes that all persons are entitled to be treated with dignity and respect. Consistent with the Dignity for All Students Act (DASA) persons with disabilities will be supported by all staff accordingly.
- This District is committed to helping the Peekskill school community develop positive attitudes, respect, and understanding towards individuals with disabilities in order to promote independence of functioning to the greatest extent possible.
- The District is committed to promoting ongoing parental support and involvement in the education of each student with a disability, and sees consistent communication with parents as essential to the learning process.

## **POLICY STATEMENT**

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

1. to provide a free appropriate education in the least restrictive environment for resident children between the ages of three (3) and twenty-one (21) or until a high school diploma, in accordance with Section 100.5 of the Regulations of the Commissioner of Education, has been achieved by the student, whichever shall occur first;
2. to ensure that each preschool student with a disability residing in the District has the opportunity to participate in preschool programs, including timely evaluation and placement;
3. to provide instruction for all students with disabilities in the least restrictive environment consistent with need; removal from the general education environment occurs only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily;
4. to appoint and train appropriately qualified personnel including the members and chairpersons of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE), to carry out the functions required by law and regulations related to the education of students with disabilities;
5. to ensure that a discipline code for student behavior is in place which shall govern the conduct of all persons on school premises and assist in the maintenance of public order on school property while protecting the rights of students with disabilities in compliance with Section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Improvement Act (IDEIA) and Part 201 of the Regulations of the Commissioner of Education.
6. to ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability, and to ensure the rights of students with disabilities to privacy and the rights of their parents to review and correct educational records during the course of evaluation and placement, and while they are receiving special education services in the District. Such personally identifiable information will not be disclosed without parental permission except as provided in applicable Regulations;
7. to provide appropriate accommodations and modifications to ensure equal access to the general education curriculum;
8. to ensure provision of individual testing accommodations, specific to the student's disability and needs, to be used consistently by the student in the recommended educational program, and in the administration of District-wide assessments of student achievement and, in accordance with policies established by the New York State Education Department for state assessments of student achievement;

9. to ensure that students who reside in the District have received the protection of all other applicable State and Federal laws and regulations;
10. to ensure that adequate and appropriate space is made available to meet the needs of preschool and school-age students with disabilities in accordance with Section 3602 of the Education Law;
11. to ensure that students with disabilities have the opportunity to participate in school District programs to the maximum extent appropriate, including co-curricular programs and activities, which are available to all students enrolled in the public schools of the District;
12. to ensure that parents have received and understood the request for consent for evaluation of a preschool student;
13. to ensure that all instructional materials to be used in the schools of the District are available in a usable alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students;
14. to ensure that universal design principles are used in developing and administering any District-developed programs, including assessments, in order to promote environments that are accessible to people with and without disabilities;
15. to ensure that each general education teacher, special education teacher, related service provider, and other school personnel that are charged with the implementation of a student's IEP, are provided a paper or electronic copy, including amendments to the IEP, prior to its implementation;
16. to ensure that measurable steps are taken to recruit, hire, train and retain effective personnel to provide special education programs and services;
17. to ensure that prior to referral to special education, a multi-tiered school-wide approach will be implemented, which includes a Response to Intervention process, in order to promote accelerated growth in academic skills and behavior to address a student's identified areas of need;
18. to ensure effective child find procedures to locate and identify all students with disabilities who reside in the School District or attend private school in the School District who are in need of special education programs and services;
19. to ensure the selection and board appointment of an impartial hearing officer when needed consistent with applicable Regulations;
20. to ensure that students who have been placed by their parents or legal guardians in parochial or private schools have received the protection of applicable State and Federal laws and regulations.

**DISTRICT POLICIES, PRACTICES, AND PROCEDURES FOR ENSURING APPROPRIATE EDUCATIONAL SERVICES AND DUE PROCESS IN EVALUATION AND PLACEMENT FOR STUDENTS WITH DISABILITIES UNDER THE PART 200 REGULATIONS OF THE COMMISSIONER OF THE EDUCATION DEPARTMENT OF THE STATE OF NEW YORK**

The policies, practices, and procedures of the Peekskill City School District, operating under Part 200 of the Regulations of the Commissioner of Education of the State of New York, represent a commitment by the District to assure due process in evaluation and placement and to provide a full continuum of special education programs and services. This District Plan outlines special education programs and services. It will be used as a working manual for staff and parents and may undergo changes as regulations, laws, and policies are modified or new programs are developed.

## DEFINITIONS

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

The following statutory and regulatory definitions are controlling:

The term student with a disability means a person with a disability, who has not attained the age of 21 prior to September 1st, and who has not attained a regular High School Diploma, and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of intellectual, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the Department of Education. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency.

The term student with a disability includes the following classifications:

- a. *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily by an emotional disturbance as defined in paragraph d. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.
- b. *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student’s educational performance.
- c. *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- d. *Emotional Disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student’s educational performance:
- e. *Hearing impairment* means impairment in hearing, whether permanent or fluctuating, which adversely affects the child’s educational performance but that is not included under the definition of deafness in this section.
- f. *Learning Disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. This term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of an intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage. The term includes students who do not demonstrate sufficient progress to meet

age or State-approved grade-level standards in one or more of the areas identified in this paragraph when assessed using a process based on the student's response to scientific, research-based intervention or who exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development;

- g. *Intellectual Disability* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance;
- h. *Multiple disabilities* means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness;
- i. *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures);
- j. *Other health-impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or Tourette syndrome, which adversely affects a student's educational performance;
- k. Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance;
- l. Traumatic brain injury means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, and anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma;
- m. Visual impairment including blindness means impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness;

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

1. exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student’s ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student’s performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:
  - a. 12 month delay in one or more functional area(s);
  - b. a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas;
  - c. If appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
2. meet the criteria for Autism, Deafness, Deaf-Blindness, Hearing Impairment , Orthopedic Impairment, Other Health Impairment, Traumatic Brain Injury, or Visual Impairment.

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

- a. Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
- b. Such instruction includes specially designed instruction in physical education, including adapted physical education.

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

The term "*Individualized Education Program*", or "IEP" means a written statement developed, reviewed and revised in accordance with Section 200.4 (d)(2) of the Regulations of the Commissioner of Education to be provided to meet the unique educational needs of a student with a disability. The IEP indicates the recommended special education programs and services which may include the following:

- a. Special classes, resource room, related services, direct or indirect consultant teacher services, integrated co-teaching services, or special class;
- b. Contracts with other Districts for special services or programs;
- c. Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES);
- d. Contracts with a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law;
- e. Contracts with private non-residential schools, which have been approved by the Commissioner and which are within the state;
- f. Contracts with private non-residential schools, which have been approved by the Commissioner and which are outside of the state;
- g. Contracts with private residential schools, which have been approved by the Commissioner and which are within the state;
- h. Contracts with private residential schools, which have been approved by the Commissioner and which are outside of the state;
- i. Contracts for residential or non-residential placements with a special act school District listed in chapter five hundred sixty-six of the laws of Nineteen hundred sixty-seven;
- j. Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the State Education Department;
- k. The term "Related services" means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes, but is not limited to, speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school nurse services, school social work, assistive technology services, and appropriate access to recreation. The term also includes the early identification and assessment of disabling conditions in students;
- l. Related services not to include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping), maintenance of that device, or the replacement of that device.



## **SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW**

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

### **School Calendar**

Special education students follow the same school calendar as their general education peers. School day means any day, including a partial day that students are in attendance at school for instructional purposes. At minimum, an elementary day is five (5) hours exclusive of time allotted for lunch. A secondary day is five (5) hours and thirty (30) minutes, exclusive of lunch. These terms have the same meaning for all students including students with disabilities and students without disabilities except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays. The term 'days' means calendar days unless otherwise indicated as school day or business day.

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

### **Least Restrictive Environment**

The District provides a full continuum of services and placements, ranging from placement in general education classes with special education supports and services to residential settings. The District embraces the spirit of this requirement to ensure that children are not unnecessarily removed from the regular classroom or isolated from other children of their age.

The term 'Least Restrictive Environment (LRE)' means that a student has access to the general education curriculum and is removed from the general education setting by placement in special classes, separate schools or other removal from the regular educational environment only when the nature or severity of the disability is such that even with the use of special education supplementary aids and services, education cannot be satisfactorily achieved:

1. Placement shall be based on the student's IEP and determined at least annually;
2. Placement shall be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student shall be educated in the school he or she would have attended if not disabled;
3. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs;
4. A student with a disability will not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.

### **Procedures to Implement Least Restrictive Environment Requirements**

1. The student will receive a comprehensive, nonbiased, individual evaluation in the student's home language or other mode of communication, unless it is clearly not feasible to do so. Dominant language means the language normally used by the student in the home or learning environment. Students will be assessed using both languages when the home language and language of instruction differ. If bilingually certified evaluators completing the assessments agree that the student is English proficient for academic purposes, the student shall be assessed in English. In making a determination of a student's eligibility for special education, the CSE shall ensure that academic deficiencies are not the result of lack of appropriate instruction in reading or math or limited English proficiency. The CSE will review evaluation information to determine whether additions or modifications will enable the student to participate, as appropriate, in the general curriculum.
2. Prior to placement in special education, the CSE will ensure that the resources of the general education program, including an intervention consistent with Response to Intervention, have been considered.
3. A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. The Individuals with Disabilities Education Improvement Act (IDEA) requires that at least one of the student's regular education teachers participate in the CSE review if the student is, or may be, participating in the regular education environment. In addition, the Committee must include a representative of the school District who is qualified to provide or supervise the provision of special education services and who is knowledgeable about the general education curriculum and the availability of resources of the school District. A Committee participant who is knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
4. The Committee will prepare an IEP which includes statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum, or for preschool students, as appropriate, how the disability affects the child's participation in age appropriate activities.
5. The IEP will list measurable annual goals, including benchmarks or short-term objectives for preschool students, students in ungraded curricula and/or students eligible for the New York State Alternate Assessment (NYSAA). Annual goals must relate to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.
6. The CSE or Committee on Preschool Special Education will first consider placement in general education with appropriate support. Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.

7. The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities.
8. The parent or guardian will be provided a Prior Written Notice (PWN), previously called notice of recommendation, from the CSE/CPSE, which describes the program and placement options considered for the student, a rationale for those options, and an explanation of why any options preferred by the parent were not selected.
9. The CSE/CPSE will indicate expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning characteristics, social development, physical development and management needs.
10. The CSE/CPSE will conduct an Annual Review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

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

### **Similarity of Needs**

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

1. Academic Achievement, Functional Performance and Learning Characteristics – The range of academic or educational achievement within the group shall be limited to ensure that instruction provides appropriate opportunities for each student to achieve the annual goals.
2. Social Development – The degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment of school and community environments.
3. Physical Development – The degree or quality of the student's motor and sensory development, health, vitality and physical skills or limitations which pertain to the learning process.
4. Management Needs – The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

**PROVISION OF APPROPRIATE SPECIAL EDUCATION SERVICES TO ENABLE PARTICIPATION AND PROGRESS IN  
THE GENERAL EDUCATION CURRICULUM**

All students with disabilities who reside in the School District will be provided with an appropriate Individualized Education Program (IEP) that meets the student's educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in the general education curriculum to the extent appropriate to the needs of the student. In developing the IEP, the CSE will consider the present levels of performance, the student's strengths, needs, and the concerns of the parents. The student's academic levels, social development, physical development, and management needs will be the basis for written annual measurable goals.

In keeping with this policy, the CSE will consider general education at each initial, program or Annual Review for the student as well as the appropriate supports or related services needed for the student to make academic progress within the general education environment. Progress or educational benefit shall be indicated by successful academic progress, defined as improvement in skills, achievement on State, local assessments, standardized examinations and Student Learning Objectives (SLOs) leading towards proficiency in grade-appropriate core curricula, increased independence in activities of daily living, and attainment of career or college-readiness skills. Consideration will be given to social areas, including relationships with peers and adults, feelings about self, and the adjustment to school and community environments. Physical development areas include motor or sensory areas, health, vitality and physical skills. Progress in management needs includes improved independence in areas that require environmental modifications or human resources.

The District will ensure access to a diploma for students with disabilities through its establishment of heterogeneous general education classes, integrated co-teaching classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in making progress toward achievement in the Common Core Curriculum and New York State Standards. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of identification as a student with a disability, shall be precluded from receiving equivalent instruction. When appropriate the CSE may recommend that a student pursue an adapted program leading toward a Career Development and Occupational Studies (CDOS) Certificate or, for students recommended to take the New York State Alternative Assessment instead of other required State assessments, a Skills and Achievement Commencement (SACC) Credential.

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

**COMMITTEE ON SPECIAL EDUCATION (CSE) AND  
COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)  
APPOINTMENT AND TRAINING**

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

1. evaluate and identify students with disabilities and recommend special education programs, supports, and services to the Board of Education;
2. assure that appropriate due process safeguards, including Prior Written Notice (PWN), are provided for each student;
3. maintain an annually revised register of all students with disabilities who reside in the District and who are eligible to attend preschool or public school during the coming school year;
4. establish a network for communication and sharing of resources with other educational and community service agencies;
5. report to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school District, and, for preschool students, by public and private agencies within the County of Westchester;
6. report to the State Education Department on the number of preschool students, if any, within the District not receiving appropriate preschool services and the reasons for any such lack of service.

**Responsibilities**

The Committees are responsible for ensuring that all necessary procedures for Child Find, including the assessment, identification, classification, placement and Annual Review of the status and progress of every student with a disability are carried out in accordance with federal and state law and regulation. Subcommittees are authorized to perform the functions of the CSE except when a student is being considered for an initial placement or change to a more restrictive environment in one of the following types of placements:

1. a special class;
2. a special class program resulting in removal from the general education classroom for more than 20% of the school day;
3. a special class outside of the student's school of attendance; or

4. a public school outside the student's District, BOCES program, or approved private school serving students with disabilities.

Upon a written request from a parent or a legal guardian of a student indicating he or she is not in agreement with the subcommittee recommendation, the subcommittee will immediately refer to the CSE for its review any recommendation of the subcommittee concerning the identification, evaluation, educational placement or provision of a free appropriate public education.

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

### **Training CSE/CPSE Members**

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

1. arranging for attendance at District, regional, state meetings regarding CSE/CPSE issues;
2. conducting District-based training on a regular basis;
3. providing copies of written guidelines pertaining to District practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
4. participating in annual CSE/CPSE training provided by the New York State Education Department;
5. disseminating all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
6. inviting committee members to annual site visits of Out-of District special education placements to familiarize them with placement options available to resident special education students;
7. utilizing RSE-TASC as a training resource; and
8. other resources, including professional and legal organizations.

### **General Staff Development**

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

All special education personnel shall be appropriately qualified to carry out their duties regarding students with disabilities, and shall possess the training, licensing and certification required by the No Child Left Behind Act and New York Law.

As part of an ongoing effort to assist special and general education teachers to effectively meet the needs of students with disabilities, staff development plays a critical role in preparing teachers to work with diverse learners. The District is committed to providing staff development in the form of special education department meetings, grade level meetings, content department meetings, in-service courses, the autism training course, mentoring, coaching, webinars, regional meetings, Superintendent's Conference Day, and access to other opportunities for professional development.

## SECTION 2

# COMMITTEE ON PRESCHOOL SPECIAL EDUCATION



**COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERSHIP**

At its yearly organization meeting, the Board of Education appoints a Committee on Preschool Special Education in accordance with the provisions of Education Law §4410.3 to ensure timely evaluation of students. The membership of each committee shall include:

1. the parents of the preschool child;
2. not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
3. not less than one special education teacher or not less than one special education provider of the student;
4. the CPSE chairperson who is a representative of the District qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities that is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
5. the parent of a preschool or elementary school-age child with a disability who resides in the District or neighboring District, provided that such parent is not a required member if the parent(s) of the child request that the additional parent member not participate;
6. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or District representative described above;
7. other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school District or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE;
8. for a student in transition from Early Intervention programs and services, at the request of the parent, an appropriate professional from the Department of Health's Early Intervention Program;
9. an appropriately licensed or certified professional from the municipality.

### **Role and Responsibilities of the CPSE Chairperson**

The CPSE Chairperson will:

1. preside over the CPSE meeting;
2. carry out the functions of a CPSE chairperson including but not limited to:
  - a. notifying parents when a referral or request for referral has been received;
  - b. documenting attempts to obtain parental consent to an Initial Evaluation;
  - c. informing a parent who does not grant consent for an Initial Evaluation, that upon request, that parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation;
  - d. providing a parent and a referring person a copy of an agreement to withdraw a referral;
  - e. determining the location of any meeting held to review or evaluate a preschool child; and
  - f. participating in a transition planning conference for a child transitioning from early intervention (EI) services to preschool special education and services to review the child's program options and establish a transition plan (or designating another individual to participate in this meeting).

### **Excusal of Committee Member**

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

1. the parents and the school District agree in writing to the excusal, and;
2. the excused member submits to the parent and the rest of the CPSE, written input into the development of the student's IEP, and in particular written input with respect to the member's area of curriculum or related services, prior to the meeting.

A parent retains the right to request and/or agree to excuse a CPSE member if:

1. the parent and school district agree in writing that the member's attendance at a meeting is not necessary because the member's area of curriculum or related services is not being modified or discussed at the meeting.
2. Or the member is unable to attend because of an emergency or unavoidable scheduling conflict, and the school district submits the member's written input for review within a reasonable time prior to the meeting.

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

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee. The CPSE Chairperson, in the absence of consensus from the committee, has the authority to make recommendation. Written notice of CPSE meetings is provided to parents at least five (5) days in advance of the meeting date. Meetings of the CPSE are held in the Administration Building as needed to review referrals throughout the school year and during the summer months.

### **Committee on Preschool Special Education**

1. Chairperson
2. Parents of the preschool child
3. General Education Teacher of the child (whenever the student is, or may be, participating in the general education environment).
4. Special Education Teacher or Related Service Provider (of the child)
5. Parent Member (if requested 72 hours in advance) of a child with a disability enrolled in pre-school or elementary level program.
6. Representative of the school district
7. Individual Who Can Interpret Evaluation Results (may be selected from individuals listed above)
8. Representative from Early Intervention program (if requested by the parent)
9. Representative of the Municipality (County) of residence (not required for a quorum)

**First Eligible for Services** is the earliest date on which a student becomes eligible for services as defined in current regulations. Students receiving Early Intervention services through the Department of Health may, if the parent so chooses, continue to receive such services through August 31st or December 31st (based upon child's date of birth) of the calendar year in which the student first becomes eligible to receive services under Section 4410. A student can be considered a preschool student with a disability through the month of August of the school year in which he or she first becomes eligible to attend kindergarten.

