

ROCKY POINT UNION FREE SCHOOL DISTRICT



TWO YEAR PLAN

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

2007 – 2009

ADOPTED BY THE BOARD OF EDUCATION ON AUGUST 27, 2007

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STATEMENT OF ASSURANCES

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

In full support of State and Federal laws pertaining to students with disabilities, it is the intent of this Board of Education to assure that the educational needs of special education students are met. To this end, and in full compliance with the Regulations of the Commissioner of Education, the Board has reviewed this two-year 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.

Carla L. D'Ambrosio, Ed.D, Superintendent of Schools
Rocky Point UFSD Board of Education

Date

Geraldine Thalen, President
Rocky Point UFSD Board of Education

Date

This document was adapted from the following sources:

- ✓ *2006-2008 Comsewogue UFSD District Plan for Special Education*
- ✓ *2006-2008 Island Trees Union Free School District Two-Year Plan*
- ✓ *2006-2008 Lynbrook Union Free School District Two-Year Plan*
- ✓ *Part 200 of the NYSED Commissioner's Regulations- January 2007*
- ✓ *IDEA 2004: Individuals with Disabilities Education Act*

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INTRODUCTION

PROGRAM OBJECTIVES FOR STUDENTS WITH DISABILITIES

The Rocky Point Union Free 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 program objectives:

- To ensure the establishment of a plan and policies for implementing school-wide approaches and pre-referral interventions in order to remediate a student's performance prior to referral to special education.
- 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 regular high school diploma has been achieved by the student, whichever shall occur first.
- To ensure that students with disabilities have the opportunity to participate in school district programs to the maximum extent appropriate to the need of each student, including access to general education curriculum and extracurricular programs and activities, which are available to all other students enrolled in the public schools of the district.
- To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and appropriate Subcommittees on Special Education for the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and CSE will monitor the progress of all students with disabilities and will report annually to the Board of Education regarding the status of each student.
- To ensure effective communication and collaboration between the Committee on Special Education, the Committee on Preschool Special Education, school staff and school district administrators, parents and community.
- To ensure that parents are advised of their due process rights and to establish procedures in this regard.
- To ensure that each preschool student with a disability residing in the district has the opportunity to participate in an appropriate preschool program or services.
- To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for consent for evaluation of a preschool student.
- To ensure the establishment of administrative policies, practices and procedures to implement the provisions of Section 200.6 (a) of the Commissioner's Regulations and to provide special services or programs,

to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum.

- To provide the human and material resources necessary for the implementation of a continuum of programs and services to meet the academic, social, physical and management needs of students with disabilities.
- To provide, to the greatest extent appropriate, adaptation, and/or modification of instruction and materials to enable students with disabilities to benefit from instruction within the general education setting, whenever appropriate.
- To ensure that students with disabilities have access to the full range of general education programs and services to the extent appropriate to their individual needs and to provide them appropriate opportunities to earn a high school diploma in accordance with Section 100.5 of the Regulations of the Commissioner of Education.
- To ensure that a discipline code for student behavior is in place, while protecting the rights to continuity of appropriate education for students with disabilities.
- To ensure the confidentiality of personally identifiable date, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.
- To provide professional development for all personnel who work with students with disabilities in order to assure that they have the skills and knowledge necessary to meet the unique needs of these students.
- To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
- To ensure that students who reside in the district have received the protection of all other applicable State and Federal laws and regulations.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the district must develop a policy and implement a plan to establish pre-referral interventions to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the school's principal and building level team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services and Educationally Related Support Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL) students who do not achieve the annual CR Part 154 performance standards.

A description of these services will be approved by the Board of Education and reviewed every two years. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate State Assessments or who score below the local State designated performance levels on any one of the State Examinations required for graduation.

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

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

Within ten (10) days of receipt of referral to the CSE, the building administrator may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, speech and language improvement services, educationally related support services, academic intervention services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student if appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timelines of the CSE will be maintained.

Pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but shall be used to assess the ability of the student to fully benefit from regular education services and confirm RESPONSE to INTERVENTION Strategies (RTI).

DEFINITIONS

Students with disabilities are those whose special needs are significant enough to warrant provisions of special educational services in accordance with an individualized program.

The following statutory and regulatory definitions are controlling: The term ***student with a disability*** means a student with a disability, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the Department of Education. Such 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 instruction in reading or math or limited English proficiency.

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

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

- 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 under this Part, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students

The term “***special services or programs***” may include:

- a. Special classes, transitional support services, resource room, related services, consultant teacher services, indirect consultant teacher services and home instruction
- 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. Appointment by the Commissioner to a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law.
- 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. 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 NYS Department of Education.
- j. 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, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.
- k. 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.
- l. Contracts with New York State approved and funded schools (Article 89).

Additional Definitions:

- a. Change in placement means a transfer of a student to or from a public school, BOCES, or schools enumerated in articles 81, 85, 87, 88, or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student with a disability from the student's current education placement under Education Law 3214, change of placement is defined in Part 201 of the Regulations of the Commissioner of Education (March 2000).
- b. General curriculum means the same curriculum for all students including students with disabilities.
- c. Individualized Education Program (IEP) means a written statement developed, reviewed and revised in accordance with section 200.4(d)(2) of the Regulations of the Commissioner of Education to be provided to meet the unique educational needs of a student with a disability.

SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

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

SCHOOL CALENDAR

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

School day means any day, including a partial day that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities expect that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays. School day 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 wide continuum of services, ranging from placement in residential settings to placement in general education classes with support and related services. The district is committed to the policy of placing students in the least restrictive environment consistent with their needs. **“Least Restrictive Environment”** means that the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs **only** when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

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

District to District Transfers

When a student with a disability transfers within the state, the Rocky Point School District will make every possible effort to implement the previous district’s Individualized Educational Plan within district based programs on an interim basis for up to thirty days until the CSE can convene and finalize placement accordingly provided that:

- The placement is consistent with the student’s previous IEP, to the extent possible, or
- The parents and the district have not otherwise agreed to an alternative placement until the CSE completes its review of the student’s program and placement needs.

PROCEDURES TO IMPLEMENT LRE REQUIREMENTS

- The student will receive comprehensive, nonbiased, individual assessments in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of instruction in reading or math or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student to participate, as appropriate, in the general curriculum.
- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program, including educationally related support services, academic intervention services have been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that at least one of the student's regular education teachers must be a member of the Committee (if the student is, or may be, participating in the regular education environment). In addition, the representative of the school district qualified to provide or supervise the provision of special education services must be knowledgeable about the general curriculum and the availability of resources of the school district. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
- The Committee on Special Education or Committee on Preschool Special Education will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of 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 appropriate activities.
- Measurable annual goals, including academic & functional goals, must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.

- Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities.
- The parent or guardian and the board of education will be provided a recommendation from the CSE/CPSE, which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic or educational achievement and learning characteristics, social development, physical development and management needs.
- The CSE/CPSE will conduct a review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

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

SIMILARITY OF NEEDS

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

Academic/Educational Achievement—Current levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.

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

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

Management Needs – The nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction. Management needs are determined in accordance with the factors identified in the areas of academic/educational achievement and learning characteristics, social development and physical development.

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

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

In keeping with this policy, the CSE will consider general education or inclusion classes at each initial, program or review for the student as well as the appropriate support or related services needed for the student to make educational progress within this environment. Progress or educational benefit shall be indicated by successful academic progress, including improvement in

skills, achievement on State mandated examinations, ability to perform activities of daily living and an increase in adaptive behavior. Progress will also be considered in the social areas, including relationships with peers and adults, feelings about one's self, and the adjustment to school and community environments. Physical development areas such as the student's improvement in motor or sensory areas, health, vitality and physical skills and the decrease of management needs that require environmental modifications or human resources shall also be considered as progress.

The District will ensure equal access to a diploma for all students with disabilities through its establishment of heterogeneous Regents classes, inclusion classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires an IEP diploma program. If the student has the potential to achieve a regular high school diploma but requires a restrictive environment outside the district, the CSE will seek placement in a program that provides equivalent instruction.

