

PROGRAMS FOR STUDENTS WITH DISABILITIES

The Board of Education, in accordance with Federal and State law and regulations, shall make available to all students with disabilities, a free, appropriate public education in the least restrictive environment.

The Board shall appoint a Committee on Special Education (CSE) and, as appropriate, CSE sub-committees to assure the identification and placement of eligible students with disabilities. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of Federal and State Law and Regulations. As part of the periodic re-evaluation of a student with disabilities, the CSE will determine if the child continues to have a disability, and/or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in Federal and State Law and Regulations.

Parents of students with disabilities and their children will be provided with procedural safeguards. The District will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations.

To ensure the appropriate delivery of services to students with disabilities in the District, the Superintendent shall ensure that:

1. All children with disabilities residing in the District, including those attending private school are identified, located and evaluated.
2. School-wide approaches and pre-referral interventions including, but not limited to, RtI, academic intervention services in order to remediate a student's performance prior to referral for Special Education services.
3. The CSE is informed of the process prescribed by law and regulations for the appropriate classification and declassification of students with disabilities.
4. Each student with a disability receives a comprehensive, non-biased evaluation to determine his/her appropriate educational needs.
5. An Individualized Education Program (IEP) is developed for each student with a disability.

6. Students with disabilities and their parent/guardian receive prior written notice whenever the District proposes or refuses to initiate or change the identification, evaluation or educational placement of a student.
7. The District shall provide training as needed for teachers and support staff to help address identified needs of special education students.
8. The District shall annually appoint surrogate parents for students with disabilities whose parents cannot be located or identified, for students who are determined to be an unaccompanied homeless child, or a student who is a ward of the state and parental rights have been terminated.
9. The District shall report to the State Education Department the number of children with disabilities that are being served.

Each student with a disability shall have equal opportunity to participate in the full range of programs and services of this District, including extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.

Reference: Education Law §§ 1709(1)-(2); 1711(2)(b); 3602(19); 4401 et seq.
20 U.S.C. § 1400 et seq.
34 CFR §§ 300.12; 300.503.
8 NYCRR Part 200

Revised: November 6, 2018; March 20, 2007; August 21, 2001

PROGRAMS FOR STUDENTS WITH DISABILITIES REGULATION

The District is committed to providing special education services and programs to meet the unique needs of students with disabilities. The District has therefore developed this regulation to comply with the directives of the Individuals with Disabilities Education Act (IDEA) and New York State Education Law and Regulations.

Committee on Special Education

The Board of Education shall appoint a Committee on Special Education (CSE) composed of:

1. parent(s) or person(s) in parental relationship to the student;
2. one regular education teacher of the student;
3. one Special Education teacher, or one Special Education provider of the student;
4. school psychologist;
5. representative of the District who is qualified to provide or supervise Special Education and who is knowledgeable about the general education curriculum and the availability of District resources;
6. an individual who can interpret the instructional implications of evaluation results;
7. school physician, if requested in writing by the parent 72 hours prior to the meeting;
8. additional parent member of a student with a disability residing in the District or neighboring school district, if requested in writing at least 72 hours prior to the meeting;
9. other persons with knowledge or special expertise regarding the student as the District or parent(s) shall designate; and
10. the student, if appropriate.

Sub-Committee of the Committee on Special Education

The membership of the Sub-Committee of the CSE shall be composed of:

1. the parent(s) or person(s) in parental relationship to the student;
2. one regular education teacher of the student;
3. one Special Education teacher, or one Special Education provider of the student;
4. representative of the District who is qualified to provide, administer or supervise Special Education and who is knowledgeable about the general education curriculum and the availability of District resources;
5. school psychologist, when a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered;
6. an individual who can interpret the instructional implications of evaluation results;
7. other persons having knowledge or special expertise regarding the student, as the Committee or the parent(s) shall designate; and
8. the student, if appropriate.

Identifying Children With Disabilities

The District shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the District and establish a register of such children who are entitled to attend the District. The register shall be maintained in accordance with the Commissioner's Regulations and revised annually by the CSE.

A student suspected of having a disability shall be referred, in writing, to the CSE Chairperson or Building Principal. A referral may be made by a student's parent, professional staff member of the school the student attends, physician, judge or a public agency with the responsibility for the welfare, health or education of children or a child over the age of 18.

Evaluation

Upon receipt of written notification that a student is suspected of having a disability, the CSE Chairperson shall notify the child's parent/guardian that a referral has been made and request consent for the individual evaluation.

The CSE shall ensure that an individual evaluation of the student is conducted at no cost to the parent/guardian, and must be completed within sixty (60) days of receiving parental consent for the evaluation.