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

## CPSE PROCEDURES

### Referral

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

1. the student's parent or person in parental relationship;
2. a professional staff member of the school District in which the student resides or the public or private school the student legally attends;
3. a professional staff member of a preschool program approved pursuant to Section 4410 of the Education Law;
4. a professional staff member of an approved program providing special instruction to students ages birth to three (3);
5. a licensed physician or judicial officer;
6. the Commissioner or designee of a public agency with responsibility for the welfare, care or education of children;

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

### Evaluation and Recommendations

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

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

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

4. a social history; and
5. other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional and behavioral factors that contributes to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory and to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills. The CPSE will arrange for specialized evaluations where necessary. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, and assistive technology assessments. Specialized evaluations are not limited to the Initial Evaluation process; they may be indicated at any time.

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled. The parents will be provided with a copy of the summary reports prior to the meeting. The results of the evaluation will be provided to the parent in the home language or other mode of communication. Reasonable measures will be made to ensure that the parent attends the meeting. This means:

1. A written notice is sent to the parent at least five days prior to advising them of the meeting.
2. At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.

Prior to making any recommendation that would place a child in an approved program of the agency that conducted the Initial Evaluation, the committee may exercise discretion to obtain an evaluation of the child from other approved evaluators.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within thirty (30) school days of the date of the receipt of consent. If the Committee determines the student is ineligible for the special education, written notification will indicate the reasons for the finding. If the Committee determines that a student has a disability, an IEP is prepared which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short-term objectives, and the type of special education program and/or services recommended. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reason, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

### **Provision of Services**

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

### **Annual Review**

An Annual Review is conducted for every preschool student who has been classified as having a disability. The purpose of the Annual Review is to determine the appropriateness of the student's IEP and the need to continue or modify the preschool special education program. The yearly review ensures that the IEP will continue to meet the student's educational needs. In addition to the members of the CPSE, which includes the parent of the student, the student's teacher must also attend. Parents will receive a written notice, at least five (5) days prior to the meeting that indicates the time, date, location and persons expected to attend. Reasonable measures will be taken to ensure that the parent attends the meeting. This notice must also inform the parents that they may invite other persons to attend the meeting, who have knowledge or special expertise regarding the student.

### **Amendment to CPSE Meeting After the Annual Review**

After an IEP has been developed at the Annual Review meeting, a parent and the School District may agree to develop a written document to amend the student's IEP under the following circumstances:

1. the parent makes a request to the School District for an amendment to the IEP and the parent and the District agree in writing; or
2. the School District provides the parent with a written proposal to amend a provision or provisions of the IEP that:
  - a. is conveyed in language understandable to the parent, and;
  - b. informs and allows the parent the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes.
3. the parent must agree in writing to such amendment.

The parent must be provided prior written notice of the changes to the IEP.

The CPSE must be notified of any changes made to the IEP.

The parent must also receive, either:

1. a revised IEP, or
2. a document that amends or modifies the IEP (or, upon parent request, a revised copy of the entire IEP with the amendments incorporated).

Amendments made to an IEP without a meeting do not affect the requirement that the CPSE must review the IEP annually, or upon request.

### **Withdrawal of Referral**

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

### **Program Recommendations**

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

1. related services only;
2. special education itinerant services only;
3. related services in combination with special education itinerant services;
4. an integrated special education preschool program;
5. a half-day preschool program;
6. a full day preschool program.

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

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

**Related Services**

Those services defined in Section 4401 of Education Law include speech pathology, audiology services, psychological services, physical therapy, occupational therapy, counseling services, medical services as defined by regulation, orientation and mobility services, parent counseling and training, school nurse services, and school social work. 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.

Related services are provided at a site determined by the Board of Education including, but not limited to:

1. an approved or licensed pre-kindergarten;
2. a Head Start Program;
3. the worksite of the provider;
4. the student's home\*;
5. a hospital;
6. a state facility;
7. a childcare location.

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

**Special Education Itinerant Services**

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

1. an approved or licensed pre-kindergarten;
2. a Head Start Program;
3. the work site of the provider;
4. the student's home\*;
5. a hospital;
6. a state facility;
7. a childcare location.



\*Related services will be provided in the home only if the Board of Education determines that documented medical or special needs indicate that the student should not be transported to another site.

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

The purpose of Special Education Itinerant Services is to provide individual or group instruction and/or direct services to preschool students with disabilities:

1. **Direct Services:** Specialized individual or group instruction to a preschool student to help the student benefit from the early childhood program or setting.
2. **Indirect Services:** Consultation provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment or modifying instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program.

Special Education Itinerant Services are provided not less than two hours per week; the total number of students with disabilities assigned to a special education teacher will not exceed 20.

## **SECTION 3**

# **COMMITTEE ON SPECIAL EDUCATION (CSE)**

## **Membership**

At its yearly organization meeting, the Board of Education appoints members of the CSE. When a CSE convenes, it is comprised of at least the following mandated members:

1. The parents or persons in parental relationship to the student;
2. Not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
3. Not less than one special education teacher or not less than one special education provider of the student;
4. A school psychologist;
5. The CSE chairperson who is a representative of the district qualified to provide, or supervise, the provision of specially-designed instruction to meet the unique needs of students with disabilities, and who is knowledgeable about the general education curriculum and about the availability of the resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student, the school psychologist, the regular education teacher, or the person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fill the role of the CSE chairperson;
6. The school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
7. An additional parent member of a student with a disability residing in the school district or a neighboring school district, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting. The additional parent member may be the parent of a student who is currently receiving special education services, who has been declassified within a period not to exceed five years or who has graduated within a period not to exceed five years;
8. Other persons having knowledge or special expertise regarding the child, including related service personnel as appropriate, as the school district or the parents shall designate;
9. If appropriate, the student. (Students who will be 15 years of age when the proposed IEP will be implemented are invited by separate invitation to attend the CSE meeting. A student's interests and preferences are considered by the CSE at each meeting);

### **Membership of the Sub-CSE**

Subcommittees are utilized to review re-evaluations and during Annual Reviews. The Subcommittee consists of the following members:

1. The parent of the student;
2. Not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
3. Not less than one special education teacher, or where appropriate, not less than one special education provider (i.e., related service provider) of the student;
4. A representative of the district who is qualified to provide, administer or supervise special education and who is knowledgeable about the general education curriculum and who is knowledgeable about the availability of resources of the school district;
5. A school psychologist, whenever a new psychological evaluation is reviewed, or a change to a program option with a more intensive staff/student ratio, is considered;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
7. Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the Sub CSE;
8. The student, if appropriate. (Students who will be 15 years of age when the proposed IEP will be implemented are invited by separate invitation to attend the CSE meeting. A student's interests and preferences are considered by the CSE at each meeting);

### **Role and Responsibility of the CSE Chairperson**

The CSE Chairperson will:

1. preside over the CSE meeting;
2. carry out the functions of a CSE chairperson, including but not limited to:
  - a. designating for each student a professional employee of the school district with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
  - b. carrying out responsibilities related to referrals and requests for referrals such as:
    - forwarding a copy of a referral to the building administrator within five days of its receipt.

- notifying parent when a referral or request for referral has been received using standardized but individualized Prior Written Notice (PWN) documentation.

Prior Written Notice means a written statement developed in accordance with Section 200.5(a) of the Regulations of the Commissioner of Education that is provided to the parents of a student with a disability a reasonable time before the School District proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

- documenting attempts to obtain parental consent to an Initial Evaluation;
- informing a parents who does not grant consent for an Initial Evaluation, that upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation;
- providing a parent and a referring person a copy of an agreement to withdraw a referral.

#### **Excusal of a Committee Member**

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

1. the parents and the school district agree in writing to the excusal, and;
2. the excused member submits to the parent and the rest of the CSE, written input into the development of the student's IEP, and in particular written input with respect to the member's area of curriculum or related services, prior to the meeting.

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

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

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

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings of the CSE are held in the Administration Building and subcommittees are held in the school buildings as needed throughout the year.

### **2013 - 2014 CSE MEMBERS**

#### **CHAIRPERSON:**

|             |                               |
|-------------|-------------------------------|
| Lisa Hammel | CPSE/CSE Chairperson          |
| Joyce Long  | Director of Special Education |

#### **PSYCHOLOGISTS:**

Janet Cummaro  
 Leslie Detres  
 Kelly LeFevre  
 Elizabeth O'Donnell  
 Lindsay Pettine  
 Noelle Shay  
 James Tosto

#### **PHYSICIAN:**

Dr. Michael Lasser

#### **PARENT REPRESENTATIVES:**

Brenda Bradshaw  
 Rose Rodriguez  
 Rose Maxwell  
 Cynthia Zeboris  
 Leslie Vivenzio  
 Carmen Avila-Chanza  
 Nancy Flaherty

## PROCEDURES OF THE CSE

### Referral

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

A student suspected of having a disability shall be referred in writing to the Chairperson of the CSE or to the building administrator of the school which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs or services. The school district must initiate actions upon receipt of the referral and promptly provide Procedural Safeguards and Prior Written Notice (PWN) requesting parental consent to evaluate the student to determine if the student needs special education services and programs. If a student is suspected of having a learning disability, the CSE will make this determination after assessing whether the student has made adequate progress after an appropriate period of time when instruction is provided through a Response to Intervention (RTI) plan that utilizes systematically applied strategies and targeted instruction.

A referral for an Initial Evaluation may be made by:

1. a student's parent including an individual who is in a parental relationship;
2. a designee of the school district in which the student resides, specifically, Public School Building Principal, CSE Chairperson, CPSE Chairperson, Director of Special and Alternative Education, Director of Pupil Services;
3. the commissioner; and/or;
4. a designee of an education program affiliated with a child care institution with CSE responsibility.

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

1. a professional staff member of the school district in which the student resides, or the public or private school the student legally attends;
2. a licensed physician;
3. a judicial officer;
4. a professional staff member of a public agency with responsibility for welfare, health or education of children; or
5. a student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

Except for written requests for referrals submitted by the student or judicial officers, the referral must state the reasons for the referral and include any test results, records or reports upon which the referral is based. It must also describe written efforts made by school and parent to resolve the difficulties leading to referral or to meet the needs of the student in the general classroom setting including intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral.

Documentation must be provided delineating instruction in a multi-tiered problem-solving intervention approach that utilizes systematically applied strategies and targeted instruction through a Response to Intervention (RTI) plan and Progress Monitoring Data. The referral must also describe the extent of parental contact and involvement prior to the referral. If a referral is received by the building administrator, it must be forwarded to the CSE Chairperson immediately. If a referral is received by the CSE Chairperson, a copy will be forwarded to the building administrator within five school days of its receipt.

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

- a. request parent consent to initiate the evaluation; or
- b. provide the parent with a copy of such request for referral; and
- c. inform the parent of his or her right to refer the student for an initial evaluation for special education programs and/or services; and
- d. offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with the building administrator or other designee of the school district authorized to make a referral, and the individual making the request for referral, if a professional staff member of the school district. Upon request of the parent or school district, any other person making a request for referral shall have the opportunity to attend such meeting.

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

### **Withdrawal of Referral**

At the meeting with parent and/or student and the individual who made or encouraged the referral, the building administrator will discuss educational services presently being offered to determine whether the student would benefit from additional general education support services, as an alternate to special education, including the provision of an RTI Plan of tiered intervention with Progress Monitoring, reasonable accommodations within general education, Educationally Related Support Services, Counseling Support, Behavior Intervention Planning, Guidance Intervention, additional attempts at remediation using research-based interventions, short-term skills training, ESL, and/or Bilingual Services, or any other services designed to address the learning needs of the student and maintain his or her placement in general education.



If at the meeting, the parent and the building administrator agree that, with the provision of additional general education support services, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator will prepare a written agreement. All such agreements about withdrawal of a CSE referral will specify the general education support services and instructional strategies to be used and progress monitoring data to be collected to resolve the identified area(s) of difficulty of the student and will provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress. The building administrator will provide the chairperson of the CSE, the person who made the referral if a professional staff member of the district, the parent and the student, if appropriate, with copies of the agreement. A copy of the agreement becomes a part of the student's cumulative educational record. A copy of the agreement must be in the home language of the parent whenever feasible. This meeting and any resultant efforts to address the student's needs shall not delay the request for parental consent for evaluation.

If the referral to the CSE is not withdrawn by agreement, and the parent does not consent to the Initial Evaluation within thirty (30) days of the date of receipt of referral, the CSE chairperson shall notify the board of education that the School District may appoint an impartial hearing officer to review the referral and determine whether or not the School District may evaluate the student without the consent of the parent. Before initiating such due process review, the Chairperson will make and document at least three attempts to obtain parental consent, including but not limited to, telephone calls made or attempted and the results of those calls and correspondence sent to the parents and any responses received by the Chairperson or other representatives of the committee.

### **Evaluation and Recommendation**

Upon receipt of a referral for evaluation for a resident student enrolled in a school other than a Peekskill City School District public school, the district shall require that the parent register the child in the public school. The parent will be advised in writing that registration does not require enrollment in the public school but allows the district to verify residency, and health/immunization status.

The Initial Evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent, to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability and the content of the student's IEP, including information related to enabling the student to participate and progress in the general education curriculum.

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

1. a physical examination;
2. an individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the committee;

3. an observation of the student in the student's learning environment including the general classroom setting or, in the case of a student of less than school age or out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty;
4. a social history;
5. other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities;
6. The district will ensure that a group that includes the committee on special education, and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or State assessments, classroom-based observations, and observations by teachers and related services providers. The group may conduct its review without a meeting. On the basis of that review, and with input from the student's parents, this group shall identify what additional data, if any, are needed.

The district will ensure that:

1. Evaluation materials used to assess a student:
  - (a) are provided and administered in the student's home language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;
  - (b) are used for purposes for which the assessments or measures are valid and reliable;
  - (c) are administered by trained personnel in accordance with the instruction provided by those who developed such assessments; and
  - (d) are selected and administered so as not to be discriminatory on a racial or cultural basis;
2. Evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
3. Assessments are selected and administered to ensure that, when an assessment is administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
4. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;
5. No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;

6. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or specialist with certification or knowledge in the area of the suspected disability;
7. The evaluation is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified;
8. Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
9. Assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
10. The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities;
11. Students age twelve (12) and those referred to special education for the first time who are age twelve (12) and over, shall receive an assessment that includes a review of school records and total assessments, and parent and student interview to determine vocational skills, aptitude and interests;
12. Five (5) days prior to the meeting, the results of the evaluation are made available to parents or persons in parental relationships in their home language or mode of communication, unless it is clearly not feasible to do so;
13. Assessments of students with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations;
14. No student shall be required to obtain a prescription for a drug or other substance.

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

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

1. A Prior Written Notice (PWN) will be sent to parents at least five days prior advising them of the meeting. The parent may elect to receive the notice of the meetings by a verified electronic mail (e-mail) communication if the school district makes such option available;
2. In the event the parent cannot be reached, the student's school will be contacted in an effort to enlist the School's assistance in reaching the parent via a note sent home with the student;

3. Attempts by the Chairperson to contact the parent will be documented on the IEP;
4. For a subcommittee meeting, the special education or primary related service provider will make and document attempts to contact the parent;
5. When conducting a meeting of the CSE, the parent and the school district may agree to use alternative means of meeting participation, such as conference telephone calls or other electronic means as available;
6. In the event that a parent or school administrator requests an expedited meeting, the parent is asked to give consent to proceed without receiving written notice of the meeting 5 days in advance.

### **Eligibility Determination**

The CSE will consider evaluation information including evaluations provided by the parent. The CSE will ensure that the appropriateness of reading and math instruction and all general education resources including educationally related support services and academic intervention services have been considered prior to determining that the student meets eligibility criteria to be classified as a student with an educational disability. In interpreting evaluation data for the purpose of determining if a student is a student with a disability, and determining the educational needs of the student, the CSE will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior; and ensure that information obtained from all these sources is documented and carefully considered. The School District will provide a copy of the evaluation report and the documentation of eligibility to the student's parent.

In making a determination of eligibility for special education and related services, the CSE shall first determine whether academic delays are attributable to:

- lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies or
- limited English proficiency.

In determining whether a student has a learning disability, the district will use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their home language, including the results of evaluations when the student is determined no longer to be eligible for special education. Whenever feasible this should occur before any meeting to discuss the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student. The results of the evaluation will be provided to the parent at no cost, and in their home language or other mode of communication whenever feasible.

IEPs will be on a form prescribed by the Commissioner of Education. In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the academic, developmental and functional needs of the student, including as appropriate, the results of the student's performance on any general state or district-wide tests, and other factors unique to the student's disability.

The IEP recommendation shall include the following:

1. Present levels of performance. The IEP shall report the present levels of academic achievement and functional performance and indicate the individual needs of the student including how the student's disability affects involvement and progress in the general education curriculum;
2. The classification of the disability;
3. Measurable annual goals.
  - a. The IEP shall list measurable annual goals, including academic and functional goals, consistent with the student's needs and abilities. The measurable annual goals must relate to:
    - meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum;
    - meeting each of the student's other educational needs that result from the student's disability;
    - Each annual goal shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal during the period beginning with placement and ending with the next scheduled review by the committee;
    - The IEP shall identify when periodic reports on the progress the student is making toward the annual goals (such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards) will be provided to the student's parents;
    - Short-term instructional objectives and benchmarks. For students who are eligible to take the New York State Alternate Assessment (NYSAA) the IEP shall include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal.
4. Special education program and services.
  - a. The IEP shall indicate the recommended special education program and services and the supplementary aids and services that will be provided for the student:
    - to advance appropriately toward attaining the annual goals;
    - to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

- to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section.
- b. The recommended program and services shall, to the extent practicable, be based on peer-reviewed research, and as appropriate indicate:
- the regular education classes in which the student will receive consultant teacher services;
  - the class size, if appropriate;
  - the supplementary aids and services and program modifications to be provided to the student or on behalf of the student;
  - a statement of supports for school personnel on behalf of the student;
  - the extent to which the student's parents will receive parent counseling and training when appropriate;
  - any assistive technology devices or services needed for the student to benefit from education, including the use of such devices in the student's home or in other settings;
  - the anticipated frequency, duration and location for each of the recommended programs and services, including the supplementary aids and services and program modifications to be provided to or on behalf of the student;
  - the projected date for initiation of the recommended special education program and services.
5. A statement of any individual testing accommodations to be used consistently by the student in the recommended educational program and in the administration of district-wide assessments of student achievement and in State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student.
6. If the student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.
7. Participation in regular class. The IEP shall provide:
- a. an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education program; or
  - b. if a student is not participating in a regular physical education program, the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education.

8. Transition services. Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the IEP shall, under the applicable components of the student's IEP, include:
  - a. under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
  - b. appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
  - c. a statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;
  - d. needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
  - a. a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.
9. For students eligible for a 12-month service and/or program, the IEP shall indicate the identity of the provider of services during the months of July and August, and, for students determined to require a structured learning environment of 12 months duration to prevent substantial regression, a statement of the reasons for such recommendation.
10. The projected date of the review of the student's need for such services.
11. The recommended placement.

At the beginning of each school year, the special education teacher meets with all general teachers to discuss each student's IEP and review the modifications and/or accommodations that may need to be made for each student. Each general education teacher is provided with a paper or electronic copy of the IEP and informed of his or her responsibilities to implement the recommendations in the student's IEP. Teachers need to be aware of each student's area of disability, testing modifications, special needs with regard to specialized equipment (e.g., enlarged print, taped textbooks, use of a calculator, etc.) and any other special accommodations as stipulated in the IEP.