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

**DISTRICT PLAN TO INSURE INSTRUCTIONAL MATERIALS
ARE AVAILABLE IN A USABLE, ALTERNATIVE FORMAT FOR STUDENTS
WITH DISABILITIES**

Under Chapter 377 of the Laws of 2001 (effective April 21, 2002), the District is required to develop a plan to insure that instructional materials to be used in schools are available in a usable, alternative format for students with disabilities. Accordingly, for the implementation of that requirement, the following plan is being adopted and will be disseminated to the superintendent, business office, special education office and other individuals who's input and/or participation may be necessary in the implementation of this objective:

The District's procurement policies, pursuant to Section 104(b), will be reviewed so that preferences in the purchase of instructional materials to vendors who agree to provide materials in alternative format will be made, whether such purchases are solicited through RFP, bid request for quotations, or some other source.

Where vendors provide electronic files, the vendor will be required to specify how that students who have disabilities may access format, and/or how the District might convert such files to an alternative format.

The District shall review and shall coordinate information between the special education office and the business office to ensure that, to the extent there exist classroom or testing accommodations on IEP's or Section 504 accommodation plans that require books on tape or some other type of alternative format (e.g. Braille, large print, electronic file, closed caption, audio, etc.), a summary of the types and quantities of materials necessary will be transmitted to the business office so that it can ensure that alternative formats are available for instructional materials for students with disabilities by the commencement of the school year or, in any event, no later than the regular education students receive such items.

In the event that students move into the District during the school year, the personnel who are processing the admissions, will request of the parent at the time of enrollment, whether the student's needs require any alternative format with regard to instructional materials.

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

- Identifying, evaluating and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided for each student;
- Maintaining an annually revised register of all students with disabilities who reside in the district and who are eligible to attend preschool or public school during the coming school year;
- Establishing a network for communication and sharing of resources with other educational and community service agencies;

- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school district, and, for preschool students, by public and private agencies within the County of Suffolk;
- Reporting to the NYS Education Department on the number of preschool students, if any, within the district who is not receiving appropriate preschool services and the reasons for any such lack of service.

RESPONSIBILITIES

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

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

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

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

TRAINING CSE/CPSE MEMBERS

The district is committed to ensuring that all members of the CSE and CPSE are appropriately trained for their responsibilities on their respective committees. Committee members are made aware of their responsibilities to insure 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:

- conducting district based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- disseminating the Guidebook for Committees on Special Education in New York State, Part 200 of the Commissioner's Regulations, all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
- inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- utilizing SETRC as a training resource; and utilizing the district's attorney as a resource person, if needed to interpret specific information for the committee members.

GENERAL PROFESSIONAL DEVELOPMENT

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

Two professional development periods are incorporated into teachers weekly schedule.

In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and general education teachers, the State Education Department has directed districts to develop a Comprehensive System of Personnel Development. This staff development program for teachers details goals and objectives for the current school year.

PROVISION OF IEP TO TEACHERS AND SERVICE PROVIDERS

In order to more effectively carry out the District's responsibility to provide a free appropriate public education to all eligible students with disabilities, it is the policy of the Board of Education of the Rocky Point School District to provide regular and special education teachers, related service providers and other providers with a copy of a student's individual education program (IEP), in accordance with the requirements of subdivision 7 of the section 4402 of the Education Law.

Prior to the implementation of such program, and as soon as practicable after a meeting of the Committee on Special Education, each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's individualized education program shall be given an electronic copy of such student's IEP.

The Director of Special Education will provide (with the IEP), a statement explaining that the IEP is a confidential document, and that any copy of a student's IEP provided pursuant to this policy shall remain confidential and shall not be redisclosed to any other person, in compliance with Federal and State Laws and Regulations, including the Individuals with Disabilities Act and the Family Educational Rights and Privacy Act.

In addition, the Committee on Special Education chairperson shall designate a professional employee of the school district with knowledge of the student's disability and education program who shall, prior to the implementation of the IEP, inform and train each teacher, related service provider, assistant and support staff person of his or her responsibility relating to the implementation of the IEP and the specific accommodation, modifications, and supports that must be provided for the student in accordance with the IEP.

The employee charged with the duty to inform each teacher, related service provider, assistant and support staff person of his or her responsibilities relating to the IEP shall also inform those individuals of the obligation to maintain the confidentiality of the IEP. Those individuals receiving electronic copies of the IEP will provide their signature stating that they have been informed of the contents of the IEP and recognize their obligation to maintain the confidentiality of the document.

SECTION 2

**COMMITTEE ON
PRESCHOOL SPECIAL
EDUCATION**

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERSHIP

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

- 1 the student's parent;
- 2 the general education teacher of the student if the student is, or may be, participating in the general education environment;
- 3 the special education teacher or special education service 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 who is knowledgeable about the general curriculum and about the availability of the resources of the local educational agency;
- 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 regular 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, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- 9 an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;

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

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)*

- Chairperson
- Parent of the Student
- Regular Education Teacher of the Student (if the student is, or may be, participating in the general education environment).
- Special Education Teacher or Related Service Provider (of the Student)
- Parent Member
- Representative from Local Education Agency

Individual Who Can Interpret Evaluation Results (may be selected from individuals listed above)

Representative from Early Intervention (if appropriate)

Representative from Department of Mental Health (not required for a quorum)

**See page 32 for 2007-2008 Board of Education Approved Members of the CSE/CPSE*

DEFINITION OF TERMS

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

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. a 12 month delay in one or more functional area(s), or
 - b. a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or
 - 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
 - d. meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired.
2. Meet the criteria for a student with a disability set forth in the Commissioner's Regulations Part 200.1, subdivision (zz) and outlined on pages 33-35 of this plan.

"First Eligible for Services" is the earliest date on which a student becomes eligible for services as defined in current regulations. 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 either:**

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

A staff member of the Early Childhood Direction Center

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

Evaluation and 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:

- A physical examination;
- An individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- An observation;
- A social history; and
- Other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional 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 their native language or other mode of communication. Reasonable measures will be made to ensure that the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior to advising them of the meeting
- Prior notice means written statements developed in accordance with Section 200.5(a) of the Part 200 Commissioner's Regulations, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

- 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 special education, written notification will indicate the reasons for the finding. If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in 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 reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained.

Placement

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

Annual Review

An annual review is conducted for every preschool student who has been classified as having a disability. The purpose of the annual review is to determine the appropriateness of each student's Individualized Education Program (IEP) and the need to continue or modify the student's preschool special education program. 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.

Withdrawal of Referral

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

CONTINUUM OF SERVICES **COMMITTEE ON PRESCHOOL SPECIAL EDUCATION**

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

- a. a twelve (12) month delay in one or more functional area(s), or
- b. a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or,
- c. if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

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:

- a. related services only
- b. special education itinerant services only
- c. related services in combination with special education itinerant services
- d. an integrated special education preschool program
- e. a half-day preschool program
- f. a full-day preschool program

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

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

RELATED SERVICES

Those services defined in Section 4401 of Education Law, i.e., speech pathology, audiology, psychological service, physical therapy, occupational therapy, counseling services, medical services as defined by regulation, parent counseling and training, school health services, school social work, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services. Related services are provided at a site determined by the Board of Education including, but not limited to:

- An appropriate or licensed pre-kindergarten
- A Head Start Program
- The worksite of the provider
- The child's home
- A hospital
- A state facility
- A childcare location

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:

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

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

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

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

- **Direct Services**: Specialized individual or group instruction to a preschool student to aid the student from benefiting from the early childhood program.
- **Indirect Services**: Consultations provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment 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, and the total number of students with disabilities assigned to the special education teacher should not exceed 20.

INTEGRATED SPECIAL CLASS

This is a special class of no more than twelve (12) preschool students, which is staffed by at least one special education teacher and one paraprofessional. A special class in an integrated setting may be provided:

- In a class of no more than twelve preschool students with disabilities staffed by a special education teacher and a paraprofessional, which is housed in the same special space as a preschool class with non-disabled students taught by another teacher.

SPECIAL CLASS (half or full day)

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

- Chronological age range within special classes shall not exceed 36 months.
- Maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional.
- Services provided not less than 2 ½ hours per day, 2 days per week.

RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES

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

SECTION 3

COMMITTEE ON
SPECIAL EDUCATION

COMMITTEE ON SPECIAL EDUCATION MEMBERSHIP

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

- The parent or person in parental relationship to the student;
- Not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or special education service provider of the student;
- A school psychologist;
- The CSE chairperson who is a representative of the district qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general curriculum and about the availability of the resources of the local educational agency;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, special education teacher or provider, the school psychologist, or district representative described above;
- The school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
- A parent of a student with a disability who resides in the district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years. Such parent is not a required member if the parent(s) of the student request that the additional parent member not participate in the meeting;
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate.
- If appropriate, the student

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

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings of the CSE are held in the School Buildings.