The evaluation shall include at least: a physical examination, a social history, a classroom observation, a psychological evaluation unless determined unnecessary by the school psychologist, and other appropriate assessments, i.e. functional behavioral assessment, or evaluations, as necessary, to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the CSE which shall include a detailed statement of the child's individualized educational needs and, if the child is determined to have a disability. The parent/guardian shall be provided the results of the evaluation and be notified of his/her right to request an informal conference to ask questions regarding the evaluation.

A student determined ineligible for special education must be referred to the Building Principal for a determination of general education support services for the student.

Re-Evaluation

Once a student has been determined eligible to receive a free appropriate public education, the District will re-evaluate the student with a disability whenever the student's parent requests a re-evaluation, and when the District determines the educational and related services (including improved academic achievement and functional performance) of the child warrant a re-evaluation. However, a re-evaluation must take place at least once every three years, unless the student's parent and the District agree it is unnecessary.

Individualized Education Program

Following the individual evaluation, if the CSE determines the student has a disability, the Committee shall develop an Individualized Education Program (IEP) for the student. The IEP is a written plan to meet the unique educational needs of each student with a disability. The IEP shall contain those components in accordance with the Regulations of the Commissioner of Education. The IEP shall accurately reflect the results of evaluations to identify the student's needs, establish annual goals related to those needs, and provide for the use of appropriate special education services.

Parental Consent for the Provision of Services

The District acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, District staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The District will be precluded by regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

Annual Review

The IEP of each student shall be reviewed at least annually to determine if the goals of the student are being achieved. Documents considered at the annual review by the CSE shall consist of a student's IEP and any other relevant and current information pertaining to the student's performance.

Due Process Procedures**1. Prior Written Notice**

Prior written notice must be given to the parent of a student with a disability within a reasonable time before the District proposes to or refuses to initiate or change the identification, evaluation, educational placement of the student, or the provision of a free appropriate public education to the student. The prior written notice must be provided in the native language of the parent or other mode of communication used by the parent, and contain those items in accordance with the Regulations of the Commissioner of Education. The parent of a student with a disability may elect to receive prior written notice by e-mail communication if the District makes this option available.

2. Consent

The written consent of a parent is required:

- a. Prior to conducting an initial evaluation or re-evaluation.
- b. Prior to the initiation of special education to a student who has not previously been identified as having a disability.
- c. Prior to initiation of special education services in a 12-month program.

- d. Prior to releasing any personally identifiable information.
- e. Prior to each time the District proposes to access a parent's private insurance proceeds.

3. Notice of Meetings

When the CSE desires to conduct a meeting, the parent must receive notification in writing at least five (5) operational days prior to the meeting and in accordance with the Regulations of the Commissioner of Education. The meeting notice may be provided to the parent less than five (5) operational days prior to the meeting where the parent and the District agree to a meeting that will occur within five (5) operational days. The parent may choose to receive the notice of meetings via e-mail if the District makes such option available.

The District may conduct a CSE meeting and make a decision without a parent in attendance if the District is unable to convince the parents that they should participate in the decision.

4. Inspection and Review of Education Records

The parent of a student with a disability shall be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of their child in accordance with the Family Education Rights Privacy Act (FERPA).

5. Procedural Safeguards Notice

The District uses the procedural safeguards notice as prescribed by the Commissioner of Education. The procedural safeguards notice shall be in the native language of the parent or other mode of communication used by the parent. A parent of a student with a disability may elect to receive the procedural safeguards notice by e-mail if the District makes such option available.

6. Mediation

The District encourages parents and the CSE to resolve disputes through a mediation process prior to the filing of a request for an impartial hearing. Mediation is voluntary on the part of all parties. A mediation session shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques, and who is knowledgeable in laws and regulations relating to the provision of special education services.

7. Due Process Complaint

A parent or the District may initiate an impartial hearing with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to a student.

8. Impartial Due Process Hearings

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent knew or should have known about the alleged action that forms the basis of the complaint.

Prior to the impartial due process hearing, the District shall, within fifteen (15) operational days of receiving the due process complaint notice from the parent, convene a meeting/ resolution session with the parents and the relevant member or members of the CSE, where the parents of the student discuss their complaint and the facts that form the basis of the complaint. The parent and the school district may agree, in writing, to waive the resolution session.

The decision of the impartial hearing officer shall be binding upon both parties unless appealed to the New York State Education Department Review Officer.

9. Student's Status During Proceedings

During the pendency of any proceedings the student shall remain in the then current placement of such student, unless the District and parents otherwise agree.

Eligibility

A student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns age 21, or until receipt of a High School diploma or other certificate. The District shall not conduct a re-evaluation of a student before the termination of a student's eligibility for special education services due to graduation or the student attaining the age of 21. The District shall provide each student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post-secondary goals.

Issued: July 1, 1997

Revised: November 6, 2018; March 20, 2007