### **Consideration of Special Factors**

The CSE shall:

1. in the case of a student whose behavior impedes his or her learning or that of others, consider appropriate strategies, including positive behavioral interventions, and supports to address that behavior;
2. in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP;
3. in the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the CSE determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or use of braille is not appropriate for the student;
4. consider whether a student needs a particular device or service to address the student's needs. For a student who is deaf or hard-of-hearing, such consideration must also include the opportunities the student needs for direct communication with peers and professional personnel in the student's language and communication mode and the student's academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
5. consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education;
6. include a statement in the IEP if, in considering the special factors listed above, the committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

If the committee determines that the student is ineligible for special education, parents will be provided with Prior Written Notice (PWN) which includes notice of the recommendation. The parent will have received procedural safeguards, a copy of the evaluation reports and the documentation of determination for ineligibility. The committee will provide these recommendations to the Board of Education.

If the student has been receiving special education services, but it is determined by the CSE that the student no longer requires such services, the committee will provide Prior Written Notice (PWN) to parents which includes:

1. the rationale for declassification;
2. the declassification support services if any, to be provided to the student, and/or the student's teachers; and
3. the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue for more than one year after the student is declassified.

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



The committee will provide Prior Written Notice (PWN) to parents which includes:

1. a recommendation including options considered and a rationale for rejecting those options not selected;
2. a list of the evaluations considered and the documentation of determination of eligibility;
3. a Procedural Safeguards Notice; and
4. a request for parental consent for initial placement (including, if appropriate, initial recommendation for twelve (12) month programs and services).

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

### **IEP Implementation, Distribution and Placement**

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) school days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services. If the CSE recommends placement in an approved private school, the Board shall arrange for such programs and services within thirty (30) school days of the Board's receipt of the recommendation of the committee. If the Board of Education disagrees with the committee's recommendations, the Board may remand the recommendation to the committee for reconsideration. Notice of any such action will be provided to the parent. The Board may also establish a second committee to develop a new recommendation for the student. It may also remand the recommendation to the second committee for additional review, but must arrange for programs and services within the timelines for placement described above.

The CSE must ensure that:

1. each student with a disability has an IEP in effect at the beginning of each year;
2. each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP is provided electronic access to the student's IEP prior to implementation and has been informed of his or her responsibility to implement the recommendation on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP;
3. teaching assistants, under the direction of the special education teacher, and each other provider responsible for assisting in the implementation of a student's IEP, has the opportunity to review a copy of the student's IEP, prior to the implementation of the program, and has ongoing access to a copy of the IEP;
4. a copy of the IEP is provided to the student's parents at no cost to the student's parents.

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

**Transfer Students:** To facilitate the transition for a transfer student, the district will take steps, with parental consent, to obtain the student's records, including the IEP and the supporting documents and other records from the previous school district in which the student was enrolled, relating to the provision of special education services to the student. The following procedures are in effect:

1. Transfer Students Within New York State – In the case of a student with a disability who had an IEP that was in effect in New York State and who transfers from one school district and enrolls Peekskill City School District of New Rochelle within the same academic year, the district shall develop an Interim Plan, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the district adopts the previously held IEP or develops, adopts and implements a new IEP;
2. Transfer Students From Outside New York State – In the case of a student with a disability who transfers school districts within the same academic year, who enrolls in the Peekskill City School District and who had an IEP that was in effect in another state, the district shall develop an Interim Plan, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation, if determined to be necessary by the school district, and develops a new IEP, if appropriate.

### **Annual Review, Re- Evaluation and Declassification**

The IEP of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. Reasonable measures are taken to ensure that the parent attends the annual review meeting. If a revision of the IEP is recommended, it must address:

1. any lack of expected progress toward the annual goals in the general education curriculum, if appropriate;
2. the results of the most recent evaluations of the student;
3. concerns of the parents for enhancing the education of their child;
4. strengths of the student;
5. other matters, including a student's need for test accommodations and/or modifications and the student's need for a particular device or service (including an intervention, accommodation or other program) in order for the student to receive a free appropriate public education;
6. the student's anticipated needs;
7. as appropriate, the results of the student's performance on any general, state or district-wide assessment program.

A CSE shall arrange for an appropriate re-evaluation of each student with a disability at least once every three years or if the school district determines that the educational or related service needs, including improved academic achievement and functional performance of the student warrant such re-evaluation. Re-evaluation will also be scheduled if the student's parent or teacher requests a re-evaluation, but not more frequently than once a year, unless the parent and the representative of the school district appointed to the CSE agree otherwise.

Prior to conducting any new assessments, the district will provide Prior Written Notice (PWN) and parental consent must be requested. The parent and the school district may agree in writing that a three-year re-evaluation is unnecessary.

The parent is sent Prior Written Notice (PWN) and consent is requested prior to conducting any new test or assessment as part of a re-evaluation, except the consent need not be obtained if the district took reasonable measures to obtain such consent and the student's parent failed to respond. Reasonable measures will include at least three written notices and one telephone call to the parent. If the parent refuses consent, the district may attempt to resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment. If the committee determines that no additional data is needed to determine whether the student continues to be a student with a disability, the CSE will notify the parent of that determination, and the reasons for it and the right of the parent to request an assessment to determine whether the student continues to be a student with a disability. The committee will also indicate that it is not required to conduct such an assessment unless requested by the student's parent.

If conducted, a comprehensive three-year re-evaluation is arranged by a multidisciplinary team or group of persons, including at least one teacher and other specialists with knowledge of the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement; the student's ability to participate in instructional programs in regular education; and the student's continuing eligibility for special education. The results of any re-evaluations will be addressed by the CSE in a meeting to review and, as appropriate, revise the student's IEP. The school or the CSE will provide a copy of the evaluation reports and the documentation of the determination of eligibility to the student's parent.

A variety of assessment tools and strategies will be used, including information provided by the parents. Existing evaluation data will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments, local and state assessment, classroom based observations, and observations by teachers and related service providers.

**Amendments to the IEP without a Meeting after an Annual Review Meeting:**

After an IEP has been developed at the annual review meeting, a parent and the school district may agree to make changes to a student's IEP without another meeting and instead may develop a written document to amend the student's IEP under the following circumstances:

1. the parent makes a request to the school district for an amendment to the IEP and the parent and the district agree in writing; or
2. the school district provides the parent with Prior Written Notice (PWN) of a proposed amendment of the IEP that:

- is conveyed in language understandable to the parent, and
  - informs and allows the parent the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes.
3. the parent agrees to the amendment without a meeting in writing.

The parent must be provided PWN of the changes to the IEP. The CSE must be notified of any changes made to the IEP. The parent must also receive an amended IEP.

### **CONTINUUM OF SERVICES** **CSE (CSE)**

The District provides the full continuum of services consistent with Part 200.6 of the Commissioner's Regulations. Local Program descriptions, including entry and exit criteria, are included in Section 10 of this plan.

#### **Transitional Support Services**

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

#### **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.
- 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;
- Speech/language services will be provided based on the student's need for the service. Total caseload for teachers 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, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation 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.

1. The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.
2. 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.
3. 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.
4. 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.

### **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. The District provides part-time and full-time special class programs.

### **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, and
3. specify the frequency and duration of such services, not to exceed one year.

## SECTION 4

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



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

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

For the CPSE and the CSE, placement shall be completed within 60 school days of receipt of consent to evaluate a student not previously identified as having a disability or within 60 school days of referral for review of a student with a disability. For CSE placement in approved in-state or out-of-state private school placements, the Board shall arrange for such programs and services within 30 school days of receipt of the recommendation of the CSE. For the CPSE, the Board shall arrange for the services commencing with the July, September or January starting date, unless such services are recommended by the CPSE less than 30 days prior to, or after, such appropriate starting date, in which case the services shall be provided as soon as possible following development of the IEP but no later than 30 school days from the recommendation of the Committee, and within 60 school days from receipt of consent to evaluate.

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

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

**ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS  
WITH LEARNING DISABILITIES**

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

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

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

1. whether the student has been provided with instruction in a multi-tiered problem-solving intervention approach that utilizes systematically applied strategies and targeted instruction through a Response to Intervention; and
2. progress monitoring data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel; and
3. documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which shall include, but not be limited to: The parents or person in parental relationship to the student; the regular education teacher of the student whenever the student is or may be participating in the regular education environment; one special education teacher of the student; a school psychologist; and an additional member who is the parent of a student with a disability, if requested by the parent 72 hours prior to the CSE meeting. At least one individual who can interpret the instructional implications of evaluation results must be present and may serve in another role simultaneously.

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

1. does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the identified areas when using a process based on the student's response to scientific, research-based intervention; or
2. exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments; and

3. the CSE determines that its findings are not primarily the result of a visual, hearing, intellectual or motor disability, emotional disturbance, cultural factors, environmental or economic disadvantage, limited English proficiency or lack of opportunity for adequate instruction in general education.

**Specific Documentation for the Eligibility Determination**

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

1. whether the student has a learning disability;
2. the basis for making the determination, including an assurance that the determination has been made in accordance with regulations;
3. the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
4. the educationally relevant medical findings, if any;
5. whether the student does not achieve adequately for the student's age or to meet state-approved grade-level standards or does not make sufficient progress to meet age or state-approved grade-level standards or exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development;
6. the determination of the CSE concerning the effects of a visual, hearing, or motor disability, intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency on the student's achievement level, and
7. if the student has participated in a process that assesses the student's response to scientific, research-based intervention;
8. the instructional strategies used and the student-centered data collected;
9. the instructional strategies used and the student-centered data collected; and
10. the documentation that the student's parents were notified.

Each CSE member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the CSE member must submit a separate statement presenting the member's conclusions.

### **DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

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

In order to determine the nature of this re-evaluation, the school staff including members of the CPSE/CSE and other qualified professionals may review the existing evaluation data on the student including evaluations provided by the parents or guardians, current class assessments, observations by teachers, reports by related services providers and other professionals. This review shall not constitute a CPSE/CSE meeting. On the basis of this review, the District will decide what further data is needed. The CPSE/CSE shall notify the parents or guardians that they have a right to request further assessment to determine if their child continues to be a student with a disability. If the parent or guardian does not request further assessment, the CPSE/CSE may meet to review the information and to consider declassification. A copy of this report shall be made available to the parent or guardian.

In conducting its review, the CPSE/CSE will consider the student's ability to participate in instructional programs in general education, the student's benefit from special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEIA, Part 200 of the Regulations of the Commissioner and the District's existing policies and procedures. The CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CSE shall identify any declassification support services, including the projected date of initiation of such services and the duration of these services. Declassification services shall be provided for no more than a year following the declassification date. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional educationally related support services, academic intervention services, or other services that may be appropriate for the child. Upon declassification the CSE will consider the student's continued eligibility for the graduation safety net and test modifications, which remain in effect until modified by a Section 504 Plan, or the student earns a regular diploma, or the end of the school year in which the student turns 21, whichever comes first.

**PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS**  
**(ELL STUDENTS)**

As part of the Kindergarten screening students who appear to be English Language Learners (ELL), are screened by the ESL teacher. The Peekskill City School District utilizes administrative practices and procedures to screen, identify and annually assess ELL students. Upon registration, every parent must complete a Home Language Questionnaire. The Home Language Questionnaire is reviewed by the ESL teachers, and if a home language other than English is indicated, the appropriate screening steps will follow within the first two weeks of school to determine the need for ELL support services. If there is no indication on a Home Language Questionnaire of a language other than English, and school personnel observe a potential ELL learner, District procedures are followed to determine the need for ELL services. Once a student is considered proficient on the NYSESLAT, an ELL student may be exited from the program.

The procedures for the referral of ELL students suspected of having a disability are the same procedures for all Peekskill students.

Prior to referral, general education supports are attempted to determine if the student can make progress through pre-referral intervention strategies, consisting of data-based instructional programs/techniques that are scientifically researched based.

If the student's home language is other than English, this is noted on the referral form in order that further evaluations can be completed in the student's home language. If the parents' home language is not English, they will receive all notifications in their home language, whenever feasible. They will also receive the Parent's Guide to Special Education in their home language, as available. Increases in the number of bilingual clinical and educational staff continue to be made through extensive recruitment efforts. Consultants, agencies, embassy personnel, BOCES, and other community resources are utilized whenever District personnel cannot meet the home language needs of the student in the CSE/CPSE process.

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

1. The length of time the student has been in the United States;
2. The amount of instruction that the student has received in the United States as well as his or her home country;
3. The length of time the student has been receiving ESL instruction;
4. Attendance in school;
5. Impact of interrupted instruction;
6. The student's proficiency in his/her home language as well as English proficiency;
7. The types of general education supports that the student has received.

In all cases, the student's educational, cultural and experiential background will be considered by the Committee to determine if these factors are contributing to the student's learning or behavioral problems. In

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

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

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

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

1. The CSE referral will indicate the student's home language, as determined by the Home Language Survey and other assessments.
2. The CSE referral includes a section that must be completed on students who are English Language Learners and may also be suspected of having a disability.
3. If the student's English proficiency is determined to be insufficient to obtain valid results in English and the home language is not English, the evaluation shall be bilingual.
4. If the home language is English but the student is considered limited English proficient, an evaluation will be conducted by a professional familiar with the culture and language dialect of the student.
5. If the student is from a culturally and linguistically diverse background but English is the home language and the student is considered to be proficient in English, as determined by an English/Language Assessment, the evaluation may be conducted in English; however, the culture and linguistic background of the student will be taken into consideration.
6. If the parents' language is other than English, they will receive all notifications in their home language, whenever feasible. They will also receive the Parent's Guide to Special Education in their home language, as available.

Upon receipt of a referral that indicates that the home language is not English Procedural Safeguards Notice will be mailed to parents in the home language, whenever feasible. At the CSE/CPSE meeting, an interpreter will be present to explain the results of the evaluations and the proposed recommendations, when feasible.

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

1. The length of time the student has been in the United States;
2. The amount of instruction that the student has received in the United States as well as his or her home country;
3. The length of time the student has been receiving ESL instruction;

4. Attendance in school;
5. Impact of interrupted instruction;
6. The student's proficiency in his home language as well as English proficiency;
7. The types of general education supports that the student has received;
8. A bilingual evaluator will be obtained who is knowledgeable about the student's geographic area of origin as well as its language and culture, wherever feasible;
9. Test instruments in the language that are normed on the same or similar population as the country from which the student has come will be sought. If such evaluative tools are not available, the evaluator will state in the report specific concerns regarding the instruments that were used and specific cautions to be observed when interpreting the results;
10. If specific sub-tests are not considered appropriate because of cultural factors, the evaluator may prorate the results and explain the reasons for this decision in the report;
11. Student work samples shall be submitted to the CSE to provide a portfolio assessment that may indicate functional levels;
12. Non-verbal assessment batteries will be used to supplement more linguistic based measures;
13. Age-appropriate adaptive behaviors will also be taken into consideration;
14. All areas of suspected disability will be evaluated in the student's home language and English unless it is clearly not feasible to do so;
15. The bilingual evaluator will conduct a complete bilingual social history in the parent's home language unless it is clearly not feasible;
16. The evaluation report will state the language(s) in which the assessment(s) was/were administered;
17. If the tests normally used are not considered valid for the LEP student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report;
18. The assessments will include progress monitoring data based on multi-tiered, culturally and linguistically appropriate research-based interventions, consistent with RtI;
19. If the bilingually certified evaluators completing the assessments agree that the student is English proficient for academic purposes, the student shall be assessed in English;

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

1. A bilingual professional or translator will be present at the CSE/CPSE meeting and the attendance sheet will indicate the name and language of this interpreter.
2. The CSE will consider the role of cultural and/or linguistic factors in relation to the student's behavior and/or academic difficulties before determining if special education services are required.
3. In accordance with Least Restrictive Environment and the requirement of Rti, the CSE/CPSE will determine if remedial services and other general education supports can be tried before considering special education services.
4. All notices requiring consent and informing parents of CSE/CPSE recommendations will be translated into the parent's home language.
5. The program or services recommended for the student may consist of a combination of special education services, as recommended by the CSE as well as ESL/Bilingual services recommended through general education.

**EXTENDED SCHOOL YEAR (ESY) SERVICES**

The CSE or CPSE will determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression is defined as a student's inability to maintain developmental levels during the months of July and August due to a loss of skill, set of skill competencies or knowledge of such severity as to require an inordinate period of review at the beginning of the school year to re-establish and maintain IEP goals and objectives mastered at the end of the previous school year.

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

In accordance with Section 200.6(j) of the Commissioner's Regulations, students will be considered for twelve-month (12) special services and/or programs to prevent substantial regression if they are:

1. Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
2. Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;
3. Students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;



4. Students whose needs are so severe that they can be met only in a seven-day (7) residential program;  
or
5. Students receiving other special education services, who, because of their disabilities exhibit the need for a twelve-month (12) special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression.

Parent consent is required for initial placement in a twelve (12) month program or service.

### **ACCESSIBLE INSTRUCTIONAL MATERIALS (AIM)**

For some students, printed instructional materials can be a barrier to participation and achievement in the general education curriculum. The District is committed to providing accessible versions of instructional materials to students who are blind or otherwise unable to use printed materials. Accessible instructional materials, or AIM, are materials that are designed or converted in a way that makes them usable across the widest range of student variability regardless of format (print, digital, graphical, audio, video). The term AIM refers to print instructional materials that have been transformed into the specialized formats of braille, large print, audio, or digital text. Accessible instructional materials afford the flexibility to meet the needs of a broad range of students, even those without disabilities in accordance with the precepts of Universal Design. The District provides materials in accessible formats including braille, large print, audio and digital text as determined by student need. Other materials are provided through federal programs, such as NIMAC and Bookshare. Students with disabilities should receive materials in accessible formats at the same time as their peers receive their textbooks. Fully accessible format means that: All text is digital and can be read with text-to-speech, modified with regard to font size, and navigated by unit, chapter, section and page number (or other appropriate segments). Images include alternative text and long descriptions when appropriate (alternative text is a replacement for an image that serves the same purpose as the image itself. Content reading order, levels and headings are determined by publisher tagging. Text can be converted to braille. It is noted that because a document is digital or online, it is not inherently accessible. File types to consider, from most to least flexible are: Digital Accessible Information System (DAISY)/ National Instructional Materials Accessibility Standard (NIMAS) with cascading style sheet; HyperText Markup Language (HTML); Portable Document Format (PDF), (unlocked, embedded fonts, single page); and Rich Text Format (RTF)/Word document.

### **ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES**

The District is committed to ensuring that assistive technology devices and/or services are made available to a student with a disability, when appropriate, as part of the student's Individualized Education Program (IEP). Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of a student with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such device. Universal design of materials may have assistive technology inherent in its application. Assistive technology devices can range from "low technology" items like slant board or paper stabilizers to "high technology" items such as voice synthesizers, braille readers, or voice activated computers.