MEMBERSHIP OF THE SUBCOMMITTEE ON SPECIAL EDUCATION

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

- The parent of the student;
- A general education teacher of the student (if the student is, or may be, participating in the general education environment;
- A special education teacher, or where appropriate, at least one special education provider (i.e., related service provider) of the student;
- A representative of the district who is qualified to provide, administer or supervise special education and who is knowledgeable about the general curriculum and who is knowledgeable about the availability of resources of the school district.
- A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, is considered.
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the Sub CSE.
- The student, if appropriate.

Rocky Point Public Schools

2007-2008 Board of Education Approved Members of the Committee/Subcommittee on Special Education (CSE) and Pre-School Education (CPSE)

Chairpersons, Alternates and School Psychologists

Special Education Administration (Chairpersons)	Special Education Chairs (Alternates)	School Psychologists (Alternates)
Eileen F. Manitta, Director	Sherin Shanahan	John Haggerty, Ph.D.
Andrea Moscatiello, SE Coordinator	Andrew Cooper	Meredith Dougherty, Ph.D.
	Al Abbato	Uta Mocniak-Field, Ph.D.
	Lois Ingebretsen	Robert Perret, Ph.D.

Parent Members

Belcastro, Ellen	Gugel, Cheryl	Noto, Pat
Bishop, Debra	Hamilton, Colleen	Perri, Amy
Burkert, Rose Ann	Hassett, Linda	Pristach, Adrian
Collins, Nancy	Heely, Mary	Pucci, Lisa
Cook, Mary	Heneghan, Karen	Reardon, Barbara
Costantino, Gabrielle	Krase, Dawn	Savastano, Diane
Danielson, Arlene	LaLima, Diane	Shea, Kathleen
Diaspara, Janet	Mason, Kathleen	Sonnessa, Karen
Dixon, Mary Rose	McGee, Sandra	Swenson, Michele
Farabaugh, Sharon	McLaughlin, Lydia	Wind, Theresa
Fisher, Janine	Mueller, Tracy	

School Physicians

Dr. Mark Wasserman
Dr. John Gil
Dr. Erika Jurastis

Definitions: “Student with a Disability”

The term student with a disability includes the following classifications:

- (1) *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph 4. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.
- (2) *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing; with or without amplification that adversely affects a student’s educational performance.
- (3) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- (4) *Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student’s educational performance:
 - (i) an inability to learn that cannot be explained by intellectual sensory, or health factors;
 - (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (iii) inappropriate types of behavior or feelings under normal circumstances;
 - (iv) a general pervasive mood of unhappiness or depression; or
 - (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

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

- (5) *Hearing impairment* means impairment in hearing, whether permanent or fluctuation, which adversely affects the child's educational performance but that is not included under the definition of deafness in this section.
- (6) *Learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, as determined in accordance with the Commissioner's Regulations, Part 200.4. This term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.
- (7) *Mental retardation* 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.
- (8) *Multiple disabilities* means concomitant impairments (such as mental retardation, blindness, mental retardation-orthopedic impairments, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
- (9) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
- (10) *Other health-impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.

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

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

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

1 Legal Reference: Regulations of The Commissioner of Education, Section 200.1 (January, 2007)

PROCEDURES OF THE COMMITTEE ON SPECIAL EDUCATION (CSE)

Referral

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

A student suspected of having a disability shall be referred in writing to the Chairperson of the Committee on Special Education or to the building Administrator of the school, which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs or services. A referral may be made by:

- The student's parents or person in parental relationship;
- A professional staff member of the school district or the public or private school the student legally attends.
- A licensed physician;
- A judicial officer;
- The commissioner or designee of a public agency with responsibility for the welfare, health or education of children; or
- The student himself/herself, if the student is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

Except for self-referrals and referrals by parents or judicial officers, the referral must state the reasons for the referral and include any test results, records or reports upon which the referral is based. It must also describe 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. Pre-referral strategies must be documented if a referral is received by the building Administrator, it must be forwarded to the CSE Chairperson immediately. If the CSE Chairperson receives a referral, a copy will be forwarded to the Building Administrator within five business days of its receipt.

The Committee will notify the parent or persons in parental relationship to the student that a referral for an evaluation has been received. The CSE will then:

- Request consent for evaluation;
- Provide the parent with procedural safeguards notice;
- Provide the parent with sources to obtain assistance in understanding the referral and evaluation process;
- Provide the parent “A Parent’s Guide to Special Education”. Translations are provided, as needed.

Within ten (10) business days following receipt of CSE referral or copy of a referral, the building principal may decide to meet with the parent/guardian and/or student to discuss educational services presently being offered and to determine whether the student would benefit from additional general education support services as an alternate to special education, including the provision of Educationally Related Support Services, Speech/Language Services, Remedial Instruction, and Academic Intervention Services. The professional staff member who made the referral should also attend this meeting. If at the meeting, the parent or person in parental relationship and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator shall provide the chairperson of the Committee on Special Education, the person who made the referral if a professional staff member of the District, the parent or person in parental relationship to the student, and the student, if appropriate, with copies of the agreement. All such agreements about withdrawal of a CSE referral must be in writing and must specify the alternative services to resolve the identified learning difficulty of the student and provide the opportunity for a follow-up conference within an agreed period of time to review the student’s progress. A copy of the agreement becomes a part of the student’s cumulative educational record. A copy of the agreement must be in the native language of the parent or person in parental relationship.

If the referral to the CSE is not withdrawn by agreement, and the parent/guardian does not consent to the evaluation within thirty (30) days of the date of receipt of referral, the Chairperson of the CSE shall document attempts made by the Chairperson or other representatives of the committee to obtain parental consent and shall notify the Board Of Education that they may utilize the due process procedures.

Evaluation and Recommendation

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional and developmental information about the student, and information related to enabling the student to participate and progress in the general education curriculum.

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

- A physical examination;
- An individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the committee;
- An observation of the student in the current educational placement;
- A social history;
- Other appropriate assessment or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The district will ensure that:

- (a) Tests and other assessment procedures:
 - (a) in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer.
 - (b) have been validated for the specific purpose for which they are used;
 - (c) are administered by trained personnel in accordance with the instruction provided by those who developed such tests or procedures; and
 - (d) are administered so as not to be racially or culturally discriminatory;

- (e) Tests and other assessment procedures include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
- (f) Tests are selected and administered to ensure that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
- (g) Materials and procedures used to assess a student with limited English proficiency be selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;
- (h) No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student;
- (i) The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;
- (j) 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;
- (k) Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
- (l) Assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
- (m) 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;
- (n) Students age fifteen (15) and those referred to special education for the first time who are age fifteen (15) 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;

- (o) The results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication.

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:

- A written notice will be sent to parents at least five days prior advising them of the meeting;
- In the event the parent still cannot be reached, the student's school will be contacted in an effort to enlist their assistance in reaching the parent via a note sent home with the student.
- Attempts to communicate with the parent will be documented.

ELIGIBILITY DETERMINATION

The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure that all general education resources including educationally related support services and academic intervention services have been considered prior to determining that the student should be placed in a special education program. 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 is lack of instruction in reading or math or limited English proficiency. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade. The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible this should occur when the evaluation reports are shared with other members of the CSE 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. Consensus is the preferred decision making process.

When an evaluation is completed, the committee, including the parent and, if appropriate, the student meets to review the evaluation information to determine eligibility for special education and, if appropriate, develop an Individualized Education Program (IEP). When evaluations are conducted for the purpose of determining a student's eligibility or continuing eligibility for special education, the CSE must give a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

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

The IEP includes:

- (a) The student's present performance and individual needs in the following areas – academic, social, physical, management and educational performance including how the disability affects the student's involvement and progress in the general curriculum;
- (b) Measurable annual goals, including benchmarks or short-term objectives, related to enabling 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 student's disability;
- (c) Special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school

personnel that will be provided for the student to advance appropriately towards attaining annual goals, to be involved and progress in general curriculum, and to be educated and participate in activities with other students with and without disabilities;

- (d) The extent, if any, to which the student will **NOT** participate with non-disabled students in the general class and in other activities;
- (e) 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;
- (f) the extent to which the student will not participate in a particular State or district-wide assessment or part of such assessment, and a statement of why the assessment is not appropriate and how the student will be assessed;
- (g) A statement of any individual testing accommodations to be used consistently for the student in the recommended educational program and in the administration of district-wide assessments of student achievement, and in accordance with NYS Education Department policy, State Assessments of student achievement that are needed in order for the student to participate in the assessment;
- (h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of these services and modifications;
- (i) How the student's progress towards the annual goals will be measured, how the student's parents will be regularly informed of their student's progress towards annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- (j) The regular education classes in which the student will receive consultant teacher services.