The IEP must describe any specialized equipment and adaptive devices needed for the student to benefit from instruction requires each school District to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education,

related services or supplementary aids or services as described in the IEP defines assistive technology devices and assistive technology services, as follows:

Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. Since assistive technology services are provided as part of the student's special education instruction, related services and/or other supplementary aids and services, they must be provided by an appropriately licensed or certified individual in accordance with Section 200.6 of the Regulations of the Commissioner of Education. The term includes:

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

The need for accessible materials and assistive technology is considered at each meeting of the Committee on Special Education. The need for assistive technology is determined through the individual evaluation. The District's CSE/CPSE is responsible for this functional evaluation of the student. The need to conduct an assistive technology component of an evaluation must be considered for students on a case-by-case basis.

The annual educational update can consider classroom function and identify universally available technology and low-tech devices, to determine available technologies that will improve the student's access to the curriculum or increase independence. The assessment documents what environments the student currently accesses, what the required tasks are, and what challenges the student encounters in accomplishing these tasks. Once the area of educational need has been identified, the team needs to review what has been tried in the past to address the needs of the student.

Determination of need is the first decision point. The CSE reviews an evaluation that must contain specific evidence as to whether the student:

1. can gain information from standard print-based instructional materials used across the curriculum by all students;
2. needs the materials in a specialized format; or
3. requires modified content or alternative materials.

- Level One: The educational evaluation determines whether the student can use standard print-based instructional materials used across the curriculum by other students. If it determined the student can, it can be anticipated that the student will make adequate progress reading and gaining information from grade-level print-based materials. Evidence indicates that specialized formats of instructional materials are not needed at this time.
- Level Two: The educational evaluation determines that the student requires the same content in one or more specialized formats and additional evidence is collected to determine that the student cannot use standard print-based instructional materials effectively at this time. This data collection is a process that may include trial teaching to determine the functioning level of the student to independently use the technology, and the effectiveness of the technology in assuring equal access to the core curriculum. The team anticipates that the student will make adequate progress if the same information is presented in one or more specialized formats (e.g., braille, large print, audio, or digital text).
- Level Three: The specialized assessment determines whether the student requires modified content or alternative materials. When the team chooses this option, evidence collected from Level One and Level Two assessments indicate that the student cannot use typical print-based materials or information presented in more specialized formatseffectively at this time. A Level Three specialized assessment evaluates the impact the student’s disability has on the comprehension of information, and the team anticipates that the student will need alternative materials. This does not mean that efforts will not be made to help students learn to access materials in more traditional formats. Alternative materials address the same educational goals as standard print documents, but content is modified (usually made less complex) so that the student can better understand it.

### **EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT**

Section 100.2 (d) of the Regulations of the Commissioner of Education requires public school students to complete at least two units of study in a language other than English at some time during grades kindergarten through nine.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education Program (IEP) indicates that such requirement is inappropriate. The CSE will consider the appropriateness of exemption from a second language on an individualized basis during the annual review process. This determination will be made for all students with disabilities who have completed the sixth grade, and who are expected to receive special education services thereafter. The following criteria and documentation will be considered in the determination of exemption:

| <u>Criteria</u>  | <u>Documentation</u>                                     |
|--|--|
| 1. A score below the 20th percentile (comprehensive reading)                                       | Evaluation Outcomes                                      |
| 2. Poor memory for vocabulary  | Evaluation Outcomes<br>Classroom Reports                 |
| 3. Poor reading comprehension  | Evaluation Outcomes<br>Classroom Reports                 |
| 4. Severe auditory discrimination problems   | Speech/Language Evaluation<br>Classroom Reports          |
| 5. Severe auditory sequencing problems   | Speech/Language Evaluation<br>Classroom Reports          |
| 6. Consistent difficulties with syntax   | Speech/Language Evaluation<br>Classroom Reports          |
| 7. Severe dysfunctional spelling   | Evaluation Outcomes or Work Samples<br>Classroom Reports |
| 8. Other – In relation to the disability or inability to handle additional substantive course work | Evaluation Outcomes or Work Samples<br>Classroom Reports |

The presenting RtI Problem Solving or School Team will provide the CSE with the necessary documentation when a second language exemption is being considered or recommended. If a student who has received a second language exemption is subsequently declassified, the CSE may recommend to the building principal that the exemption remain in effect.

A student who is recommended to be exempt from the foreign language requirement is not prohibited from taking such a course. The District encourages students to challenge themselves where appropriate. If a student with a disability is enrolled in a foreign language class, information regarding testing modifications and classroom accommodations will be provided to the teacher.

### **GUIDELINES FOR PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE AND DISTRICT-WIDE ASSESSMENTS**

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

Test modifications and accommodations are changes made in the administration of a test, including testing conditions, procedures, or formats, in order to allow participation in the testing program by removing obstacles to the test-taking process caused by a student's disability that do not alter what the test measures.

The District recognizes that the provision of testing accommodations to students with disabilities enables such students to participate in assessment programs on an equal basis with their nondisabled peers. Testing accommodations provide students with disabilities the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by their disability. Further, testing accommodations provide opportunity for students with disabilities to ensure access to the common core curriculum and gain access to more challenging courses and programs.

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

1. Test accommodations must be provided on a consistent and uniform basis, as provided by each student's IEP, should not be excessive, and should alter the standard administration of the test to the least extent possible;
2. Test accommodations are neither intended nor permitted to:
  - a. alter the construct of the test or invalidate the results;
  - b. provide an unfair advantage for students with disabilities over students taking tests under standardized conditions; and
  - c. substitute for knowledge or abilities the student has not attained.
3. The following students are eligible to receive test accommodations;
  - a. students classified by the CSE or CPSE as having a disability;
  - b. students identified as having a disability pursuant to Section 504 of the Rehabilitation Act by a 504 Multidisciplinary Team; or,
  - c. students who incur disabilities for 30 days or less before administration of a District-wide test and who are authorized by the principal to receive test accommodations; or
  - d. students previously declassified by the CSE or CPSE who are provided with declassification accommodations.
4. The following individuals are authorized to make the decisions regarding test accommodations for a student with a disability:
  - a. the CSE or CPSE, if the student is classified as a student with a disability or if the student has been declassified; or
  - b. the Section 504 Multidisciplinary Team for those students identified as having a disability pursuant to Section 504 of the Rehabilitation Act; or
  - c. the school principal, for general education students who have incurred a short or long-term disability within 30 days before administration of assessments and where sufficient time is not available for the development of an IEP or 504 Plan.

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

There are two conditions under which the District is prohibited from providing test accommodations and modifications:

- the parent has revoked consent for the provision of special education services, unless the student is referred to a Section 504 Team who finds the student eligible.
- the publisher of the test prohibits specific modifications.

Each public school principal shall ensure that all teachers and service providers are aware of test accommodations for each eligible student and how they are to be implemented.

Testing Modifications that cannot be reasonably implemented in the student's classroom may be provided in an alternative location, which may include the testing centers located in the District's secondary schools, consistent with the student's IEP, 504 Plan, or Principal's Approved Accommodations.

### **FUNCTIONAL BEHAVIOR ASSESSMENTS** **BEHAVIOR INTERVENTION PLANS**

A Functional Behavior Assessment (FBA) with baseline data and a subsequent Behavior Intervention Plan (BIP) will be part of the evaluation and re-evaluation procedures for students who:

1. engage or have engaged in behavior that impedes their learning or the learning of their peers.
2. engage or have engaged in behavior that violates the District's or the individual school's code of conduct.
3. are being considered for a more restrictive classroom, including consideration for Out Of District placement, based primarily on behavioral issues.
4. are being considered for additional staff support such as a management aide due to behavioral challenges.

An FBA and BIP may be completed at any time during the school year for students whose behavior is impeding learning in the school environment or presents a danger to the health and safety of themselves or others.

Following the completion of an FBA, qualified school personnel will use the data to determine and design appropriate intervention strategies for the student that will give the student access to the curriculum and enable him or her to safely participate in the learning environment.

Qualified school personnel can include psychologists, special education teachers, general education teachers, social workers, and behavior consultants who have knowledge of the student and the learning environment and can collect and interpret behavioral data.

A Behavior Intervention Plan cannot be completed without first conducting a thorough Functional Behavior Assessment. An FBA must include all of the following information:

- Objective and quantifiable identification of target behaviors;
- Baseline data consisting of at least six data points;
- Contextual factors that may influence target behaviors (also referred to as setting events);
- Hypothesis regarding the general conditions under which the behavior occurs (also referred to as antecedents); and
- Hypothesis regarding the probable consequences that serve to maintain the behavior.

A BIP should be strength-based and focused on prevention strategies and replacement behaviors rather than punishments and discipline. A BIP must include the following components:

- Prevention strategies based on the FBA information;
- Replacement skills that the student needs to learn (positive alternative behaviors);
- Likely reinforcers for positive alternative skills;
- Follow up procedures if the behavior occurs;
- How the target behavior will be monitored (specific data collection procedures);
- Progress monitoring- specific guidelines for when the plan will be reviewed, data analyzed and revisions made if necessary;
- People responsible for the consistent implementation of the plan.

The teacher or designated case manager is responsible for ensuring the BIP is consistently implemented across settings and throughout the school day.

### **INDEPENDENCE PLANS**

An Independence Plan and subsequent data collection will be developed for any student for whom the CSE has recommended enhanced staffing. An Independence Plan is recommended but not required for students with mobility aides due to physical limitations.

The Independence Plan is a separate document that specifically outlines:

- the times and activities for which the aide is required
- the long-term goal for independent skill in this activity
- the current short-term objective (STO) for each period or activity
- current prompt levels and intervention steps as well as fading procedures for each subject, period, or activity
- weekly or bi-weekly progress data
- the teacher and/or case manager

The teacher or designated case manager is responsible for ensuring the Independence Plan is consistently implemented across settings and throughout the school day. The teacher or designated case manager is responsible to follow up and review the data on at least a monthly basis and make appropriate changes to the Independence Plan based on the data.

Data from the Independence Plan and progress towards fading of the aide will be reviewed by the CSE at Annual Review and decisions concerning continuation of the additional aide support will be made based on analysis of this data.

## TRANSITION PLANNING FOR STUDENTS WITH DISABILITIES

### Definition:

“Transition Services” are defined as a coordinated set of activities developed for a student with a disability, designed to improve his/her academic and functional achievement in order to facilitate the student’s movement from school to post-school activities. Coordinated means the CSE has recommended a combination of activities that will lead the student to reach his/her post-secondary goals, including instruction, related services, community experiences, development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and a functional vocational evaluation.

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

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

1. under the student’s present levels of performance, a statement of the student’s needs, taking into account the student’s strengths, preferences, and interests, as they relate to transition from school to post-school activities;
2. appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills;
3. a statement of the transition service needs of the student that focuses on the student’s courses of study, such as participation in advanced-placement courses or a vocational education program;
4. needed activities to facilitate the student’s movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
5. a statement of the responsibilities of the School District and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

If the purpose of the meeting is to consider the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, the District shall invite the student. If the student does not attend, the District shall take steps to ensure that the student's preferences and interests are considered.

To the extent appropriate and with parental consent or consent of a student 18 years of age or older, the School District must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. A participating agency is a State or local agency which may be



financially and legally responsible for providing transition services to the student. If an agency representative does attend, the District should take steps to involve the agency in the planning of any transition services.

### **Coordinated Set of Activities**

1. **Instruction** - The IEP must identify any instruction that the student might need to prepare for post-school living. Instruction is a component of a transition program that the student needs to receive in specific areas to complete needed courses, succeed in the general curriculum and gain needed skills. Instruction could include the courses of study the student needs to take to reach the stated postsecondary goals. Instruction could include specific skill areas (e.g., instruction in problem solving skills, how to use public transportation, how to use a particular assistive technology device, personal banking skills, self-advocacy skills).
2. **Related Services** - The IEP must identify any related services (e.g., school social work; orientation and mobility services) the student may need as a transition service to support the student in attaining the projected post-school outcomes. Related services recommended as a transition activity must also be documented under the IEP section "Special Education Program/Services."
3. **Community Experiences** – The IEP must identify community-based experiences to be offered and/or community resources to be utilized as part of the student’s school program, whether accessed during school hours or after school to achieve the projected post-school outcomes.
4. **Employment, Other Post-school Adult Living Objectives** - The IEP must identify what services or activities the student needs to prepare for employment and to assist in meeting other post-school adult living objectives (e.g., participation in a work experience program, assistance with completing college or employment applications, practice in interviewing skills, travel training).
5. **Activities of Daily Living** - If appropriate to the needs of the student, the IEP must indicate the services or activities that will assist in activities of daily living skills (e.g., dressing, hygiene, communication skills, self-care skills, independent medication management) that will increase the student’s independence.
6. **Functional Vocational Assessment** - If the Level One or Level Two vocational assessment, as described below, has not provided sufficient information to make program decisions, the IEP must indicate if the student will need a Level Three functional vocational assessment/Diagnostic Vocational Evaluation (DVE) to obtain additional information about the student’s needs, preferences, and interests. A Level Three functional vocational assessment or DVE is an assessment to determine a student’s strengths, abilities and needs in an actual or simulated work setting or in real work sample experiences.

### **The Vocational Assessment Process**

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

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

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

The amount and type of information collected on each student may vary, it must be sufficient for the CSE to develop appropriate educational decisions.

### **Levels of Vocational Assessment**

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

- A Level One vocational assessment includes collecting information and analyzing existing information about the student. This assessment involves the participation of the student, the student's parent(s) or guardian(s), a special education teacher, and the student's school counselor. Other appropriate professionals may also participate.
- A Level Two vocational assessment is more focused and builds upon information from Level One. It involves the administration of standardized tests, which examine interests, vocational skills, and specific aptitudes and abilities. Specialized vocational evaluation instruments, such as a vocational interest inventory, vocational aptitude battery and selected work samples, may be used.
- Level Three vocational assessment is a situational assessment conducted while a student is engaged in work related or vocational activities, such as a DVE. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting. This type of assessment may be recommended for students with severe disabilities.

Using a strength-based approach, the assessments identify the student's specific interests, needs, and preferences.

### **Measurable Postsecondary Goals**

Beginning with the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate) and updated at least annually, the IEP must include measurable postsecondary goals based on the student's preferences and interests, as they relate to transition from school to post-school activities, in the areas of:

- employment (e.g., integrated competitive employment);
- postsecondary education and training (e.g., career and technical education and training, continuing and adult education, college); and

- independent living skills (when appropriate) (e.g., adult services, independent living or community participation).

Postsecondary goals identify the student's long-term goals for living, working and learning as an adult. The projected postsecondary goals in the student's IEP establish a direction for the school, student, student's family and any participating agencies to work towards in recommending transition activities for the student. These post-school goals guide planning for activities that prepare the student to move from school to post-school activities and for discussion with appropriate public and private community agencies regarding their contributions to the student's transition process. The student's IEP should include goals, services and activities to incrementally prepare the student to achieve the measurable postsecondary goals.

### **Transition Needs and Courses of Study**

Beginning with the IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), the IEP must include a statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced placement courses or a vocational education program, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities.

The IEP should also identify the high school curriculum that will prepare the student to meet his/her post-secondary goals. Examples of courses of study might include Regents coursework and/or sequence of courses in a career and technical education field related to the student's post-secondary goals.

### **AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES**

Students with disabilities are no longer eligible for a free appropriate public education once they attain a regular high school diploma or at the end of the school year in which they turn 21.

The District is responsible for implementing an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning previously discussed in this plan.

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

1. Chapter 544 Students: Students attending residential out-of-state schools who have attained or will attain the age of 18 prior to June 30 of the current school year.
2. Chapter 570 Students: Students attending residential in-state schools who have attained or will attain the age of 18 by June 30 of the current school year.
3. Chapter 462 Students: Students attending non-residential, in-state programs 100% of the time, who have intensive management needs and who are likely to require adult services: The process for eligible students begins at the first Annual Review after the student reaches the age of 18.

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

- Identification of students likely to need adult service,
- Notification to parents or students,
- Obtaining consent to release information,
- Referral to agency or agencies, Submission of reports to the State Education Department.

### **OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS**

The District is dedicated to providing students with disabilities an academically rigorous course of study with individual accommodations, supports, and services, to ensure access to the common core standards leading towards college and career-readiness and New York State Regents Diploma. Furthermore, the District believes most students with disabilities, with appropriate supports and services, will meet the requirements for a New York State Regents Diploma. Some students with disabilities may require access to the New York State Safety Net to meet the requirements for a regular (local) high school diploma. It is recognized, however, that this standard will not be reached by some students due to the nature or severity of their disability.

#### **Regents and Local Diploma Options**

Part 100 of the Regulations of the Commissioner of Education sets the general requirements for a Regents or a local high school diploma. Exceptions apply with respect to a Regents or local high school diploma. Requirements for a diploma apply to students depending upon the year in which they first enter grade nine. A student who takes more than four years to earn a diploma is subject to the requirements that apply to the year that student first entered grade nine. Students with disabilities who entered grade 9 prior to September, 2011 are eligible for the RCT safety net. The option to take the RCTs is not available for any student entering grade 9 beginning in September 2011 and thereafter. The local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one or more required Regents examinations. For the 2012-2013 school year, students with disabilities may access the Compensatory option as indicated below:

#### **Local High School Diploma Options (Safety Net)**

| Topic                                | Key Components   |
|--------------------------------------|--|
| 55-64 Pass Score Option              | <ul style="list-style-type: none"> <li>• Students with disabilities must take and pass the five required Regents examinations</li> <li>• May graduate with a local diploma if the score(s) on one or more of the required Regents examination(s) is between 55-64</li> <li>• If a student scores below 55 on one or more of the required Regents examinations, but passes the RCT in that subject area, student may graduate with a local diploma if the student entered grade nine prior to September 2011</li> </ul> |
| Regents Competency Test (RCT) Option | <ul style="list-style-type: none"> <li>• Available only to those students who entered grade nine prior to September 2011</li> <li>• Students must take required Regents examinations</li> <li>• If they fail one or more of the required Regents examinations, but pass the RCT in that subject area, student may graduate with a local diploma</li> </ul>   |

## **GUIDELINES FOR A SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL**

Beginning with the 2013-14 school year the New York State has replaced the IEP diploma with a Skills and Achievement Commencement Credential for students with severe disabilities who are eligible to take the New York State Alternate Assessment (NYSAA). NYSAA eligibility is limited to students with severe disabilities who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for meaningful participation in society. Students with severe disabilities may experience significant speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and assistive technology devices.

The Skills and Achievement Commencement Credential (SACC) will provide this group of students who are exiting school after attending at least 12 years, excluding kindergarten, with a commencement certificate similar in form to the diploma issued by the School District. The SACC must be accompanied by documentation of the student's skills and strengths and level of independence in academic, career development and foundation skills needed for post-school living, learning and working.

### **Requirements**

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

1. Only students with severe disabilities who have been instructed and assessed on the alternate performance level for the State learning standards are eligible for this credential award.
2. The credential may be awarded any time after such student has attended school for at least 12 years, excluding kindergarten or received a substantially equivalent education elsewhere or at the end of the school year in which a student attains the age of 21.
3. The credential is not considered a regular high school diploma in accordance with State standards or for federal accountability purposes.
4. The credential must be similar in form to the diploma issued by the District, except that there shall appear on the credential a clear annotation to indicate the credential is based on achievement of alternate academic achievement standards.
5. The credential must be issued together with an exit summary of the student's academic achievement and functional performance and must document the student's: achievement against the Career Development and Occupational Studies (CDOS) learning standards; level of academic achievement and independence as measured by NYSAA; skills, strengths, interests; and as appropriate, other achievements and accomplishments.
6. For students less than 21 years old, the credential must be provided with a written assurance that the student continues to be eligible to attend school and receive special education supports and services until the student has earned a regular high school diploma or until the end of the school year in which the student turns age 21, whichever occurs first.

### **Skills and Achievement Exit Summary**

The District will issue a Skills and Achievement Exit Summary with the award of a Skills and Achievement Commencement Credential. This document will include the following:

1. level of achievement and independence for each of the CDOS standards, including, but not limited to:
  - career development, including instructional and work preparation experiences, both in school and community-based integrated learning; and universal foundation skills including:
    - basic skill in reading, writing, listening, speaking, math and functional math
    - thinking skills
    - personal qualities
    - interpersonal skills
    - use of technology;
    - managing information and resources; and
    - systems skills.
2. academic skills, as measured by the State assessment for students with severe disabilities (i.e., NYSAA); and
3. strengths and interests and, as appropriate, other student achievements and accomplishments.

Prior receipt of either an IEP Diploma or the replacement Skills and Achievement Commencement Credential does not preclude subsequent granting of a regular diploma if passing of appropriate assessments and necessary credits are achieved before the end of the school year in which a student turns 21.

## **SECTION 5**

# **PROCEDURAL SAFEGUARDS**

### **DUE PROCESS**

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

The Procedural Safeguards Notice must be provided to parents at least one time per year and also:

1. upon initial referral or a parental request for evaluation;
2. upon the first time filing of a due process complaint notice to request mediation or impartial hearing; and
3. upon request by a parent

### **PRIOR WRITTEN NOTICE (PWN) (NOTICE OF RECOMMENDATION) AND OTHER WRITTEN NOTIFICATIONS**

Prior Written Notice (PWN) is given to the parents of a student with a disability when the District proposes to or refuses to initiate or change the identification, evaluation, educational placement of the student. PWN is on a form prescribed by the Commissioner.

If the prior written notice relates to an action proposed by the District that also requires parental consent , the District must give notice at the same time it requests parent consent. PWN notice must include the following:

1. a description of the action proposed or refused by the District;
2. an explanation of why the District proposes or refuses to take the action;
3. a description of other options that the CSE considered and the reasons why those options were rejected;
4. a description of each evaluation procedure, assessment, record, or report the CSE used as a basis for the proposed or refused action;
5. a description of other factors that are relevant to the CSE's proposal or refusal;
6. a statement that parents are entitled to procedural safeguards , and, if this notice is not an initial referral for an evaluation, how a copy of the procedural safeguards can be obtained; and
7. sources for parents to contact to obtain assistance in understanding the provisions of this Part.

The PWN is written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.



Upon receipt of a referral for initial evaluation or prior to conducting a reevaluation, such prior written notice shall include a description of the proposed evaluation or reevaluation and the uses to be made of the information and indicate that the parent may submit evaluation information which, if submitted, shall be considered by the committee on special education as part of its evaluation or review.

Prior to the student's graduation with a local high school or Regents diploma, such prior written notice must advise parents that eligibility for a free appropriate public education ends with the receipt of the local high school or Regents diploma.

Prior to a student's exit with a skills and achievement commencement credential as set forth in the Regulations of the Commissioner of Education, such PWN indicates that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns age 21 or until the receipt of a regular high school diploma whichever comes first.

A parent of a student with a disability and the student, beginning at age 18, shall also be provided written notification as follows:

1. If the CSE determines that the student no longer continues to be eligible for special education services, the District must notify the parents of that determination and the reasons for the determination and the right of such parents to request an assessment to challenge the CSE's determination.
2. Upon a Board's disagreement with the recommendation of the CSE, the parent and the committee are notified in writing with a statement of the Board's reasons and with notice of the need to schedule a timely CSE meeting to review the Board's concerns and to revise the IEP as deemed appropriate.
3. For a student whom the CSE has determined to be at risk of a future residential placement, information is provided to the parent on community support services that may be available to the family, including the name and address of agencies which can perform an assessment of a family's community support needs.
4. For students recommended for an approved private school, a copy of the approved private school's policy on the use of psychotropic medication must be provided to the student's parents if the school uses psychotropic medication.

### **CONSENT**

When parental consent is required under the circumstances described below it must be "informed written consent".

Informed Consent requires that the parent be fully informed, in his or her home language or other mode of communication, of all information relevant to the activity for which consent is sought. If consent is requested for release of documents, the parent must be notified which records will be released and to whom they will be released. Parents must be advised that consent is voluntary and may be revoked at any time, though such revocation is not retroactive.

### **Written Parental Consent is Required Prior To The Following:**

#### Initial Evaluation

Parental consent for evaluation is requested upon receipt of a referral to the CSE/CPSE of a student who is suspected of having a disability. The parent is informed of the referral using a PWN with the reason for the referral and the evaluation process explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and A Parent's Guide to Special Education. Translations are provided to the parent as needed.

If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for Initial Evaluation, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age child, except one who is home instructed or placed in a private school at the parent's expense, does not provide consent for an Initial Evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts, including telephone calls and correspondence, to obtain parental consent and will notify the Board of Education that they may authorize due process procedures to permit the District to conduct an evaluation of the student without the consent of the parent.

If a parent of a student who is home instructed or placed in a private school by parents at their own expense does not provide consent for an Initial Evaluation or re-evaluation, or if the parent fails to respond to a request to provide consent, the District evaluation process will be discontinued.

#### Initial Provision of Special Education Services

If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent to initial placement is requested. The parent is provided with a copy of due process rights. If a parent refuses to give written consent to all recommended services, the District will provide only those services for which consent has been obtained. Parents are given the opportunity for further discussion with the CSE Chairperson or school staff. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent refuses to provide consent or fails to respond to a request to provide consent, the District shall not classify the student or provide special education. If consent is not obtained and services are not provided, the District shall not be considered to be in violation of child find obligations and shall not convene a meeting of the CSE or develop an IEP.

#### Initial Provision of a Twelve (12) Month Program or Service

The procedures detailed above apply.

#### Amendments to the IEP without a Meeting after an Annual Review Meeting:

Written parental consent is required to amend an IEP after an Annual Review without a meeting or the parent may request a meeting of the CSE.

### Permission to Access Medicaid

The District will obtain parental consent prior to each time it seeks to access a parent's private or public insurance. Parents are informed that their refusal to permit the District to access their public benefits or insurance does not relieve the District of its responsibility to ensure that all required services are provided at no cost to the parents.

### Withdrawal of Referral

Written notification will be required if the parent decides to withdraw a referral for special education.

### **Written Parental Consent is requested, but Not Always Required, Prior to the following:**

#### Re-evaluation

Parental consent will be requested prior to conducting a re-evaluation; however, the District may proceed with the re-evaluation if the parent does not respond and reasonable efforts have been made to obtain such consent.

Reasonable efforts are interpreted as:

1. a written notice is sent to the parent requesting consent for the re-evaluation;
2. at least three attempts are made to notify the parents in writing, and at least one telephone call.

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

#### Change in Program

Parental consent will be requested prior to implementing a program change; however, the District will proceed with the program change if the parent does not respond and reasonable efforts have been made to obtain such consent. If the parent objects in writing to the proposed recommendation, the District will maintain the student's current program and the CSE will reconvene to consider the parent's concerns.

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

Parent consent is requested for the following:

1. release of CSE records to another agency/individual that is also providing services to the student;
2. request for reports/evaluations, oral or written, from another agency/individual that is also providing services to the student;
3. see section on Special Education Records: Access and Accessibility for further information in this regard.

### Consent for a Ward of the State

If the student is a ward of the State and is not residing with a parent, the District shall make reasonable efforts to obtain the informed consent from the parent of the student for an initial evaluation. The District is not required to obtain informed consent from the parent of a student for an initial evaluation to determine eligibility for special education services if

- despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent of the student; or
- the rights of the parents of the student have been terminated in accordance with State law; or
- the rights of the parent to make educational decisions have been assigned by a judge in accordance with law, and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

If a student is a ward of the State or an unaccompanied homeless youth, the District must first determine who is legally eligible to act as the parent for purposes of special education. If appropriate, the District must appoint a surrogate parent for a student who is a ward of the State unless there is a foster parent or person appointed by a judge. The surrogate parent would then be the individual who would provide consent for the initial evaluation.

### **SURROGATE PARENTS**

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

#### Qualifications:

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

1. have no other interest which could conflict with their primary allegiance to the student they would represent;
2. are committed to acquaint themselves personally and thoroughly with the student and the student’s educational needs;
3. are of the same racial, cultural and linguistic background as the student they seek to represent; and

4. are generally familiar with the educational options available to children with disabilities.

Procedures for Assigning Surrogates:

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

1. Any person whose work involves education or treatment of students, who knows of a student who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the student is a ward of the State, may file a request for assignment of a surrogate parent with the CSE.
2. The CSE shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents or guardians at their last known address.
3. The CSE shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. This determination shall be completed within a reasonable time. If the CSE finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education within ten (10) business days of the date of determination by the Committee.
4. Once assigned, the surrogate parent shall represent the student for as long as a surrogate parent is required.
5. The foster parent of the student, who otherwise meets the qualifications, may be appointed as the surrogate parent of the student without being appointed from a list approved by the Board of Education.

**INDEPENDENT EDUCATIONAL EVALUATIONS**

The District recognizes the right of a parent or guardian of a student who has or is thought to have a disability to obtain an independent evaluation at public expense if parent or guardian disagrees with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The Independent evaluation shall be conducted by a qualified examiner who is not employed by the District. Upon request, parent or guardian will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. The criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same criteria which the District uses when it initiates an evaluation.

The District has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate and that an independent evaluation at public expense is not warranted. If the hearing officer determines that the District's evaluation was appropriate, the CSE or CPSE will consider the results of the independent evaluation, but the parent or guardian will not be reimbursed by the District for fees incurred to obtain it.

The Board has authorized the Superintendent of Schools to establish maximum allowable fees for specific tests, minimum qualifications of the professionals who administer and interpret various tests, and a reasonable timeline for seeking reimbursement.

The schedule of maximum fees is as follows:

|  |            |
|--|------------|
| Comprehensive Psychological Evaluation .....                   | \$1,000.00 |
| Comprehensive Bilingual Psychological Evaluations .....        | \$1,500.00 |
| Comprehensive Neuropsychological Evaluation .....              | \$2,500.00 |
| Educational Evaluation .....                                   | \$ 750.00  |
| Bilingual Educational Evaluation .....                         | \$1,000.00 |
| Speech and Language Evaluation .....                           | \$ 750.00  |
| Assistive Technology Assessment (Level 3) .....                | \$1,200.00 |
| Neurological Evaluation .....                                  | \$1,000.00 |
| Psychiatric Evaluation.....                                    | \$1,000.00 |
| Developmental Pediatric Assessment .....                       | \$ 750.00  |
| Physiatry Assessment .....                                     | \$ 750.00  |
| Occupational Therapy Assessment .....                          | \$ 750.00  |
| Physical Therapy Assessment .....                              | \$ 750.00  |
| Audiological, including Central Auditory Processing Assessment | \$ 750.00  |

The District will reimburse parents at reasonable rates, but, in the absence of exceptional circumstances, the reimbursement rate shall not exceed the maximum rate established by the fee schedule. Reimbursement may be made, upon receipt of the signed original evaluation report including standardized test scores, copy of the evaluator's New York State license or certification, and invoice and documentation of payment, less payments received through private insurance or Medicaid. The District may request an affidavit attesting that other forms of reimbursement have not been obtained. The District will reimburse evaluations performed by professionals holding a valid New York State license or certification by a recognized accreditation board showing the level of professional expertise that would be required by the District for employment.

In the area of psychological assessment, the District will require documentation that the evaluator is a New York State licensed Psychologist. In the area of speech and language assessment, the District will require documentation that the evaluator holds a New York State license as a Speech-Language Pathologist and a Certificate of Clinical Competency (CCC).

In the absence of exceptional circumstances, The District will not reimburse for travel expenses or overnight lodging incurred in connection with the evaluations.

No more than one independent evaluation will be approved for reimbursement in connection with a District evaluation.

Upon the parent's request, the District may pay the evaluator directly upon receipt of the signed original evaluation report including standardized test scores, a copy of the evaluator's New York State License or Certification, and an invoice, at reasonable rates not to exceed the rates listed in the maximum fee schedule.

Upon receipt of the assessment, the District will schedule a CSE meeting to review and consider the results of the independent evaluation.

## Parentally Placed Students

### District of Location (DOL)

The school District of Location (the district in which the nonpublic school is located) is responsible for child find for students who are parentally placed in nonpublic schools located outside of the Peekskill City School District. The District will identify, locate and evaluate students suspected of having disabilities who are parentally placed in nonpublic schools within the District.

- The child find activities for parentally placed private school students are similar to activities undertaken for students with disabilities in the public schools and are completed in a time period comparable to that for other students attending public schools in the District.
- The District will consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.
- The District will conduct evaluations and re-evaluations of students enrolled in nonpublic schools located within the District within required timeframes and at no cost to parents.
- Unless the parent and District agree otherwise, the District of Location must conduct a re-evaluation at least once every three years of each eligible parentally placed nonpublic school student with a disability, even if the student is not currently receiving special education services. It is important that required re-evaluations are conducted because they provide current data needed to determine the total number of eligible students; this data is used in calculating the proportionate share of funds that must be used on services.

### Consent for sharing personally identifiable information regarding special education:

If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student resides, parental consent must be obtained before any personally identifiable information about the student relating to special education is shared between officials in the school district of location and the school district of residence.

### Consent for Initial Evaluations and re-evaluations:

If a parent who has placed a student with a disability in a nonpublic school at his/her own expense does not provide consent for the Initial Evaluation or the re-evaluation, or the parent fails to respond to a request to provide consent, the school District is not required to consider the student as eligible for special education services.

### Provision of Special Education Services

Development of the Individualized Education Service Plans (IESP)

- The CSE of the District of Location (DOL) must develop an IESP for students with disabilities who are New York State residents and who are enrolled by their parents in nonpublic elementary and secondary schools located in the geographic boundaries of the public school.

- The IESP must be developed in the same manner and with the same contents as an IEP is developed.
- The CSE must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IESP is developed. If the representative cannot attend, the School District must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls.
- The IESP must be reviewed periodically, but not less than annually.
- The manner (how, where and by whom) special education and related services will be provided to students is determined by the District of Location based on the consultation process and in consideration of the individual needs of the student. The final decision with respect to services provided to individual students is made by the CSE of the District of Location. Services provided to parentally placed students may be provided on the site of the private school or at another location.

### **Parent Request for Special Education Services**

The parent must request special education services in writing to the school District of Location by June 1 preceding the school year for which the request for services is made, except that when a student is first identified as a student with a disability, or the family has moved, after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified.

### **Transportation**

The District of Location provides transportation to parentally-placed nonpublic school students with disabilities from the student's school to the site of service, or from the site of service to the student's school, if necessary for the student to receive special education services. The cost of transportation can be included in determining whether the School District has met its requirement to expend a proportionate share of dollars to serve parentally-placed nonpublic school students with disabilities.

The District of Residence is responsible to provide transportation to parentally placed nonpublic school students to and from the student's home district when the student is entitled to such transportation under district policy. If the student is attending a private school within 50 miles of the student's residence in order to receive services similar to those recommended in the IEP, the student may be eligible for transportation pursuant to Section 4402(4)(d) of Education Law.

### **Due Process Complaints**

A parent of a student who disagrees with the individual evaluation or eligibility determination recommendations of the CSE on the IESP and/or the provision of special education services may submit a Due Process Complaint Notice to the school District of Location.

A parent who is seeking reimbursement of private school tuition when FAPE is at issue should submit a Due Process Complaint Notice to the school district of residence.



### **Costs and Reimbursements**

If the District of Location (DOL) has parental consent to share personally identifiable special education information about the student with the District of Residence (DOR), the District of Location is entitled to bill the school District of Residence for the costs of evaluation, CSE administration and for providing special education services. The amount charged by the District of Location cannot exceed the actual cost to the school District of Location, after deducting any costs paid with federal or State funds. The District will ensure that such costs are traceable and supported by source documents that show the validity of such costs, when they were incurred and their relationship to the reimbursable activities.

If a parent refuses consent to share information between the DOL and the DOR, in accordance 3602-c of the Education Law, the District will submit a claim to the NYS Education Department for reimbursement of costs incurred to provide special education services to a student with a disability who is a NYS resident, but resides in another school district.

### **OUT-OF-STATE STUDENTS WITH DISABILITIES PARENTALLY PLACED IN NONPUBLIC SCHOOLS LOCATED IN NEW YORK STATE**

#### **Child Find**

The District will include children who reside out of state but attend private school within the District, in carrying out its child find requirements and will evaluate an out-of-state parentally placed student suspected of having a disability.

#### **Individualized Education Service Plan (IESP)**

Residents of another state who are parentally placed in a nonpublic school located in the District are not eligible for specific special educational services, but the District will allocate an equitable participation of the services funded with federal funds to out of state students.

An IESP for New York State residents who attend nonpublic school within the district but do not reside in the district will be developed, reviewed and revised by the CSE consistent with the requirements for development of an IEP. The parent(s) of the student will be invited to the meeting and the District will also ensure that a representative of the nonpublic school where the student attends be included in the meeting where the services plan is developed. If the nonpublic school representative cannot attend, the School District must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls. The IESP must be reviewed periodically, but not less than annually.

#### **Due Process**

A parent of an out-of-state student suspected of having a disability has the right to mediation or an impartial hearing for disputes regarding evaluations and an eligibility determination. Since out-of-state resident students have no individual right to services, there is no right to mediation or an impartial hearing for disputes regarding services.

**SERVICES TO SCHOOL AGE STUDENTS**  
**PARENTALLY PLACED IN PUBLIC SCHOOLS IN OTHER SCHOOL DISTRICTS**

The School District is responsible for Child Find, evaluation, eligibility determination, and IEP development for resident students placed by their parent or parents in a public school located in another public school district. The District does not provide services to children placed by their parents in public schools in other school districts and does not pay for the cost of those services.