The IEP must also include:

- Beginning at age fifteen (15), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's course of study (such as participation in advanced placement courses or a vocational education program), and;

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

Consideration of special factors

The CSE shall:

- (1) in the case of a student whose behavior impedes his or her learning or that of others, consider when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior;
- (2) in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP;
- (3) in the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the CSE determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the student;
- (4) consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- (5) consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the 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:

- The committee will provide notice to the parent of the recommendation. The parent will receive procedural safeguards and a copy of the evaluation report and the documentation of determination for ineligibility
- The committee will provide recommendations to the building Administrator for consideration of educationally related support services (ERSS) to address student's needs.
- The committee will provide the recommendations to the Board of Education.

If the student has been receiving special education services, but it is determined by the Committee on Special Education that the student no longer needs special education services and can be placed in a regular education program on a full-time basis, the recommendation shall:

- Identify the declassification support services as identified in Section 100.1(q), if any, to be provided to the student, and/or the student's teachers; and
- Indicate the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue for more than one year after the student enters the full-time regular education program.

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

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

The committee will provide notice to parents which includes:

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

- Procedural safeguards notice; and
- Request parental consent for initial placement (including, if appropriate, initial recommendation for twelve (12) month programs and services).

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

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) school days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services. If a recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within thirty (30) school days of the Board's receipt of the recommendation of the committee. Notice of the recommendation will be provided to the parent, including procedural safeguards notice. If the Board of Education disagrees with the committee's recommendations, the Board may remand the recommendation back to the committee for reconsideration and provide notice to the parent. The Board may also establish a second committee to develop a new recommendation for the student:

- If the Board disagrees with the recommendation of the second committee, it may remand the recommendation back to the second committee for additional reviews.
- The Board must accept the recommendation of the second committee once the Board authorizes a second committee to make a new recommendation.
- In all cases, the Board must arrange for programs and services within sixty (60) school days of receipt of consent to evaluate, except in those instances described above.

The CSE must ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP shall have access to a copy of the IEP; and each teacher and provider is informed of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student 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 goals and objectives or benchmarks listed in the student's IEP.

Annual Review, Re-Evaluation and Declassification

An annual review is conducted for every resident student who has been classified as having a disability. Prior to conducting any new assessments, parental consent must be obtained. Parents are notified by mail in advance of this review. Reasonable measures are taken to ensure that the parent attends the meeting. If a revision of the IEP is recommended, it must address:

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

A comprehensive reevaluation is arranged at least once every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialists with knowledge in the area of the student's disability. The triennial 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. Reevaluations are also initiated prior to the triennial requirement if requested by the student's parent or teacher. The results of any reevaluations must be addressed by the committee on special education in reviewing and, as appropriate, revising the student's IEP. When evaluations are conducted with the purpose of determining continuing eligibility for special education the CSE will provide a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent.

Parent consent is obtained, if any new tests will be administered.

A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used in determining whether the student is or continues to be a student with a disability and the content of the student's individualized education program, including information related to enabling the student to be involved in and progress in the general education curriculum. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations. The group may conduct its review without a meeting.

The CSE must obtain informed parental consent prior to conducting any new test or assessment as part of a re-evaluation of a student with a disability, except the such informed parent consent need not be obtained if the district can

demonstrate that it took reasonable measures to obtain such consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home either via mail or with the student. If the parent refuses consent, the district must resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment as part of the re-evaluation. 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.

The CSE must evaluate a student with a disability in accordance with section 614 before determining that the student is no longer a student with a disability. A copy of the evaluation report and the documentation of eligibility must be provided to the student's parent. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, social work, speech and language services, non-career counseling, or the assistance of a teacher aide or consultant to the classroom teacher.

Continuation of testing modifications upon declassification is not automatic. The CSE may determine the test modifications previously documented in a student's IEP continue to be consistently provided to the student for the balance of his or her public school education. The school district is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regent's diploma or exceeding the age eligibility for a free appropriate public education.

CONTINUUM OF SERVICES

COMMITTEE ON SPECIAL EDUCATION (CSE)

All services shall be provided in accordance with the provisions set forth in the Commissioner's Regulations, Part 200.

TRANSITIONAL SUPPORT SERVICES

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

CONSULTANT TEACHER SERVICES

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities enrolled full-time in general education classes including career and technical education. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and shall be included in the student's individualized educational program (IEP).

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, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility service, medical services as defined by regulations, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

RESOURCE ROOM

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

- The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of need.
- Students shall spend a minimum of three (3) hours per week and not more than 50 percent of the day in the resource room program.
- Resource room services may be provided either in a pull-out or push-in program or a combination of both.

SPECIAL CLASS

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. The chronological age range of students who are less than sixteen (16) years of age shall not exceed thirty-six (36) months.

OUT-OF-DISTRICT PLACEMENT

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

- Special class operated by another school district
- A BOCES program
- An approved Private School (day)
- 4201 or State Operated School
- An approved Residential Placement

HOME AND HOSPITAL INSTRUCTION

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

- elementary school students (grades 1-5) will be provided a minimum of five (5) hours per week;
- secondary school students (6-12) 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 Committee on Special Education determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the recommendation shall:

- identify the declassification support services,
- indicate the projected date of initiation, and
- 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 Committee on Special Education. The Board shall notify the parent that this has been arranged.

For CPSE, the Board shall arrange for the services commencing with the July, September or January starting date, unless such services are recommended by the CPSE less than 30 days prior to, or after, such appropriate starting date, in which case the services shall be provided no later than thirty (30) days from the recommendation of the Committee.

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

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

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

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

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

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

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

PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS (ELL STUDENTS)

SCREENING:

As part of the Kindergarten screening, students who appear to be English Language Learners (ELL), formerly known as Limited English Proficient (LEP) students, are screened by the ELL teacher. The ELL teacher also screens ELL new entrants to the district. In order to determine educational needs, the screening is completed in the student's native language. One method that is used to determine the student's predominant language is the Home Language Survey. If the student does not speak English, the ELL teacher administers the Language Assessment Battery (LAB) to determine language proficiency. If the student scores at or below the cut-off point on the LAB, the student is determined to be limited in oral proficiency and ELL services are provided. If a student scores at or below the statewide reference point or the 40th percentile on a standardized test of English reading, the student is considered limited in proficiency in reading English and will receive ELL services.

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

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

These supports may include:

- Reading Recovery
- Literacy Collaborative
- Remedial Reading Program
- AIS Services
- ELL Program
- Extra help sessions with the general education teacher
- Individual tutoring
- Speech/Language Services
- Informal small group instruction
- Unclassified Resource Room support
- Curriculum modifications

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

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

- The length of time the student has been in the United States;
- The amount of instruction that the student has received in the United States as well as his or her home country;
- The length of time the student has been receiving ESL instruction;
- Attendance in school;
- The student's proficiency in his native language as well as English proficiency;
- 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 native language is other than English, the CSE must ensure that all tests and assessment procedures are administered so as not to be racially and culturally discriminatory.

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

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

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

The bilingual evaluation will include the following considerations/evaluations:

- The length of time the student has been in the United States;
- The amount of instruction that the student has received in the United States as well as his or her home country;
- The length of time the student has been receiving ESL instruction;
- Attendance in school;
- The student's proficiency in his native language as well as English proficiency;
- The types of general education supports that the student has received;
- A bilingual evaluator will be obtained who is knowledgeable about the student's geographic area of origin as well as its language and culture;
- BOCES and other agencies may be used for bilingual assessment;
- Test instruments in the appropriate language that are normed on the same or similar population, as the country from which the student has come will be sought. If such evaluative tools are not available, the evaluator will state in the report specific concerns regarding the instruments that were used and specific cautions to be observed when interpreting the results;
- If specific sub-tests are not considered appropriate because of cultural disadvantage, the evaluator may prorate the results and explain the reasons for this decision in the report;
- Student work samples may be submitted to the CSE to provide an informal portfolio assessment that may indicate functional levels;
- Non-verbal assessment batteries will be used to supplement more linguistic based measures;
- Age-appropriate adaptive behaviors will also be taken into consideration;
- All areas of suspected disability will be evaluated in the student's native language (e.g. speech);

- The bilingual evaluator will conduct a complete bilingual social history;
- The evaluation report will state the language in which the assessment was administered; and,
- If the tests normally used are not considered valid for the LEP student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

The following procedures will be followed by the 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 keeping with the doctrine of Least Restrictive Environment, the CSE/CPSE will determine if remedial services and other general education supports can be tried before considering special education services.
- (4) All notices requiring consent and informing parents of CSE/CPSE recommendations will be translated into the parent's dominant language.
- (5) The program or services recommended for the student may consist of a combination of ESL and special education services, as recommended by the CSE.

EXTENDED SCHOOL YEAR (ESY) SERVICES

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

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment
- Students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;
- Students whose needs are so severe that they can be met only in a seven-day (7) residential program; or
- Students receiving other special education services, who, because of their disabilities exhibit the need for a twelve-month (12) special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression.

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

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

ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

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

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

Assistive technology devices means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

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

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

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

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

EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT

Students who entered the ninth grade during the 2001/02 school year and thereafter, are required to complete one high school credit in a language other than English in order to earn the new Regents diploma. This requirement is established for all schools in the State by Section 100.2 (d) of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education Program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibits other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students who are completing sixth, seventh, or eighth grade, the CSE will take the following steps:

Curriculum will be reviewed to determine whether the language requirement has been completed.

If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors, which may be relevant to the student's ability to benefit from language instruction in the following year.

In determining whether or not exemption is "appropriate", particular attention will be paid to severity of the speech and language impairment. Exemption may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that exemption is warranted, reasons will be provided in a statement accompanying the IEP.

If a student with a disability is assigned to a language class, a copy of the IEP showing necessary testing modifications and classroom modifications will be made available to the language instructor by the student's special education teacher.

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

TRANSITIONAL PLANNING SERVICES FOR STUDENTS WITH DISABILITIES

Definition:

“Transition Services” are defined in the IDEA and Article 89 as a coordinated set of activities for a student with a disability designed within an outcome oriented process, that promotes movement from school to post-school activities including, but not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include needed activities in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, if appropriate, acquisition of daily living skills and functional vocational evaluation (20 U.S.C. (1401(a)(19)).

Individualized Transition Plans:

Transition Services 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 students age fourteen and older, the IEP must demonstrate the use of a coordinated set of activities as the means by which the student can achieve the long-term adult outcomes. Beginning at age fourteen (14), the focus of activity is on instruction (e.g., courses of study such as participation in advanced placement courses or a vocational education program). At age fifteen or older, the coordinated set of activities must address instruction, related services, community experiences and the development of employment or other post-school adult living objectives. At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel (e.g., administrators, psychologist, related service provider, general education teacher) may be asked to participate in the process.

The coordinated sets of activities are:

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

- **Related Services** – These are specific related services, as defined in Section 200.1 of the Regulations of the Commissioner of Education, such as rehabilitation counseling services, which will support the student in attaining the stated outcome(s).
- **Employment and Other Post-School Adult Living Objectives** – Educational services that will be provided to the student to prepare for employment or other post-school activity. Post-school activities will determine what other skills or supports will be necessary for the student to succeed as independently as possible. Examples include participation in a work experience program, information about colleges in which the student has an interest and travel training.
- **Community Experiences** – Community-based experiences that will be offered, or community resources utilized as part of the student’s school program, whether utilized during school hours or after school hours, to achieve the stated outcome(s).
- **Activities of Daily Living Skills (ADL)** if appropriate) – ADL skills necessary to be worked on to achieve the stated outcome(s) (e.g. dressing, hygiene, self-care skills, self-medication).
- **Functional Vocational Assessment** (if appropriate) – If the vocational assessment has not provided enough information to make a vocational program decision, additional assessment activities can be performed to obtain more information about the student’s needs, preferences and interests.

VOCATIONAL ASSESSMENT POLICY

GOAL OF THE VOCATIONAL ASSESSMENT PROCESS

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

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

- the review of existing school information
- the completion of informal interviews
- parent questionnaires

- one or more formal vocational evaluations
- job and student performance analysis made in real and/or simulated work settings.

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

LEVEL OF VOCATIONAL ASSESSMENT

Vocational assessment is conducted for special education students starting at age fifteen (15) and those referred to special education for the first time who are age fifteen (15) or older.

Level I vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the student, the student's parent(s) or guardian(s), a special education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment.

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

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

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

SCHOOL STAFF RESPONSIBILITIES

Guidance Counselors:

Guidance counselors will be involved with the transition process at each grade level, beginning in grade six. Counselors will be responsible for meeting with students and parents to review programs and schedules. They will assist the CSE in determining the appropriate course of study, number of credits and sequences, and vocational programs, if appropriate, so that students will be eligible to earn a high school diploma. Counselors will attend CSE meetings during the year as well as annual reviews.

Special Education Teachers:

Special education teachers will complete the Teacher Assessment Form prior to each annual review. They will also have all ninth grade students complete the Student Interview Form as part of the transition process. Special education teachers will also assist each student in helping them understand the IEP process and their strengths and weaknesses. The teachers will also complete the Transition Schedule for each student, which details the activities that are completed at each grade level.

Transitional Multidisciplinary Team:

The Transitional team consists of the guidance counselor, special education teacher, psychologist, social worker, speech therapist, and any other staff member who has information about the student as it relates to transitional planning.

The team will discuss data collection, vocational evaluations (if conducted), and current programs and services for each student. The team will determine transitional needs and if the student requires any additional assistance from such agencies as VESID.

AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES

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

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

- **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.
- **Chapter 570 Students:** Students attending residential in-state schools that have attained or will attain the age of 18 by June 30 of the current school year.
- **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 common overriding steps:

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

OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS

It is the policy of the school district to encourage students with disabilities to pursue high school diplomas. Access must be provided to required courses, electives and tests as specified in Part 100 of the Regulations of the Commissioner. The Committee must consider the high school credentials the student will seek to attain: a Regent's or local high school diploma or IEP diploma. To ensure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:

1. The Committee on Special Education (CSE) will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the Middle School, the CSE will make an assessment as to whether or not the student's capabilities indicate probable success in a course of study leading to a diploma, or whether his or her needs could be better met in an individualized education program designed to culminate in an IEP Diploma. Where appropriate, the student will participate in this decision-making process.

2. The decision will be reviewed annually. The CSE will consider the following factors:
 - current levels of achievement;
 - learning rate;
 - preference of student and family.
3. The CSE will consider if the student requires testing modifications to participate in State or district—wide assessments. These modifications will be clearly stated on the student’s IEP.
4. The district will offer appropriate remedial instruction for all students.
5. The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
6. If the student’s special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the district in special education classes. In any such case, instruction in subjects granting credit toward graduation and a Regent’s or local high school diploma will be provided in accordance with curriculum objectives and required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught.

A record of the objectives and criteria for mastery will be subject to approval by the building principal and maintained in the special education office. Evaluation of student work will be completed in accordance with the individual educational needs of the student.

Prior receipt of an “IEP Diploma” 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 reaches his/her twenty-first (21) birthday. In all cases in which an IEP Diploma is issued, parents will receive written notice that a student is entitled to receive a free, appropriate public education until the end of the school year in which he/she reaches his/her twenty-first (21) birthday or obtains a high school diploma.

GUIDELINES FOR ISSUANCE OF AN IEP DIPLOMA

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

The district subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. In accordance with this, it is expected that students with disabilities will be guided towards a course of study, which will lead to the achievement of a high school diploma. It is recognized, however, that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. The awarding of an IEP diploma is authorized for such students under the following conditions.

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age thirteen or higher shall stipulate the type of diploma to which achievement of the goals specified therein will lead.
- Such diploma shall be awarded at the end of the school year in which the student reaches age twenty-one (21) provided that the educational goals in the student's current IEP have been achieved.
- Alternately, upon application of the student or parent, such diploma may be awarded upon the completion of twelve (12) years of attendance or its equivalence, excluding kindergarten, provided that the educational goals in the student's current IEP have been achieved.
- Any student under age twenty-one (21) who is awarded such diploma shall receive written notice of his entitlement to attend the district tuition free until the end of the school year in which that age is reached or a high school diploma is earned.
- The IEP diploma document shall be in conformance with the Regulations of the Commissioner of Education.