**SPECIAL EDUCATION MEDIATION**

If a parent disagrees with the decision of the Committee regarding a student's program or services, they have the option to participate in Special Education mediation. Mediation is a process in which the parents of a student with a disability and a representative of a school district meet with an independent mediator to resolve disputes. By asking questions and discussing all information with both parties, the mediator helps the parents and school district representatives reach a more complete understanding of each other's concerns and reach an agreement about the issues in dispute. Mediation can be initiated upon a written request of a parent or guardian. The mediation process is voluntary and may not be used to deny or delay a parent's right to an impartial hearing.

Special Education mediation is conducted by the Community Dispute Resolution Center (CDRC) in Westchester County. A mediator is not an employee of any school district or state agency that is involved in the education or care of the student and must not have a personal or professional interest that conflicts with objectivity. The mediation session will be scheduled in a timely manner and held in a location convenient to the parties. Mediation occurs at no cost to either the parents or the school district.

Choosing to participate in mediation does not limit other alternatives, such as requesting a meeting with the Committee or requesting an impartial hearing.

While an impartial hearing officer makes a decision about whether the program offered by the school district is appropriate for the student who is the subject of the hearing,, the mediator does not make a decision but helps he parties reach a resolution. If resolution is reached, , the parents and school district representative will execute a legally binding written agreement that details the resolution and states that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any federal or state court. The agreement will be signed by both the parent and a representative of the school district who has the authority to bind the school district. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. If the written agreement reached by the parties in mediation is inconsistent with the student's IEP, then the student's IEP must be immediately amended to be consistent with the mediation agreement.

**RESOLUTION PROCESS**

Prior to an impartial due process hearing, the School District convenes a resolution meeting, within 15 days of receiving the due process complaint. The participants at the meeting include the parents and a representative of the School District who has decision-making authority as well as other members of the CSE as determined by the School District and parent who have specific knowledge of the facts identified in the complaint. The District takes steps to ensure that one or both of the parents of the student are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents. This meeting does not include an attorney of the School District unless

the parent is accompanied by an attorney. The parent and the School District may agree to use alternative means of meeting participation, such as video conferences and conference calls.

The parent and the School District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

If, during the resolution process, the parent and the School District reach an agreement, a legally binding agreement is signed by both the parent and a representative of the School District who has the authority to bind the School District. Either the parent or District may void the agreement within three business days of the agreement's execution.

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

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

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

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

### **IMPARTIAL HEARING PROCESS**

Upon receipt of the parent's due process complaint notice, or the filing of the School District's due process complaint notice, the Board of Education shall appoint an Impartial Hearing Officer in accordance with the rotational selection process established in the Regulations of the Commissioner of Education and the administrative procedures established by the Board of Education.

#### **Compensation**

Impartial Hearing Officers appointed after October 1, 2001 shall be compensated at the rate of \$100 per hour for pre-hearing, hearing and post-hearing activities. By accepting appointment, the Impartial Hearing Officer agrees to the following billing practices:

1. Accurate daily time records will be maintained on a daily basis, and will be submitted to the School District as support for all statements for services.
2. Time shall be recorded to the nearest tenth- or quarter-hour, and not in any larger minimum increment.
3. The School District will not be billed for transit time between the Impartial Hearing Officer's home or office and the place of hearing.

4. With the exception of scheduling arrangements, the Impartial Hearing Officer will not engage in ex parte communications with the School District, with parents, or with their respective representatives unless both parties have expressly consented to such communication. The School District will not pay for unauthorized ex parte communications.
5. The Impartial Hearing Officer will be reimbursed for actual and reasonable out-of-pocket expense for the following:
  - mail and delivery services,
  - photocopying not to exceed \$0.25 per page,
  - long-distance telephone calls, and
  - telecopier charges not to exceed \$2.00 per page.

Authorized expenses shall be itemized by category, and supporting documentation will be available on request for review by the School District. The following expenses are not reimbursable: travel expense, meals, overnight accommodations, third-party research charges, clerical and secretarial time, supplies

6. In the event that a hearing has been cancelled two business days or fewer prior to a scheduled date, the Impartial Hearing Officer may request compensation for the number of hours actually reserved for the hearing, up to a maximum of 5.5 hours, under the following circumstances: the cancellation is the result of settlement of the claim, agreement between the parties concerning adjournment, or the granting of an adjournment upon the request of the School District; and the Impartial Hearing Officer is unable to find another remunerative engagement for that day. If the Hearing Officer grants an adjournment requested by the parent without School District consent to such adjournment, the School District will not be responsible for the costs of such cancellation unless there are compelling reasons for such adjournment in accordance with requirements of due process and such reasons are provided in writing and included as part of the record.
7. Bills for services shall not be submitted for payment until the Impartial Hearing Officer has concluded the hearing and mailed a written copy of the Decision, or any report resulting from the hearing, to the Parents, to the District, and NYSED with all personally identifiable information redacted.

## **SECTION 6**

# **RECORDS ACCESS AND CONFIDENTIALITY**

### **SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY**

In accordance with the Federal “Family Educational Rights and Privacy Act of 1974 (FERPA)” and all state and federal regulations related to student records, The District will assure parental access to educational records and protect the confidentiality of such records.

All members of the School District community are provided with Notice of Rights under FERPA. Such Notice is published on the School District’s Website under the caption Family Educational Rights and Privacy Act, Protection of Pupil Rights Amendment. School District Policy No. 5280, also available on the Website, sets forth the District’s commitment to assuring access to school district records by parents and students over the age of eighteen years (eligible students) and protecting the right of parents and eligible students to record confidentiality.

As described more fully in the FERPA Notice and Policy 5280, Parents and eligible students have the right to challenge educational records and to file complaints, in writing, concerning alleged violations of their rights with the U.S. Department of Education, Washington, D.C.

The FERPA Notice provides information to the School District Community concerning what categories of information are considered “Directory Information” which can be released without prior written consent. It also provides procedures for refusing to allow release of personally identifiable information as Directory Information.

In addition to rights guaranteed by FERPA, parents of children with disabilities have the following additional protections with respect to record access:

- Records to be reviewed by a Committee on Special Education must be made available to parents before any meeting of the Committee.
- The District shall maintain a record which indicates the parties who have had access to information from the student's record and the reason(s) these parties had in requesting or obtaining this information. The access record will be kept with the confidential special education records.

#### **Release of Records: Special Considerations Related to Special Education Records**

1. The District shall not disclose personally identifiable information from the records of student without the prior written consent of the parent or eligible student, following receipt of Prior Written Notice. The written consent must be signed and dated by the authorized person and shall include the specific record(s) to be disclosed, the purpose(s) of the disclosure, and the person(s) to whom the disclosure may be made. When a disclosure is made with the written consent of the authorized person, the District shall, upon request, provide a copy of the record which is disclosed to the eligible parent or eligible student.
2. The District may disclose personally identifiable information from the education records of a student without the written consent of the parent or the eligible student if the disclosure is:

a. To other school officials within the District who have legitimate educational reasons. A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, or job placement.

All teachers of the student and all related service providers and individuals who have responsibility for implementing the Student's IEP have access to the Student's IEP and have specific training with respect to maintaining its confidentiality.

- b. To officials of another school or school district in which the student seeks or intends to enroll, or to officials of a school believed to be appropriate for the Student by the Committee on Special Education and such release is deemed by the Director of Special Education or Assistant Superintendent of Pupil Personnel Services to be essential for the provision of educational services or educational planning. The District will notify parents of eligible students prior to transfer of records. They may request and receive copies of records transferred under this provision. Report Cards may, but transcripts will not identify courses as using a special education modified curriculum.
- c. To authorized representatives of the Comptroller General of the United States; the Secretary of the Department of Health, Education and Welfare; the Commissioner of Education; the Director of the National Institute of Education; the Assistant Secretary for Education; or State Educational authorities.
- d. To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to a State Statute adopted prior to November 19, 1974.
- e. To federal, state, and local agencies and other organizations conducting studies for the development, validation, or administration of predicated tests; administering student aid programs; or improving instruction.
- The studies must not allow personal identification of students and their parents by individuals other than representatives of the organization.
  - The information shall be destroyed when no longer needed for the study purposes.
- f. To accrediting organizations in order to carry out their accrediting functions.
- g. To comply with a judicial order or lawfully issued subpoena.

The District shall make a reasonable effort to notify the parent or the eligible student of the order or subpoena in advance of compliance therewith.

- h. To appropriate parties in a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The record of disclosures may be inspected by the eligible parent or the eligible student.

### **RECORDS KEPT IN THE DISTRICT, THEIR LOCATION AND CUSTODIAN**

#### **Student Cumulative Records**

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

#### **Transmittal of Records**

To facilitate the transition for a student, the District, upon completed registration of the student, will take reasonable steps to promptly obtain the student's records, including electronic formats of the IEP and supporting documents and any other records wherever feasible, from the previous school in which the student was enrolled.

The previous school in which the student was enrolled will be asked to take reasonable steps to promptly respond to this request.

#### **Retention of Records**

Education records will be retained in accordance with State Education Department's Records Retention and Disposition Schedule. The Schedule's requirements for special education records are as follows:

The special education file is retained for at least six years after the student attains the age of 21 or receives a diploma, whichever comes first. Records may be retained in electronic or paper format and include: directory information, most recent year's IEP or IESP, most recent attendance record, high school transcript, educational and related services progress reports for the last two years, most recent CSE/CPSE referral, most recent psychological, social history, educational, medical, and other special reports (e.g., vocational assessment, reading evaluation, FBA/BIP, related service evaluation).

Records of communication with parents or other concerned agencies, student writing samples, discipline records and staff created records are retained for six years after their creation. These reports may be retained in electronic or paper format and may be maintained in the special education file.



State Education Department Approval Forms, including STAC Forms, are kept for six years from the end of the year that they cover, or from the end of the school year in which the student turns 21, whichever occurs first.

Federal assistance records for special education students are retained for six years from the creation of the record.

Referral services records for a preschool child with a disability are retained for six years from the creation of the record.

When the Schedule's minimum retention periods are satisfied, and the District determines that personally identified information will not be needed in the future to provide special education services, parents may request destruction of the special education file. Parents must be informed that the records may later be used to establish eligibility for adult services or other benefits. If the parent requests that special education records be expunged or destroyed, arrangements will be made for removal of those records which are not subject to mandatory retention under the Schedule. Should the parent and District disagree about the need for the record, disputes shall be resolved using the hearing and review procedures described in the procedures above.

The District may retain a permanent record of the student's name, address, telephone number, e-mail address, classes attended, grades, attendance record, grade level and year completed.

#### **Special Provisions Relating to Alcohol or Drug Abuse Services & AIDS**

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

The Board of Education has adopted a policy on Life Threatening Illnesses, Americans with Disabilities Act, and HIV/AIDS. Policy No 1165, available on the School District's website, describes the commitment of the School District to assure that all school personnel, in accordance with applicable law, protect the privacy of students or other people (i.e. family members) identified in student records as having AIDS or having tested positive for exposure to the virus.

**SECTION 7**

**DISCIPLINE**

### **DIGNITY FOR ALL STUDENTS ACT**

The District is committed to providing an educational environment that promotes respect, dignity and equality, consistent with its Dignity for All Students Act (DASA) Policy and each school's Code of Conduct. Harassment and bullying are detrimental to student learning and achievement. They interfere with all students' education and disrupt the operation of the schools. Such behavior affects not only the students who are its targets, but also those individuals who participate and witness such acts.

Steps for implementing DASA, including the steps for investigating, reporting, and responding to allegations of bullying are found in Board of Education Policy 5525. The policy is posted on the School District's website and incorporated in the School District's Code of Conduct.

### **SCHOOL CONDUCT AND DISCIPLINE**

In accordance with §§ 2801 and 3214 of the Education Law and Parts 100 and 201 of the Regulations of the Commissioner of Education, the Peekskill City School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review on the School District's website.

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

Procedures for the discipline of students with disabilities are described in detail in the Code of Conduct. Procedural Protections for students with disabilities who are charged with violating the Code of Conduct are described in the New York State Procedural Safeguards Notice which is provided to students with disabilities who are charged with violations of the Code and which is available in the Pupil Personnel office.

#### **Provision of Services during suspensions:**

During suspensions or removals for periods of up to 10 school days students with disabilities are provided with alternative instruction on the same basis as students without disabilities.

During subsequent suspensions or removal or any suspension in excess of ten school days in a school year, students with disabilities are provided with additional services necessary to enable them to continue to progress toward meeting IEP goals and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

Under certain circumstances a student with a disability may be placed in an Interim Alternative Educational Setting (IAES) for up to 45 days. The IAES and services shall be determined by the CSE.

### **SUPERINTENDENT'S HEARING ON DISCIPLINARY CHARGE AGAINST STUDENTS WITH DISABILITIES**

#### **Manifestation Determination Review**

Before a student with a disability can be suspended from school for more than 10 school days, a review of the relationship between the student's disability and the behavior subject to disciplinary action must be provided to determine if the conduct is a manifestation of the disability. This review will take place by a manifestation team in a meeting, which shall include a representative of the School District knowledgeable about the student, the parent and relevant members of the CSE as determined by the parent and the school District. The parent will receive written notification prior to the manifestation team meeting to ensure that the parent has the opportunity to attend. The notification shall inform the parent of the purpose of the meeting and the names of the individuals expected to attend and will inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review:

1. all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if:
  - a. the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. the conduct in question was the direct result of the school District's failure to implement the IEP, in which case, the School District will take immediate steps to remedy these deficiencies.

If either finding is made by the Manifestation Team, the behavior shall be considered a manifestation of the student's disability. If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall:

- conduct a functional behavioral assessment and implement a behavioral intervention plan for the student and
- return the student to the placement from which he or she was removed unless the Parent and School District agree to a change of placement.

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

In the event that the student's violation of the Code of Conduct involves bringing a weapon to school or a school function, using or possessing drugs on school or at a school function, or causing serious bodily injury to another person, the student may be suspended for more than ten days whether or not the violation was a manifestation of a disability.

**Parent Notice of Disciplinary Removal**

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

**Expedited Hearing**

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

**PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

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

A student is not a student presumed to have a disability for discipline purposes if:

1. the parent of the student has not allowed an evaluation of the student; or
2. the parent of the student has refused special education services; or
3. the CSE had previously determined that the student is not a student with a disability.

**REFERRAL TO LAW ENFORCEMENT AUTHORITIES**

Nothing prohibits a District from reporting a crime committed by a student with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities.

## SECTION 8

# ACCESSIBILITY

### **ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES**

It is the policy of the School District to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to hearing-impaired parents who require such assistance. Parents requiring this or another accommodation (i.e.; translators, barrier-free site) to participate in meetings of the CSE or Preschool Special Education are requested to notify in writing the Special Education Office at the beginning of the school year, at the time of enrollment, or at least five days prior to the scheduled meeting or activity.

### **ACCESS TO PROGRAMS AND EXTRA-CURRICULAR ACTIVITIES**

Students with disabilities residing in the District have the opportunity to participate in all programs and activities administered by the District and available to the students enrolled in District public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities. These may include regular classroom instruction, occupational education programs, ESL programs, laboratory instruction, support services, extracurricular activities and programs, special assemblies and events, career education programs, remedial, after-school, summer programs, and sports programs.

### **ACCESS TO OCCUPATIONAL EDUCATIONAL OPPORTUNITIES**

#### **Title IX of the Education Amendments of 1972**

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

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

**SECTION 9**

**MISCELLANEOUS**



### **SCREENING PROCEDURES**

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

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

In addition, benchmark assessments consistent with the District's RtI procedures are conducted three times a year.

#### **Screenings Are Conducted As follows:**

1. Kindergarten Screening – all pre-kindergarten students are screened at registration prior to entrance into kindergarten.
2. New Entrant Screening – all new entrants are screened no later than December 1st of the school year of entry or within fifteen (15) days of transfer should the entry occur after December 1st.

Students suspected of having a disability as a result of diagnostic screening must be referred to the CSE within fifteen (15) days after completion of the screening. Parents of any student suspected of having a disability which indicates the possible need for special education services will be notified.

### **REIMBURSEMENT FOR UNILATERAL PLACEMENT IN A PRIVATE SCHOOL**

A school district is not required to pay tuition for a student with a disability placed in a private school or facility by a parent if that school district offered a Free Appropriate Public Education (FAPE) to the student, and instead the parents elected to place the student in the private school or facility.

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

The cost of reimbursement may be reduced or denied:

1. If, at the most recent IEP meeting that the parents attended prior to the removal from the public school, of a student who previously received special education and related services under the authority of the District, the parents did not inform the Committee that they were rejecting the placement proposed by the District to provide a FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense, or

2. If, 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to the School District of the information described in the preceding paragraph; or
3. If, prior to parental removal of the student from the public school, the School District informed the parents, through the notice requirements, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or
4. Upon a judicial finding of unreasonableness or lack of cooperation with respect to actions taken by the parent.

### **CENSUS PROCEDURES**

The District is authorized, though not required, to take a census of all children residing in the District from birth to 18 years of age. However, the District is required to conduct a census to identify, locate and evaluate all children with disabilities residing in the District including homeless children, wards of the state and children who attend nonpublic schools, and must establish a register of such students entitled to attend school or receive preschool services. The register of such students and others referred to the CSE or CPSE as possibly having a disability shall be maintained and revised annually by the CSE or CPSE, as appropriate. The District shall implement procedures to assure the availability of statistical data to readily determine the status of each student with a disability in the identification, location, evaluation, placement and review process.

The register will include:

1. the student's name, address and birthdate;
2. the student's parent's name, address(es), and the home language of the student's home;
3. the student's known or suspected disability;
4. the site where the student is currently receiving an educational program;
5. the other student information required by IDEIA and federal regulations including but not limited to the race, ethnicity, limited English proficiency status, gender and disability category;
6. if the student is not receiving an appropriate education, the reason shall be described; and
7. other information as the Board of Education shall determine.

All individuals involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in the collection of data. In connection with the reporting of the data, the District shall prepare, and keep on file, summary reports of the student data, including the number of students who are unserved and the reasons they are unserved and those students served. A summary report of the students served shall be submitted by the District to the State Education Department in a manner prescribed by the Commissioner. Census data shall be reported to the CSE or CPSE by October 1 of each year. A copy of the census must also be filed with the Superintendent of the Board of Cooperative Educational Services of which the District may be a part.

In addition to the foregoing, procedures to locate, identify and evaluate all elementary and secondary school students with disabilities attending private school, including religious school children as required by the Education Law, must be established to ensure the equitable participation of parentally placed private school students with disabilities and obtain an accurate count of such students. The District must maintain a record of the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students determined to have a disability, and the number of students who receive special education services. The District must also report this to the State Education Department in a manner prescribed by the Commissioner.

### **SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS**

It is the policy and practice of the Board of Education of the District to ensure, to the fullest extent possible, that students with disabilities residing in the District shall be educated within the School District.

It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space.

The Peekskill City School District will consider organizing new or additional special education classes whenever five (5) eligible students with similar educational needs who are not already placed in such a program (based upon CSE identification, classification and recommendation) are located in the District. When a present class exceeds the legal limit of either eight (8), twelve (12) or fifteen (15) students permitted by Education Law, a variance from the State Education Department will be obtained or a new class will be formed.

The room sizes for new Special Education Classrooms shall meet the following criteria.