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 upon:

- initial referral of the child for evaluation;
- each notice of an individualized education program (IEP) meeting
- reevaluation of the child;
- request for an impartial due process hearing;
- a decision to suspend or move a child for discipline reasons that would result in a disciplinary change in placement.

Informed Consent (CSE and CPSE)

“Consent” means:

- the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- the parent understands and agrees in writing to the activity for which consent is sought; and
- the parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Written Parental Consent is Required Prior To:

Initial Evaluation – Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having a disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CSE/CPSE regarding the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and **A Parent’s Guide to Special Education**. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age child does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts to obtain parental consent and will request that the Board of Education initiate an impartial hearing.

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, the District may not deny the parent or child any other service, benefit, or activity of the school district, except for the recommended special education service. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of a preschool child does not provide consent for the initial provision of special education services, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age student does not grant consent for an initial provision of special education services within 30 days of a notice of recommendation, the Board of Education will initiate an impartial hearing.

Initial Provision of a Twelve (12) Month Program or Service – The procedures detailed above apply.

Reevaluation – Parental consent will be requested prior to conducting a reevaluation of the student with a disability; however, the district may proceed with the reevaluation if the parent/guardian does not respond and reasonable measures have been taken to obtain such consent.

Reasonable measures are interpreted as:

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

Requests for Records/Other Communications with Non-District Personnel

Parent consent is requested for the following:

- release of CSE records to another agency/individual;
- request for copies of reports/evaluations from another agency/individual;
- request for verbal communications with another agency/individual;
- see section on **Special Education Records: Access and Accessibility** for further information in this regard.

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

evaluation, consent is required of parents of all students. Parental consent is not required for a functional behavioral assessment.

INDEPENDENT EVALUATIONS

At the time of CSE initial or reevaluation, the Office of Special Services will inform parents regarding their right to an independent evaluation by providing them with a copy of the Due Process Notice. When they disagree with the evaluation conducted by the CSE, parents may request an independent evaluation at district expense. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained will be provided upon request. The school district has a right to initiate an impartial hearing to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent does not meet school district criteria. If a hearing officer determines that the district's evaluation was appropriate or the evaluation obtained by the parent did not meet school district criteria, the parent is not entitled to reimbursement at district expense. Any independent evaluation whether paid for by the parent or by the school district, will be reviewed by the CSE and taken into consideration in its final placement determination.

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

- the parent must request a copy of the board policy prior to seeking an evaluation and reimbursement;
- the qualifications of the evaluator and the location of the evaluation shall be the same as the criteria, which the district uses when it initiates an evaluation. This includes, but is not limited to the following:
- psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
- other evaluators should be appropriately certified in the area of their specialty by the State Education Department; and
- the evaluation will take place within the boundaries of the metropolitan area (e.g. Nassau, Suffolk, Queens or Manhattan).
- The tests performed must be norm referenced for individual evaluation appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests;
- The cost of an independent evaluation requested by a hearing officer shall be at district expense;

- Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances costs will be deemed reasonable and allowable in accordance with the following fee schedule (based upon 2007-2008 Eastern Suffolk BOCES Educational Services Rates):

Psychological Evaluation	\$ 625.00
Neuropsychological Evaluation	\$ 200.00/hr (10hr. maximum)
Educational Evaluation	\$ 475.00
Speech/Language Evaluation	\$ 500.00
OT Evaluation	\$ 500.00
PT Evaluation	\$ 500.00
Psychiatric Evaluation	\$ 825.00
Audiological Evaluation	\$ 500.00
Assistive Technology Evaluation	\$2000.00

SURROGATE PARENTS

“*Surrogate Parent*” means a person appointed to act in place of parents or guardians when a student’s parents or guardians are not known, or when after reasonable efforts, the Board of Education cannot discover the whereabouts of a parent or, the student is a ward of the State. The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. The list is approved at the annual reorganization meeting of the Board.

Qualifications:

Persons selected as surrogate parents cannot be officers, employees or agents of the school district or NYS 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
3. 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 Committee on Special Education;
2. The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the student’s place of residence and to the parents or guardians at their last known address;

3. The Committee on Special Education shall determine whether the parents or guardians are unknown or unavailable, or whether the student is a ward of the State. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education 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.

The surrogate parents appointed by the Board of Education (07/2/2007) are:

Mrs. Nancy Collins
56 Freya Road
Rocky Point, NY 11778

SPECIAL EDUCATION MEDIATION

Special Education mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator. By asking questions and discussing all information with both parties the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive. ***Mediation can only be initiated upon a written request of a parent or guardian.*** Mediation is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial and have been trained in effective mediation techniques. A mediator may not have a personal or professional interest, which would conflict with his or her objectivity in the mediation process and may not be an employee of a school district or program serving students with disabilities. Mediation will be scheduled in a timely manner and held in a location convenient to the parties. ***Mediation occurs at no cost to either the parents or the school district.***

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

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. At the end of the mediation session, whatever the parents and the school district representative agree should be done is written down. Agreement may be reached on any or all of the concerns or issues, which were discussed during the mediation session. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. Discussions during the mediation session are confidential and may not be used as evidence in any subsequent hearings or proceedings.

Special education mediation will be conducted by the Community Mediation Center in Smithtown (631-265-0490). This center is staffed by a number of highly qualified mediators who are not employed by the school district and who are not selected to be mediators by the school district.

APPOINTMENT OF IMPARTIAL HEARING OFFICERS

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

A certified impartial hearing officer shall:

- Beginning September 1, 2001, be a New York State attorney in good standing with a minimum of two years' practice and/or experience in the areas of education, special education, disability rights or civil rights; or be independent and not an officer, employee or agent of the school district or of the board of cooperative educational services (BOCES) of which the school district is a component or an employee of the NYS Education Department;
- Continue to remain qualified as an IHO if the individual was certified as an IHO prior to September, 2001.
- Not have been employed by a school district, school or program serving students with disabilities placed there by a school district CSE or an officer, employee or agent of a school district for two years following the termination of such employment;
- Have access to the support and equipment necessary to perform the duties of an IHO; and
- Successfully complete a NYS Education Department training program.

Procedures

1. The selection of an impartial hearing officer must be made from a list of all hearing officers who are certified, pursuant to the Regulations of the Commissioner 200.1 (X) and available to serve in the school district.
2. The list must be established and maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.
3. Selection must be made on a rotational basis, beginning with the first name after the hearing officer who last served. If no hearing officer on the list has served, selection must be made beginning with the first name on the list.

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

For further information concerning the impartial hearing process refer to the “NOTICE OF DUE PROCESS RIGHTS”.

GUARDIAN AD LITEM

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

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

SECTION 6

**RECORDS ACCESS
AND CONFIDENTIALITY**

SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY

Notice of Rights Concerning Student Records

Following is an explanation of the rights of parents/guardians concerning school records relating to their student pursuant to the Federal “Family Educational Rights and Privacy Act of 1974”:

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data directly related to their student, including all material that is incorporated into each student’s cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a student’s (their own) school records, in writing, to the Elementary principal of the building to which such student is assigned or the guidance Counselor in the Secondary School. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Assistant Superintendent of Schools.
- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The District shall maintain directory information regarding its students. Directory information consists of personal information about individual students and includes the student’s name, address, telephone listing, date

and place of birth, major field of study, dates of attendance, degrees and awards received and previous educational institutions attended. Directory information shall be disclosed for limited purposes and to a limited number of district-related groups, committees, associations and organizations such as PTA and SEPTA.

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

Student Records Regulations

Definitions

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

Student: any person who has received educational services or instruction within the District. This includes students who receive preschool services from the Rocky Point Public Schools.

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

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

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

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

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

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

INSPECTION OF SCHOOL DISTRICT RECORDS

1. Parent(s), guardians(s) and eligible students may inspect and review the student's official records, files and data directly related to the student upon compliance with the following conditions:
 - The parent or eligible student should submit to the student's school principal in the elementary schools or guidance counselor in the secondary schools a written request to see the student's file. If a student's records are maintained in several locations, the school principal will, upon request, collect the records, as described below. Such review will be scheduled promptly after receipt of the written request for access and in no case take place more than forty-five (45) days from the date of that receipt.
 - Records in the custody of the Department of Special Education may be obtained upon request to the Director of Special Education. Appointments for review of special education records will be made upon a minimum of three days' notice at the mutual convenience of staff, parent or eligible student.
 - Upon request, record review will be arranged prior to any Committee on Special Education or Committee on Preschool Special Education meeting or any discussion regarding an Individualized Education Program.
2. Within five (5) school days of receipt of a written request for a record, the principal or guidance counselor shall make such record available, deny such request in writing, or furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the principal or guidance counselor acknowledges receipt of the request, failure to respond may be construed as a denial of access that may be appealed.
3. Any person denied access to a record, within thirty (30) days from receipt of notice of such denial, might appeal the denial in writing, to the Superintendent of Schools or a designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.
4. Appropriate school district personnel will be present during record inspection to interpret and explain records during the school year. Records may be inspected between 9:00 a.m. and 3:00 p.m. Parents may be accompanied by any person in reviewing records or may have an appropriately authorized representative inspect and review only the information relating to their child.