15:1

770 square feet

Resource Room

300 square feet

12:1+1

770 square feet

Preschool

50 sq. ft./child or 60 sq. ft./child for classrooms serving children who are nonambulatory

8:1+1

550 square feet

1. Further, it is the policy and practice of the District to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services (BOCES). At least once per year, a staff member from the District's Special Education Department will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

The District will continue to provide space, to the extent available, for school-age students from other school districts who need special education programs not available in their home schools. The District will also continue to meet with BOCES to work toward the State Education Department's requirement in developing the regional plan that reduces the number of special education students in center based non-integrated settings.

### **METHODS FOR EVALUATING PROGRAM OBJECTIVES**

The goal of the special education programs in the District is to provide each student with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential.

The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

1. Ongoing evaluation of student achievement using various standardized, diagnostic tests, curriculum based measures, including benchmark and progress monitoring, state assessments, teacher-made assessments, and other data-driven measures;
2. Annual Reviews of students' progress and programs, resulting in revised comprehensive IEPs;
3. Periodic review of graduation rates and post-secondary outcomes;
4. Teacher and Principal observation techniques prescribed by the District's Annual Professional Performance Reviews (APPR) protocols;
5. Re-evaluations of each student with a disability;
6. Periodic review of the District plan

### **THE USE OF UNIVERSAL DESIGN PRINCIPLES IN DISTRICT ASSESSMENTS**

The Board of Education acknowledges its goal and its obligation to include the widest range of students, including students with disabilities and students with limited English proficiency, in standardized assessments. To further this goal of ensuring equal access to District-wide assessments and to ensure that assessments provide the most accurate measure of student performance of all students, the District, to the extent feasible, will use universal design principles in developing and administering any District-wide assessment program.

"Universal design" is an approach to designing and delivering course instruction and materials to be usable to students of all learning styles without adaptation or retrofitting. The Board of Education shall incorporate the following universal design principles into the development and administration of District-wide assessments:

1. Inclusive assessment population – tests designed for state, District or school accountability shall include every student, except those in alternate assessments, and be designed to meet the demands of increased diversity among students;
2. Precisely defined constructs – the specific constructs tested must be clearly defined so that all non-construct cognitive, sensory, emotional and physical barriers are removed;

3. Accessible, non-biased items - accessibility will be built into items from the start, and bias review procedures will ensure that quality is retained in all items and that a lack of sensitivity to disability or cultural differences does not influence results;
4. Amenable to accommodations – the test design shall be compatible with and facilitate the use of needed accommodations;
5. Simple and clear instructions and procedures – all instructions and procedures will be simple, clear and presented in understandable language;
6. Maximum readability and comprehensibility – a variety of readability and plain language guidelines will be followed (e.g., sentence length and number of difficult words are kept to a minimum) to produce readable and comprehensible text;
7. Maximum legibility – characteristics such as type size, spacing, font and paper size will be, to the extent practicable, easy to decipher in text, tables, figures, illustrations and response formats.

**SECTION 10**

**DISTRICT PROGRAMS**

|                     |   |
|---------------------|---|
| Program Name        | <i>Consultant Teacher</i>   |
| Program Location    | All Schools   |
| Class Size Ratio    | Teacher caseload not to exceed 20   |
| Age Range           | 5-21  |
| Curriculum          | Academic support: time management, organization, study skills, etc. for<br>Common Core Curriculum   |
| Program Services    | Special Education Teacher   |
| Program Description | <p>Direct or indirect consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes, including students who attend career and technical classes by working with such students' general education teachers. Such services shall be recommended by the CSE to meet the specific needs of a student with a disability. The student's IEP shall indicate the general education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:</p> <ol style="list-style-type: none"> <li>1. The total number of students with disabilities assigned to a consultant teacher shall not exceed 20.</li> <li>2. Each student with a disability requiring consultant teacher services shall receive indirect services consistent with the student's IEP for a minimum of two hours each week, except that the CSE may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week.</li> </ol> |
| Entry Criteria      | <p>Academic data indicate that student requires substantial modifications of the coursework, and/or assessments, and/or the learning environment on an ongoing weekly basis.</p> <p>Using curriculum based measures, student requires substantial support to access common core curriculum in the general education class. Overall average academic potential.</p>  |
| Exit Criteria       | <p>Academic data indicate that student no longer requires substantial modifications of the coursework, and/or assessments, and/or the learning environment on an ongoing weekly basis and can benefit from general education interventions, accommodations, and differentiated instruction with decreased need for special education supports.</p> <p>Using curriculum based measures, student demonstrates independent academic skills in the average range without special education support.</p>   |

|                     |   |
|---------------------|---|
| Program Name        | <i>Resource Room</i>  |
| Program Location    | All Schools   |
| Class Size Ratio    | 5:1 (with variance approval as per the Regulations of the Commissioner)   |
| Age Range           | Ages 5-21   |
| Curriculum          | Academic Support for Common Core Curriculum   |
| Program Services    | Special Education Teacher   |
| Program Description | <p>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 and provided in accordance with the following provisions:</p> <ol style="list-style-type: none"> <li>1. The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.</li> <li>2. Students shall spend a minimum of three (3) hours per week, 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.</li> <li>3. 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.</li> <li>4. Resource room services may be provided either within the classroom or in a separate location, or a combination of both.</li> </ol> |
| Entry Criteria      | <p>Using standardized and diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, the student displays significant disability in reading, writing, math, or study skills, which interfere with ability to profit from general education with differentiation, accommodations, and other general education interventions.</p> <p>Using standardized and diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, gaps in academic and/or study skills have decreased and the student can benefit from general education with differentiation, accommodations, and other general education interventions.</p>  |
| Exit Criteria       | The student has met the criteria for a regular high school diploma or reached the age of 21, whichever comes first.   |



|                     |   |
|---------------------|---|
| Program Name        | <i>Integrated Co-teaching</i>   |
| Program Location    | All Schools   |
| Class Size          | 12:1 (subject to variance approval as per the Regulations of the Commissioner)  |
| Age Range           | Ages 5 – 21   |
| Curriculum          | General Education Core Curriculum Classes   |
| Program Services    | Special Education Teacher, General Education Teacher  |
| Program Description | <p>Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students.</p> <p>The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the student's 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 14<sup>th</sup> student may be added with the approval of a variance from NYSED.</p> <p>School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.</p> <p>Additional personnel, including supplementary school personnel, such as teaching assistants, assigned to such classes by the district, may not serve as the special education teacher.</p> |
| Entry Criteria      | Using standardized and diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, the student displays mild to moderate disabilities in reading, writing, math, self-management, or study skills which interfere with the ability to benefit from general education with differentiation, accommodations, and other general education interventions.   |
| Exit Criteria       | <p>Using standardized and diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, gaps in academic and/or study skills have decreased and the student can benefit from general education with differentiation, accommodations, and other general education interventions.</p> <p>The student has met the criteria for a regular high school diploma or reached the age of 21, whichever comes first.</p>  |

|                      |   |
|----------------------|---|
| Program Name         | <i>Special Class</i>  |
| Program Location     | All Schools   |
| Class Size Ratio     | 12:1:1  |
| Grade                | K – 5   |
| Curriculum           | Common Core Curriculum  |
| Program Services     | Special Education Teacher and a Teaching Assistant  |
| Program Descriptions | A special class is defined as a class consisting of students with disabilities who have been grouped together due to similar individual needs for the purpose of being provided a special education program. Generally, the program provides access to the common core curriculum leading towards participation in the NYS standardized testing program, however some students on an individual basis may be eligible for the NYS Alternate Assessment.       |
| Entry Criteria       | Using standardized and individualized diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, student typically display a moderate to significant delay in ELA, and/or math, language development, and/or self-management skills requiring direct explicit special education instruction.   |
| Exit Criteria        | Using standardized and individualized diagnostic test data, curriculum-based measures, state assessments, and other classroom measures, students demonstrate progress towards grade level performance in ELA and math and are able to benefit from general education instruction with special education supports in a less restrictive setting with accommodations and modifications or requiring a decrease in adult intervention as recommended by the CSE. |



## **RELATED SERVICES**

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, other appropriate developmental or corrective support services, and other appropriate support services. The CSE recommends any related service that is appropriate to a youngster's individual needs.

Related services are recommended by the CSE to meet specific needs of a student with a disability. Related services are provided by appropriately certified specialists on staff or under contract with the District. Related services are provided to students when identified needs cannot be met in the primary program. Related services are provided to assist students to benefit from the instructional program.

### **Speech and Language Therapy**

When a student's communication disorder interferes with the ability to make appropriate educational gains in the primary instructional setting, he or she must be referred to the Committee on Special Education (CSE) for evaluation. Referrals to the CSE for pupils suspected of having speech impairment which is sufficiently severe to interfere with the ability to make appropriate educational gains can be made to the principal or directly to the chairperson of the CSE.

Pupils whose educational performance is not adversely affected by a communication disorder, but who are able to benefit from speech therapy as part of their regular education program should be referred to the Child Study Team.

There are a number of speech and language problems which are not viewed as disabilities:

- Exhibiting uneven development in speech and language which may improve in a relatively short period of time.
- Using speech patterns or communication skills which do not adversely influence classroom performance in relation to social adjustment, general educational development and/or academic learning.
- Using dialect differences and nonstandard sentence construction, which may vary from standard English.

### **Entry Criteria for Related Services of Speech and Language Therapy**

1. In order to be considered for related services of speech and language therapy, the student demonstrates a significant deficit in receptive, expressive or pragmatic language as measured by two (2) or more diagnostic procedures and standardized tests.
2. The language deficit significantly interferes with the student's ability to gain educational benefit from the primary instructional setting.

3. Discrepancy formulae from standardized testing are not to be used exclusively in determining eligibility for program entry. Norm referenced testing is to be used with caution with linguistic minority populations because of questionable validity with those language groups.

### **Exit From Speech/Language Programs**

Exit from speech and language program occurs when one or more of the following criteria are met:

1. Student has mastered the long term speech/language goals as set by current IEP and student's language needs can be met in the primary instructional setting.
2. Student has become proficient in language areas that include morphology, phonology, semantics, syntax, pragmatics, voice and fluency. Standardized testing may be used as supportive documentation.
3. Student's overall language functioning is commensurate with cognitive ability.
4. Given a variety of therapeutic strategies, student has not evidenced significant improvements and no longer appears to be benefitting from mandated therapeutic services.
5. As a result of a CSE meeting with parent, student and Speech Language Pathologist (SLP), it is determined that speech language services are no longer deemed necessary

### Speech/Language as a Related Service Delivery Models for Children with Disabilities

1. Therapy in Specialized Environments: Intervention provided one-to-one or in small groups as per IEP prescription in a therapy room.
2. Classroom Consultation Model: This service delivery mode is an option in which the SLP shares ongoing decision making, planning, problem solving and direct communication intervention with regular or special education teachers.

The SLP may collaborate with one or more teachers in a school within the school year and may work together with parents to facilitate a student's communication and learning in the educational environment.

The SLP and classroom teacher work cooperatively to determine the student's communication needs, develop goals and objectives to address these needs, plan and implement activities that integrate the curriculum content and context, and evaluate the student's progress.

3. In Classroom Therapy: speech and language therapy may be provided within the classroom either through a team teaching or co-teaching model, lesson demonstration or group therapy approach.

### **Physical and Occupational Therapy**

Physical Therapy as a related service is directed towards developing and maintaining the student's physical potential for independence in all education-related activities. A major focus of physical therapy is to develop the youngster's ability to safely negotiate the school environment.

Occupational Therapy is provided to students with disabilities following a physiatrist and OT assessment. In most circumstances, accommodations and training within the classroom will meet the needs of students with fine motor, sensory-motor or perceptual motor deficits or immaturities. Occupational Therapy as a related service is recommended only when the primary classroom setting or support service program cannot meet the student's needs after documented efforts to train the student and accommodations have been made and the significant disability severely interferes with the pupil's ability to benefit from instruction.

**Counseling**

Counseling as a related service is provided to students with disabilities whose social needs interfere with their benefitting from the instructional program in the primary setting. The focus of the IEP school based counseling focuses on the development of school related skills and is designed to assist the student to overcome social, emotional, adaptive or behavioral difficulties that interfere with the student's ability to benefit from the primary educational setting. IEP Counseling Services are provided district-wide by School Psychologists and School Social Workers. Counseling providers use research based programs and techniques to assist the student with a disability to meet the IEP goals in social, emotional, adaptive and behavioral areas.

**Entry Criteria**

IEP Counseling is recommended by the CSE following individualized assessment, observation and review of behavior data which indicated that the student is not benefitting from the primary setting without the related services.

**Exit Criteria**

IEP Counseling as a related service is recommended to be discontinued by the CSE when the student has met the goals and can benefit from the primary setting without the counseling related services.

**Parent Training and Counseling**

Parent training and counseling is a related service which is provided to parents of a student with special needs to assist parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP. Parent training and counseling may be provided by school psychologists, social workers, behavior analysts or special education teachers. Examples include but are not limited to:

- Providing parents with information about cognitive and speech and language development
- Counseling parents about how to respond at home to a student's behavior in a manner consistent with the in-school behavior intervention plan or management system
- Training parents to use the same mode of communication the child would be using at school
- Training on how to operate assistive technology devices at home

**Entry Criterion**

Parent training and counseling will be provided to any parent of a child classified with autism as well as any parent of a child with an IEP that indicates the need for continued attention to IEP goals in the home or community setting.

**Exit Criterion**

Parent training and counseling may be discontinued when the parent indicates that the child is able to consistently demonstrate the identified skills in the home or community setting or when the parent or service provider indicates that the service is no longer required.

**Skilled Nursing**

IEP Nursing services are provided to students with disabilities whose medical and health needs prevent them from benefitting from the instructional program without direct regular, typically daily, services provided by school nurses. Services may be provided by an RN or an LPN under the supervision of the school nurse, Nurse Practitioner or Medical Director. Services are provided consistent with treating physician orders and with parental consent, and may include administration of medication during the school day, blood glucose monitoring, diabetes care, tracheostomy care, regular respiratory care, bladder catheterization or gastrostomy tube feeding.

**OTHER SUPPLEMENTAL AIDS AND SERVICES****Assistive Technology (AT)**

Assistive technology or specialized equipment will be recommended by the CSE to meet the student's individualized needs based upon documentation that the student requires the specialized equipment in order to benefit from the recommended program. Assistive technology may include auditory trainer, braille adapted computer, adapted computers, or other electronic devices. AT consultation may be provided to assist the teaching team to implement the AT training throughout the school day.

**Individual or Shared Aide**

1:1 or shared aides may be recommended by the CSE for a student for whom the existing classroom supports are not sufficient to meet his or her needs in the areas of behavior management, medical issues, or independent living skills despite the implementation of an intensive behavior intervention plan with data analysis.

An independence plan will be developed for any student with an aide which shall include specific goals, and implementation plans to help support the student in developing the skills necessary to successfully function in the classroom environment independently.

Aides shall be recommended only for those periods of time during the day that the student requires greater supervision or supports than can be provided by the staffing of the primary setting.

**Entry criteria**

The student's needs are so significant despite intensive behavior intervention supports that they cannot be adequately addressed without direct, explicit and intensive specialized supervision and intervention beyond that which can be provided by the existing staffing in the primary setting. The decision to recommend a 1:1 or shared aide is determined by the individual student needs and the available supports in the primary setting.

**Exit criteria**

The data from the independence plan indicates that the student has met his or her goals for independent skills and can benefit from instruction in the classroom with the support of the existing classroom staff. Independence plan data will be reviewed on at least a quarterly basis in order to facilitate appropriate fading of the aide support.

**Itinerant Services for Students with Hearing Impairments**

Hearing Itinerant Services are designed to provide direct specialized instruction to students, ages five (5) to twenty-one (21) years of age, with hearing impairments who are enrolled in a general or special education program. Specialized instruction in speech, reading and auditory training are provided by a teacher of the deaf and hard of hearing. These services are necessary in order for students to benefit from their primary educational program.

**Itinerant Services for Students with Visual Impairments**

Vision Itinerant Services are designed to provide direct, specialized instruction to students, ages five (5) to twenty-one (21) years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. The teacher of the vision impaired (TVI) meets individually with the student and trains the youngster in the use of residual vision, and the listening, organizational and tactual skills that are specific to the youngster's individual situation. This related service includes direct instruction in the use of various optical aids, large print books, worksheets, orientation and mobility services, tactile and recorded material and current technology. Depending on the needs of the student, the TVI may teach the student to read braille and write using a braillewriter. Teachers may also assist students in acclimating themselves to new instructional environments and may assist other teachers in meeting the student's educational needs.

**ORIENTATION AND MOBILITY SERVICES**

Orientation and mobility training provides sequential instruction to students with visual impairment or those who are blind in the use of their remaining senses to determine their position within the environment and in techniques for safe movement from one place to another. Orientation is the process of using sensory information to establish and maintain one's position in the environment; mobility is the process of moving safely and efficiently within one's environment. The goal of orientation and mobility service is to train students to travel safely and independently in a variety of environments.

**AVAILABILITY OF COPIES OF THIS POLICY**

The District Special Education Plan is on file in the office of the Superintendent of Schools, Pupil Personnel Department, all Peekskill City School District School buildings, and the City of Peekskill Public Library for public inspection and review by the Commissioner of Education. A parent may request and receive a copy of this policy from the school at any time requests should be submitted through the Office of Special Education. The plan is also available on line and can be accessed from the Peekskill City School District home page.