Release of Student Records to Third Parties

1. **Release with Consent** – Except under certain limited circumstances set forth in this policy and permitted by the Family Educational Rights and Privacy Act, education records will be released to third parties only with the prior written consent of the parent or eligible student.
2. **Release without Consent** – Records may be released without consent only under the following circumstances:
 - a. “Directory Information” may be disclosed, where appropriate without consent.
 - b. Educational records concerning a particular student may be released only to staff members who have responsibility for the student, and then only if it is educationally necessary to consult the records.
 - c. Records in the custody of the Department of Special Services may be released to school officials and members of the Committee on Special Education or Committee on Preschool Special Education only for purposes of the identification of a student’s disability and development of an individualized education program.

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

- If the principal of the school maintaining the record has received written notification of the student’s intent or attempt to enroll there, or
- If the Committee on Special Education has recommended placement in such school.

Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Director of Special 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. Transcripts will not identify courses as “special education” courses without the written consent of parent or eligible students.

- d. Records may be released without consent to Federal and State officials in connection with evaluation of federally supported education programs or enforcement of federal requirements. Persons reviewing records under this provision must sign a written form, to be kept in the student's folder, indicating their interest in the records.
- e. With the approval of the Superintendent of Schools, records may be released without consent to organizations, public and private, conducting studies for or on behalf of educational agencies for institutions. The district shall require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.
- f. Records may be released without consent to accrediting organizations to carry out their accrediting functions.
- g. Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be "lawfully issued" when it is issued by a court, or when counsel to the school has reviewed it and found it to be "lawfully issued". Before making such a disclosure the district must send written notice to the parent or eligible student.
- h. Records may be released without consent in health or safety emergencies, if such disclosure is deemed by the official making the disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons and if the information is necessary to meet the emergency. Such records will be released without written consent only in the event that the person, to whom the information is disclosed, is qualified to deal with the emergency and time is an important factor in dealing with the emergency.

Records of Request for Access to Education Records

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

- The name of the person or agency that made the request, the interest the person or agency had in the information, the date of the request,
- Whether the request was granted and if so, the date access was permitted,
- Such record will be maintained as long as the student's education record is maintained.

Procedure for Maintaining Confidentiality of CSE/CPSE Records

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

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

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

Procedures to Seek to Correct Education Records

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

1. The parent or student shall notify the principal or Director of Special Services of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the Assistant Superintendent of Schools will hold an informal conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the Assistant Superintendent finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.
2. The Assistant Superintendent of Schools will also advise the student or parent of the right to place in the education record a statement on the challenged information and/or setting forth any reason for disagreeing with this decision. An explanation placed in an education record under this paragraph shall be maintained by the district as part of the education record as long as the record is maintained by the district. It will be

released by the district with the education record whenever such release is authorized by the provisions of this policy.

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

Hearing Process

1. A hearing pursuant to paragraph 1 will be held upon request and the parents will receive timely notice of the place, date and time. The hearing officer may be the Superintendent of Schools or a designated school official having no interest in the hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence.
2. After taking evidence, the hearing officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the hearing officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the principal or Director of Special Services to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commencing on the challenged information as described in paragraph 2, above.
3. A parent who disagrees with the findings of the hearing officer may request review by the Board of Education and in the case of special education records, by the Office for Special Education Services. Thereafter, special education records or entries in the cumulative record may be reviewed, at the Federal level by the Family Policy and Regulation Office, U.S. Department of Education, Room 1087 FB 6400 Maryland Avenue, S.W., Washington, D. C. 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office finds the District to be out of compliance with applicable law and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U. S. Department of Education for a formal resolution of the conflict before an administrative law judge.

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.

Effective February 1, 1989, all school personnel are required by law to protect the privacy of students or other people (i.e. family members) identified in student records as having AIDS or having tested positive for exposure to the virus.

Each release of such information requires the express written consent of the parent, or the student, if over the age of 18. A separate consent is required for each disclosure. Consent for release of information, which allows a school to receive such information, does **not** authorize disclosure by school personnel.

When the district has received confidential HIV related information regarding a student, the Superintendent shall request a meeting with the student's parent or legal guardian for the purpose of discussing the student's condition, concerns and, should the need arrive, educational alternatives. Such alternatives may include homebound instruction during the periods of short-term illness, as well as provisions of educationally related support services. If a parent or guardian concurs in writing to the provision of educational alternatives, no referral to the CSE will be made. However, where the parent or guardian does not concur, and where a student is suspected of having a disability, the Superintendent shall request the parent or guardian to give informed written consent for disclosure of confidential HIV information to the CSE. If such consent is refused, the Superintendent may request that the Board of Education seek a court order to such disclosure.

In making its determination, the CSE shall consider the following factors:

1. the physical condition of the student and any behavior which might increase the risk of transmission of the HIV virus; and
2. the expected type of interaction with others in the school setting.

SECTION 7

DISCIPLINE

SCHOOL CONDUCT AND DISCIPLINE

In accordance with Subpart 200.1 of the Regulations of the Commissioner of Education, the Rocky Point Union Free School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the district.

Students with disabilities who are mainstreamed in the schools of the district are generally expected to meet mainstream 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 Committee on Special Education to determine whether the inappropriate conduct is related to the disability and whether a change in services or placement is appropriate. When the conduct is related to the disability, students with disabilities will be treated in accordance with their individual educational needs.

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

1. For more than ten (10) consecutive school days; or
2. For a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

1. To an appropriate interim alternative educational setting, or suspension, for not more than ten (10) consecutive school days; and
2. To an appropriate interim alternative education setting (AES) for not more than 45 days if the child brings a weapon or knowingly possesses/uses, sells or solicits illegal drugs while at school or a school function.

The Superintendent of Schools may order a change in a placement of a student with a disability to an AES directly or upon recommendation of a hearing officer

even when the CSE determines that the student's behavior is a manifestation of the student's disability. The setting shall be determined by the CSE.

Either before or not later than ten (10) business days after taking the disciplinary action described above:

1. The CSE will meet to develop an assessment plan to address that behavior; or
2. If the student already has a behavioral intervention plan, the CSE will review the plan and modify it, as necessary, to address the behavior.

SUPERINTENDENT'S HEARINGS ON DISCIPLINARY CHARGES AGAINST STUDENTS WITH DISABILITIES

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

1. The Superintendent of Schools or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty, the superintendent of Schools or hearing officer shall determine whether a suspension or removal in excess of 10 consecutive school days in a school year or a disciplinary change in placement should be considered. If such a suspension or removal is considered, before the superintendent orders or the hearing officer recommends any such removal, the superintendent's hearing shall be adjourned until a manifestation determination is made by the Committee on Special Education, except in cases where IAES has been ordered. If the superintendent or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
2. Upon a determination by the CSE that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the CSE determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer shall dismiss the superintendent's hearing, except in cases when IAES has been ordered.
3. For the penalty phase, the school district will transmit copies of the special education and disciplinary records to the superintendent or hearing officer for consider.

Manifestation Determination Review – If any of the disciplinary actions above are contemplated or if a disciplinary action involving a change in placement for more than 10 school days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the district that applies to all children: (1) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and (2) immediately, if possible, but in no case later than 10 school days after the date on which the decision to suspend or change placement, a meeting of the CSE and other qualified personnel will be scheduled to determine the relationship between the student’s disability and the behavior subject to the disciplinary action.

In carrying out the review, the CSE may determine that the behavior of the student was not a manifestation of such student’s disability only if the CSE first considers, in terms of the behavior subject to disciplinary action, all relevant information, including: evaluation and diagnostic results, including such results and other relevant information supplied by the parents of the student; observations of the student; and the child’s IEP and placement; and then determines that: in relationship to the behavior subject to disciplinary action, the student’s IEP and placement were appropriate and the special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the student’s IEP and placement; the student’s disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and the student’s disability did not impair the ability of the student to control the behavior subject to disciplinary action.