## Peekskill City School District

### Section 504 Building Procedures

1. When a concern arises regarding a child's eligibility under Section 504, i.e the child has a physical or mental impairment, which substantially limits a major life activity; a referral is submitted *by building principal, with parental contact*. Professional Staff use Attachment A for this referral form. If a parent wants their child evaluated for Section 504 services, he/she should write a letter to the building principal, who will give the referral immediately to the *504 Coordinator and School Psychologist*.
2. Parent is notified of the referral (PPS Clerical will send the notice found on IEP Direct, Attachment B or BB). A statement of parent rights (Attachment C) is sent to the parent with this notice. Consent to administer such assessments will be given/*mailed* to parents (Attachment D). The evaluation process will not begin until parental consent has been granted.
3. If an evaluation for special education services has been conducted, it is likely that further evaluation will not be needed. In this event, a copy of the special education evaluations and the parent permission for that evaluation are added to the student's 504 file.
4. A send-around memorandum (Attachments E or F) *completed by* the Elementary or Secondary 504 Chairperson/Psychologist is sent to members of the building team *by the PPS Clerical* to complete evaluations necessary to provide documentation of eligibility under Section 504.
5. Upon completion of assessments, a notice is sent to the parent by PPS Clerical (Attachment G, found on IEPDIRECT) indicating that a meeting will be held.
6. A 504 team meeting is held at the building to discuss the evaluation results and determine 504 eligibility. At this meeting, utilize the sign in sheet (Attachment I) and the 504 Meeting Information Form (Attachment J). The committee consists of the Secondary or Elementary 504 Chairperson/Psychologist of the Section 504 Committee, (including, but are not limited to): General Education Teacher(s) and Evaluators.
7. If the student is determined ineligible for 504 protection, the parent is notified (Attachment K, found on IEPDIRECT) by PPS Clerical. A copy of Attachments A-K will be placed in the student's site 504 file and a 504 file at Central Office. Send documents to PPS Clerical at Central Office.
8. If the student is determined to be eligible for 504 protection, the Section 504 Accommodation Plan is developed at the meeting chaired by the Elementary or Secondary 504 Chairperson/Psychologist using IEP Direct's 504 Accommodation Form. Utilize Attachment J if IEP Direct's program is not available and send this form to PPS Clerical.
9. Completed Attachments A-L will be sent to PPS Clerical in Central Office. The 504 Plan will be reviewed and finalized at Central Office on IEP Direct. The finalized 504 plan will be sent with a cover letter (Attachment L) to the parent indicating eligibility for the 504 plan, and a Consent for Accommodation Plan which requires parent signature (Attachment M, found on IEP Direct). Implementation of the plan begins immediately. A copy of the 504 plan will also be sent to the building principals and will be available on IEP Direct.
10. All teachers, service providers and appropriate staff must be given access to the 504 plan. Access to IEP Direct is available to view 504 plans, using the same individual computer code as with IEPs on IEP Direct.
11. The 504 Accommodation Plan is reviewed by the 504 committee and parent on an annual basis to determine continuing need/modifications or additions, and new 504 plans are redistributed yearly. 504 Annual Reviews will be coordinated by PPS Clerical and Building Principals.
12. At least every three years, or whenever a change in placement is considered, a review of data is conducted. The parent is notified of this review and a meeting is held to discuss the results. A review

of data can also include updated evaluations. 504 Reevaluations will be coordinated by PPS Clerical, with the Elementary or Secondary 504 Chairperson/Psychologist.

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### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

“No otherwise qualified individual with disabilities in the United States shall, solely by reason of her or his disability, as defined in section 706(8) of this title, 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794)



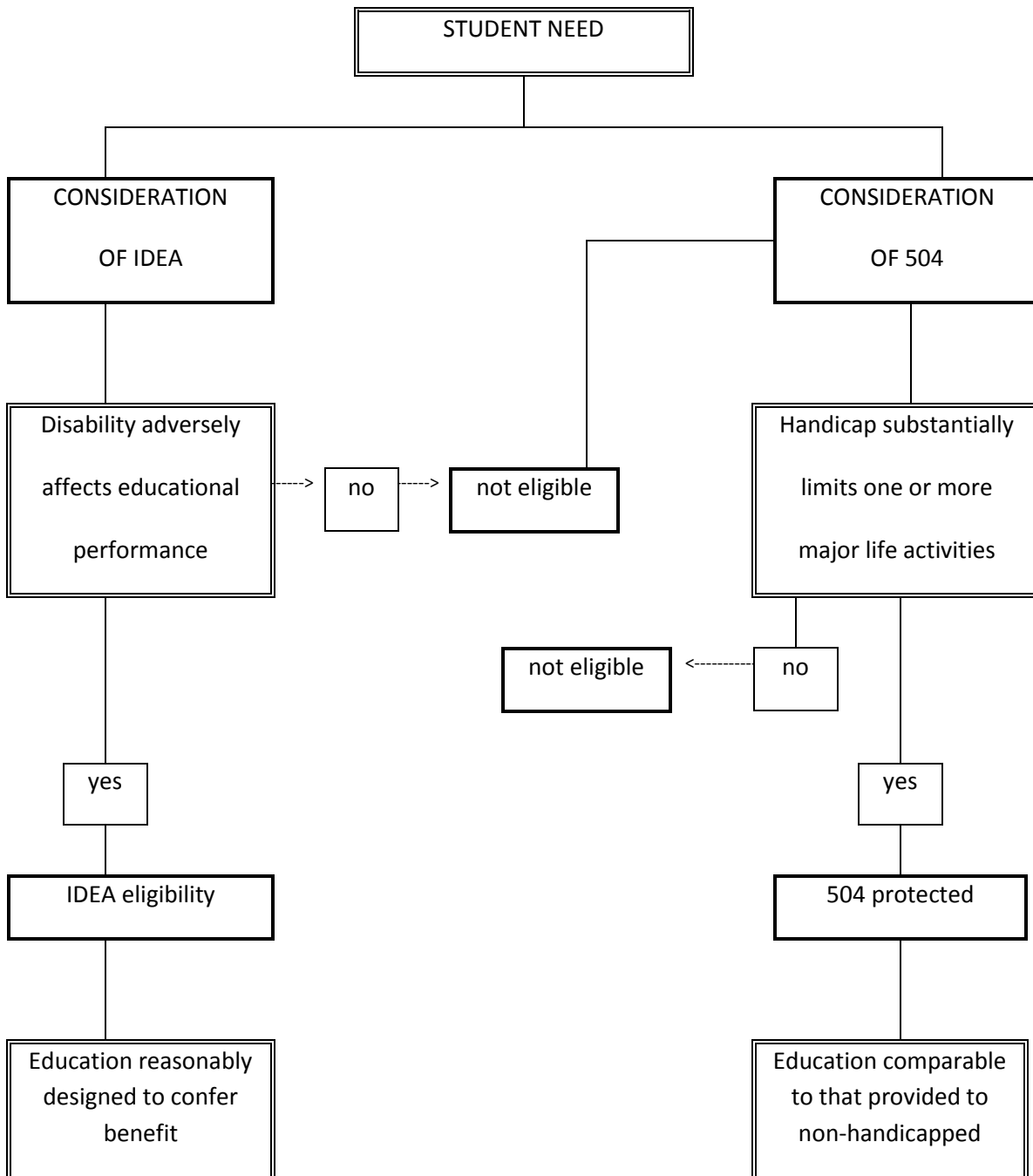
## DEFINITIONS

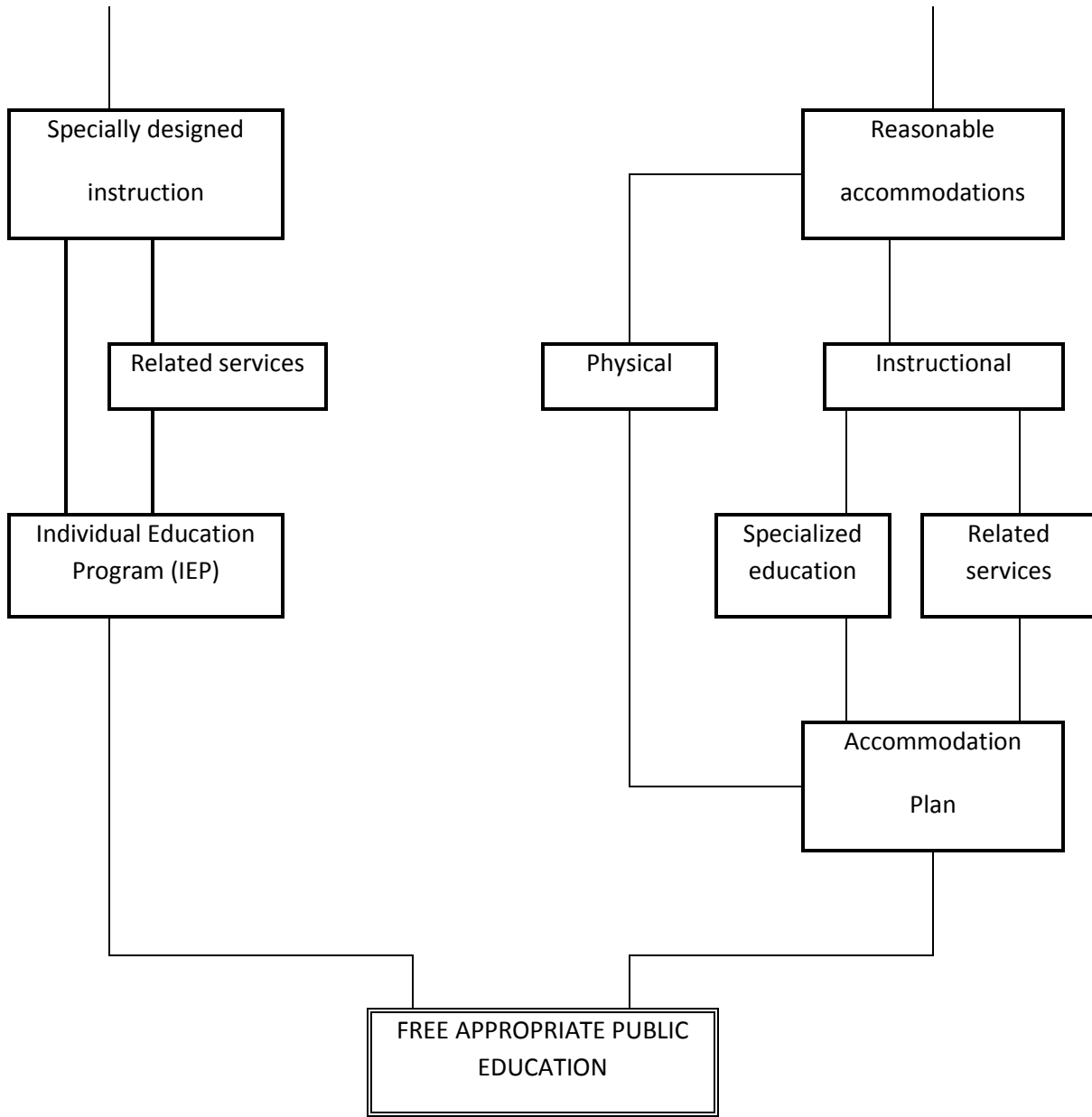
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| <p><b>Individual with a disability</b></p>       | <p>“...any individual who</p> <ul style="list-style-type: none"> <li>i.) has a physical or mental impairment which substantially limits one or more of such person’s major life activities,</li> <li>ii.) has a record of such impairment, or</li> <li>iii.) is regarded as having such as impairment.” (29 U.S.C. Sec.706.(8))</li> </ul>  |
| <p><b>Physical or mental impairment</b></p>      | <p>“...(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hermic and lymphatic; skin; and endocrine; or</p> <p>(B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” (34 Code of Federal Regulations Part 104.3)</p> |
| <p><b>Major life activities</b></p>              | <p>“...functions such as caring for one’s self’ performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” (34 Code of Federal Regulations Part 104.3)</p>  |
| <p><b>Has a record of such an impairment</b></p> | <p>“...has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more life activities.” (34 Code of Federal Regulations 104.3)</p>   |

## DEFINITION OF A CHILD WITH A DISABILITY

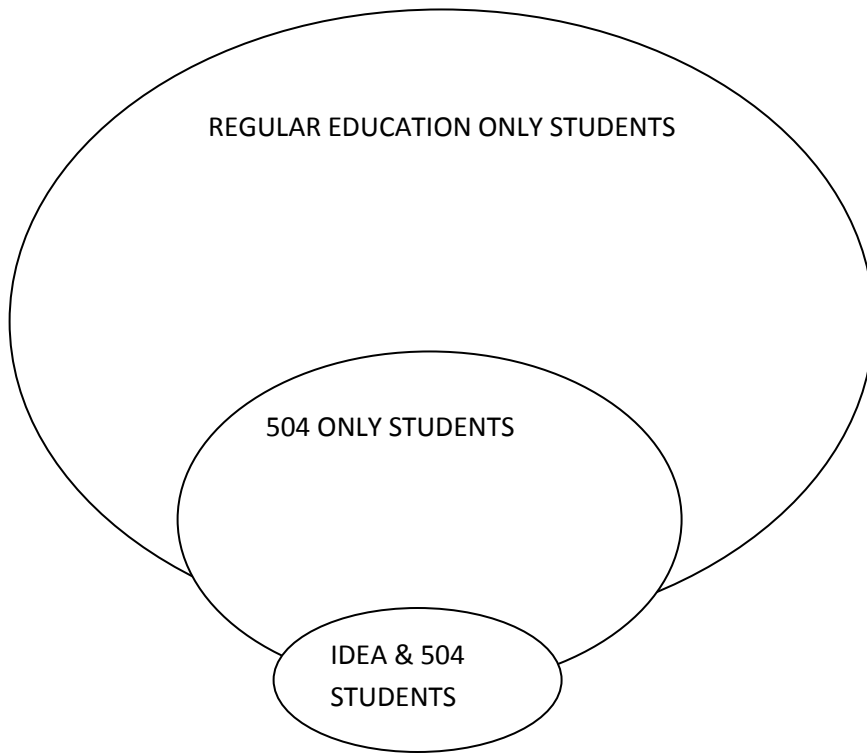
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| <b>US DEPARTMENT OF EDUCATION</b>  | <b>OFFICE OF CIVIL RIGHTS</b>   |
| <b>IDEA</b>  | <b>SECTION 504</b>  |
| <p style="text-align: center;"><b>13 CATEGORIES THAT INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• mental retardation</li> <li>• hearing impairments</li> <li>• speech or language impairment</li> <li>• visual impairments (including blindness)</li> <li>• emotional disturbance</li> <li>• orthopedic impairments</li> <li>• autism</li> <li>• traumatic brain injury</li> <li>• other health impairments</li> <li>• specific learning disabilities</li> <li>• deaf-blind</li> <li>• deaf</li> <li>• multiply disabled</li> </ul> | <p style="text-align: center;"><b>3 CATEGORIES THAT INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• has a physical or mental impairment which <b><u>substantially limits one or more</u></b> major life activities.</li> <li>• has a record (history) of a disability <ul style="list-style-type: none"> <li>✓ heart disease</li> </ul> </li> <li>• regarded as having a disability <ul style="list-style-type: none"> <li>✓ burn victim</li> <li>✓ recovering alcoholic</li> </ul> </li> </ul> |

## IDEA/504 FLOW CHART





## STUDENT POPULATION





| IDEA/504 STUDENTS  | SECTION 504 STUDENTS ONLY  |
|--|--|
| <p>Students are qualified under one or more specifically defined IDEA disabling conditions.</p> <p>Specially designed Individual Education Programs are planned for each student by IEP Teams.</p> | <p>Due to substantial mental or physical impairment(s) that limit one or more of the student’s major life activities, appropriate accommodations to the student’s program are required in order to prevent discrimination due to the disability. A 504 accommodation plan is designed for each student according to individual need.</p> <p><b><u>Examples of potential 504 disability conditions NOT typically covered under IDEA are:</u></b></p> <ul style="list-style-type: none"> <li>▪ Communicable diseases – HIV, Tuberculosis</li> <li>▪ Medical conditions – asthma, allergies, diabetes, heart disease</li> <li>▪ Temporary medical conditions due to illness or accident</li> <li>▪ Other conditions: <ul style="list-style-type: none"> <li>*Behavioral difficulties, including school phobia</li> <li>*Drug/alcohol addiction</li> <li>*Conduct disorders</li> </ul> </li> </ul> |

## IDEA and Section 504: A Comparison

| Component                | IDEA  | Section 504   |
|--------------------------|---|---|
| <b>Purpose</b>           | To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities. | To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance. |
| <b>Who is protected?</b> | All children ages 3-21 who fall within one or more of the 13  | All school-age children who have a physical or mental   |

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|   | specific categories of disability and need special education and related services.   | impairment, which substantially limits a major life activity, have a record of such impairment or are regarded as having such impairment.  |
| <b>Duty to provide a Free and Appropriate Public Education (FAPE)</b> | Both laws require the provision of FAPE.   |  |
|   | <p>Requires that FAPE be provided to only those students who, because of disability, need special education or related services.</p> <p>Defines FAPE as special education and related services. A student can receive related services under the IDEA if, and only if, the student is provided special education and needs related services to benefit from special education.</p> <p>Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.</p> | <p>Requires that FAPE be provided to only those protected students who, because of disability, need regular education accommodations or related services.</p> <p>Defines FAPE as regular or special education and related aids and services. A student can receive related services under Section 504 even if the student is in regular education full-time and is not provided any special education. Does not require a written IEP document, but does require a plan. It is recommended that the district document that a group of persons, knowledgeable about the student, convened and specified the agreed upon plan of services.</p> |



| <b>Component</b>                               | <b>IDEA</b>   | <b>Section 504</b>   |
|--|---|--|
| <b>Special Education vs. Regular Education</b> | A student is protected by the IDEA if, and only if, because of disability, the student needs special education.   | A student is protected by Section 504 regardless of whether the student needs special education. Some students protected by Section 504 are in regular education full-time and are not provided any special education. |
| <b>Funding</b>                                 | Provided additional funding for the protected students.   | Does not provide any additional funds. IDEA funds may not be used to serve students protected under Section 504.   |
| <b>Procedural Safeguards</b>                   | Both laws require prior notice to parents or guardians with respect to the identification, evaluation and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.  |  |
|  | Requires written notice and specific content to be included in this notice.<br><br>Requires written notice prior to any change in placement.  | Does not require written notice, but best practice indicates that a district would do so.<br><br>Requires notice prior to any "significant change" in placement.   |
| <b>Evaluations</b>                             | Both laws require that data and other evaluation materials: <ul style="list-style-type: none"> <li>a. Be validated for the specific purpose for which they are used.</li> <li>b. Be administered by trained personnel in conformance with the instructions provided by their producer.</li> <li>c. Include those tailored to assess specific areas of educational need and</li> <li>d. Be selected and administered to assure that the test results accurately reflect whatever factors the test purport to measure.</li> </ul> |  |

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|  | <p>Social History, Classroom observations, Psychological, Academic and Medical evaluations are required. Requires informed consent before initial evaluation.</p> | <p>Data in the area of the suspected disabling condition are required.</p> <p>Requires informed consent before initial evaluation.</p> |
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| <b>Component</b>                      | <b>IDEA</b>   | <b>Section 504</b>  |
|---------------------------------------|---|---|
| <p><b>Evaluations (continued)</b></p> | <p>Requires re-evaluations to be conducted at least every 3 years.</p> <p>A re-evaluation is not required before a change in placement. New York requires that for day or residential placements a learning evaluation is required within six months. The IEP team should review current evaluation data, including progress towards goals and objects when</p> | <p>Requires periodic data review. IDEA schedule for re-evaluation will suffice.</p> <p>Requires data review before significant change in placement.</p> |

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|                                    | <p>considering a significant change in placement. When data is insufficient to answer questions regarding the appropriateness of the special education and related services being considered, then a reevaluation is required.</p> <p>Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.</p>   | <p>No provision for independent evaluation at district expense. However, a district must carefully consider any such evaluations presented.</p> |
| <p><b>Placement Procedures</b></p> | <p>When interpreting evaluation data and making placement decisions, both laws require districts:</p> <ol style="list-style-type: none"> <li>a. Draw upon information from a variety of sources.</li> <li>b. Assure that all information is documented and considered.</li> <li>c. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options; and</li> <li>d. Ensure that the students are educated with his/her non-handicapped peers to the maximum extent appropriate (least restrictive environment).</li> </ol> |   |

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|  | An IEP meeting is required before any change in placement. | A meeting is required before any significant change in placement. |
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