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

In addition, if a special education student repeatedly violates school rules, any member of the professional staff of a school may ask the CSE to review the student’s placement. The parent is invited to the meeting. The Committee, after re-evaluation or review of records, may determine that the student requires a different program, within or outside the district. The CSE may develop a behavioral intervention plan at that time or review the existing plan and its implementation to determine if modifications are necessary. The parent has the right to seek an independent evaluation or to appeal. The student’s class setting will not be changed during the course of the review or appeal procedures.

Determination of Setting – An interim educational setting in which a student is placed by either school personnel or a hearing officer shall: (1) be selected to enable the student to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the IEP, that will enable the student to meet the IEP goals; and (2) include services and modifications designed to address the behavior described above so that it does not recur.

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

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

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

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

If the student is placed in an interim alternative educational setting and school personnel propose to change the student's placement after the expiration of the interim alternative educational placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), except where the student is again placed in an IAES by an Impartial Hearing Officer in an expedited hearing described below.

Authority of an Impartial Hearing Officer – An impartial hearing officer may order a change in placement of a student with a disability to an appropriate interim alternative educational setting, in a dangerous situation, for not more than 45 days if the impartial hearing officer:

1. Determines that the district has demonstrated substantial evidence that maintaining the current placement is likely to result in injury to the student or to others;
2. Considers the appropriateness of the student's current placement;
3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
4. Determines that the interim alternative educational setting meets the requirements.

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 completed within fifteen (15) business days of receipt of the request for a hearing, provided that the impartial hearing officer may grant specific extensions of times at the request of either the school district or the parent. The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, Board of Education and VESID within 5 business days after the last hearing date, but in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extension. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards indicated in "Authority of a Hearing Officer".

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

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

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

- The parent of the student has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the district that the student is in need of special education or related services.
- The behavior or performance of the student demonstrates the need for such services;
- The parent of the student has requested an evaluation of the student; or
- The teacher of the student or other personnel of the district, has expressed concern about behavior or performance of the student to the CSE or other personnel of the district.

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

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

SECTION 8

ACCESSIBILITY

ACCESS TO ACADEMIC AND DISCIPLINARY CONFERENCES

It is the policy of the school to assure access for parents of students with disabilities to school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to hearing-impaired parents who require such assistance. Parents requiring this or another accommodation (i.e.; translators, barrier-free site) to participate in meetings of the Committee on Special Education 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 and career education 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 Rocky Point Union Free School District to boys and girls on an equal basis without discrimination on the basis of sex.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The district official responsible for the coordination of activities relating to non-Discrimination is the Assistant Superintendent of Schools. 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

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

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

Screenings Are Conducted As follows:

- Kindergarten Screening – all pre-kindergarten students are screened in the spring prior to scheduled entrance into kindergarten.

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.

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

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

BEGINNING WITH THE 2007-2008 SCHOOL YEAR, AS PER FEDERAL AND STATE LAW (IDEA 2004 & NYSED COMMISSIONER'S REGULATIONS):

If a parent has placed their child in a nonpublic school and, while the child is enrolled in that school, suspects that the student has a disability, the parent must contact the school district where the nonpublic school is located to request an evaluation to determine eligibility for special education services.

Written consent must be provided by the parent to the Rocky Point School District before any personally identifiable information can be shared with the either the nonpublic school or district of location.

If a student with a disability is placed by his parents in a nonpublic school and the parents wish the student to receive special education services, a request for those services must be made in writing to the district of location no later than June 1 before the school year in which services are to be provided.

Rocky Point School District will continue to provide all special education services to students enrolled in nonpublic schools located within the geographic boundaries of Rocky Point.

All student with disabilities attending nonpublic schools located within the geographic boundaries of other school districts will be the responsibility of the public school district in which the nonpublic school is located. The district of location will arrange for and provide the recommended services for students with disabilities. The personnel assignments and locations for the delivery of those services will be determined by that school district. Federal and State law require this.

Transportation requests to the nonpublic school should continue to be submitted to the Rocky Point School District by April 1st of the school year before transportation is to be provided.

Reimbursement for Unilateral Placement in a Private School

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

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

The cost of reimbursement may be reduced or denied:

- If, at the most recent IEP meeting that the parents attended prior to the removal of the student from the public school, the parents did not
- Inform the Committee that they were rejecting the placement proposed by the district to provide a free and appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or
- 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school the parents did not give written notice to the school district of the information described in the preceding paragraph.
- If, prior to parental removal of the student from the public school, the school district informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or
- Upon a judicial finding of unreasonableness with respect to actions taken by the parent.

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

- The parent is illiterate and cannot write in English;
- Compliance would likely result in physical or serious emotional harm to the student;
- The school prevented the parent from providing such notice; or
- The parents did not receive notice, pursuant to section 615, of their obligation to provide the written notice described above.

CENSUS PROCEDURES

The Rocky Point Union Free School District conducted a demographic study of all students who reside in the district. The Bishop demographic study serves to identify students who reside within the district boundaries, who may be eligible to attend school. The study does not target students who may have disabilities. Therefore, the district will ensure that students with disabilities are located through the following procedures:

- A statement will be included in the first district newsletter in September sent to all families who reside within the district, asking if any student is known who might require special education services. This statement will be as follows:

“The Rocky Point Union Free School District is attempting to locate any students between the ages of 3-21 who may reside within the district boundaries who may require special education services. A student may have a physical, mental, emotional, medical or developmental disability, which would require special education programs or services.

If you have any knowledge of a student who may meet these criteria, please contact Mrs. Eileen Manitta, Director of Special Education Services - (631) 744-1600 x 2722.

- If a student is identified who might require special education services, the parents or guardians will be directed to contact the Special Education Department of the Rocky Point Schools;
- All new entrants will be asked, through registration procedures, if a student has been receiving special education services in a previous district or if a preschool youngster, through Early Intervention Services. If services have been received, the building will refer the student to the Special Education Department immediately.
- All private schools and preschools located within the Rocky Point School District will be sent a letter, describing the referral process for any student suspected of having a disability.

A register of all students identified as disabled will be maintained in the Special Education Office.

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 Rocky Point 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 twelve (12) or fifteen (15) students permitted by education law, a variance from the NYS Education Department will be obtained or a new class will be formed.

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services (BOCES). 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 self-contained classes not available in their home schools. The District will also continue to meet with Suffolk BOCES to work toward NYS 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

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, etc., formative data will be gathered relative to the success of the delineated Board of Education objectives on Page 2. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications for programs, services and procedures.

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

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

- Ongoing evaluation of student achievement using various standardized diagnostic tests and other teacher made assessments;
- Annual reviews of students' progress and programs, resulting in revised comprehensive IEP's
- Qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summary;
- Triennial reevaluations of each student with a disability as outlined in NYCRR 200.4(f)(4); and
- Biennial review of the District Plan

PROCEDURES REGARDING ADDITIONAL BOOKS FOR SPECIAL EDUCATION STUDENTS

There are specific classified students who may require a second set of textbooks for home use. In discussions with school psychologists, guidance counselors and special education teachers, the following criteria will be followed when recommending that a student receive a second set of textbooks:

1. The notation for extra books must be specified on the student's IEP as recommended by the Committee on Special Education. The need for the extra books will be decided on an individual basis.
2. Specific difficulties that require a student to have an extra set of books may include disorganization resulting from a documented disability such as Other Health Impaired or Learning Disability, which may include Attention Deficit Disorder.
3. Specific medical reasons (e.g. broken arm or other documented health reasons) may necessitate an extra set of books for a specified period of time.

SECTION 10

DISTRICT PROGRAMS

SPECIAL EDUCATION FUNDING

Special education programs and related services provided by the Rocky Point Union Free School District are available at no cost to the children or their parents. The public funds come from at least three major sources:

- Local school district property tax revenues;
- State general and excess cost aid to local school districts;
- Federal aid to the states, which is available through a variety of federal grant programs.

The local funds for special education services are part of the annual district budget, which is approved by the Board of Education.

AVAILABILITY OF COPIES OF THIS POLICY

THE DISTRICT SPECIAL EDUCATION PLAN IS ON FILE IN THE OFFICE OF THE SUPERINTENDENT OF SCHOOLS, SPECIAL SERVICES DEPARTMENT, ALL ROCKY POINT PUBLIC SCHOOL BUILDINGS, AND THE NORTH SHORE 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.