

Menands Union Free School District
Special Education District Plan
2024-2026

STATEMENT OF ASSURANCES

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

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

GENERAL BOARD OF EDUCATION POLICIES

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

- To ensure that students with disabilities have the opportunity to participate in school district programs, including nonacademic and extracurricular programs and activities. (7620; 7220)
- To ensure that each preschool student with a disability residing in the district has the opportunity to participate in preschool programs, including timely evaluation and placement. (7650; 7614)
- To appoint and train qualified personnel, including the members and chairpersons of the committee on special education and the committee on preschool special education. (7631, 7632)
- 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. (7615)
- To ensure that parents have received and understand the request for consent for evaluation of a preschool student (7660).
- To ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the regulations. (6110)
- To implement school-wide approaches, which may include a response to intervention process, and pre-referral interventions in order to remediate a student's performance prior to referral to special education (7616)
- To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities (7617).
- To ensure the selection and board appointment of an impartial hearing officer consistent with regulations (7670).
- To ensure that all instructional materials to be used in the schools in the district are available in a usable alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students. (8310)
- To ensure that personnel responsible for implementing or assisting in the implementation of a student's IEP receive or are provided access to a copy of the IEP for review prior to its

implementation, and are informed of their responsibility to implement the recommendations of the IEP. (7612)

- To ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services. (6211; 6212)
- To ensure the establishment of guidelines for the provision of appropriate accommodations necessary to ensure the academic achievement and functional performance of the student in the administration of district-wide assessments (7640).
- To ensure that universal design principles be used, to the extent feasible in developing and administering any district-wide assessment programs. (7220; 7222; 7210)
- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities. (7614)
- To ensure behavioral modifications and supports are provided in accordance with state and federal guidelines. (7618)
- To ensure that students who reside in the district have received the protection of all other applicable State and Federal laws and regulations (7670).

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, tiered levels of support delivered through a Response to Intervention (RTI) model, related services (e.g., speech, counseling) and English as a New Language 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 Commissioner's Regulations Part 154 performance standards. 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 the local state designated performance levels on any one of the state examinations, including regents exams. All school-wide approaches to provide remediation activities for students who are at risk of not meeting state standards 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 support, student or volunteer tutorial assistance, counseling support, and computer assisted programs. In accordance with NYS regulations 100.2, the school district must follow the RTI process when evaluating whether or not a student in grades K-4 has a learning disability in the area of reading. Each student's teacher or Academic Intervention Service Teacher (AIS) shall notify the student's parents whenever a student enters the RTI process and/or Academic

Intervention Services (AIS) are provided and the reasons these services are necessary. The parent will also be notified about the duration of AIS and/or the ending of these services. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the Committee on Special Education (CSE).

The 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, 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 are no written agreements reached at this meeting, the required timelines of the CSE will be maintained.

These 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 benefit from general education services.

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 Achievement, Functional Performance and Learning Characteristics – The levels of knowledge and development in subject and skill areas, including activities of daily living, level

of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information and learning style.

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

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 written annual measurable goals.

In keeping with this policy, the CSE will consider general education and integrated services at each initial, program or annual review for the student as well as the appropriate support or related services needed for the student to make academic 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 by providing opportunities for specialized instruction in and out of the regular classroom. Appropriate academic intervention services shall also be considered for students with disabilities on an equitable basis as non-disabled peers 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 is no longer working towards the attainment of a high school diploma.

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 an 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.

LEAST RESTRICTIVE ENVIRONMENT

The District provides a continuum of services, ranging from placement in general education classes with support and related services to placement in residential settings. The district is committed to the policy of placing students in the least restrictive environment consistent with their needs. ***Least Restrictive Environment (LRE)*** means that the placement of students with disabilities in special classes, separate schools or other removal from the regular 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.

PROCEDURES TO IMPLEMENT LRE REQUIREMENTS

- The student will receive a comprehensive, unbiased, individual evaluation in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of appropriate 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 has been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that not less than 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 education 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 benchmarks or short-term objectives only for preschool students and students eligible for New York State Alternate Assessment (NYSAA), 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 CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning characteristics, social development, physical development and management needs.
- The CSE/CPSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

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

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

MEMBERSHIP

At its yearly organization meeting, the Board of Education shall appoint a Chairperson for the Committee on Preschool Special Education (CPSE) who oversees the CPSE, comprised of at least the following mandated members:

- 1 the parents of the preschool child;
- 2 not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;

- 3 not less than one special education teacher or not less than one special education provider of the student;
- 4 the CPSE chairperson who is a representative of the district qualified to provide, or supervise the provision of specially-designed instruction to meet the unique needs of students with disabilities who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- 5 an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- 6 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;
- 7 for a student in transition from early intervention programs and services, at the request of the parent, an appropriate professional from the Department of Health's Early Intervention Program;
- 8 The parent may request in writing at least three days prior to the CPSE meeting, to include a parent member (parent of a student with a disability residing in the district or neighboring district).

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION 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 designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend;
- The commissioner or designee of a public agency with responsibility for the education of the student; and/or

- A designee of an education program affiliated with a child care institution with Committee on Special Education responsibility pursuant to section 4002(3) of the Education Law.

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 proved, the Committee shall implement the district's practices for ensuring that the parents have received and understood the request for consent.

EVALUATION AND RECOMMENDATION

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 evaluation, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- An observation of the student in the student's learning environment including the general education setting, or, in the case of a student of less than school age or out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty.
- A social history;
- Other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors that contribute 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 assessment. 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. This notice will inform the parents of the purpose, date, time and location of the meeting and the name and title of those persons who will be in attendance at 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 refused 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.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within sixty (60) school days of the date of the receipt of consent. If the Committee determines the student is ineligible for special education, written notification will be provided to the parent indicating the reasons for the finding. If the committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which 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.

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION ELIGIBILITY
DETERMINATIONS

Preschool children may be identified as having a disability if they exhibit significant delays in one or more functional areas related to cognition, language and communication, adaptive skills, social emotional development, and sensory or motor development that adversely affects a child's ability to learn. The CPSE considers all evaluations and compares the child's performance to accepted milestones for child development. The criteria for eligibility are:

- A 12 month delay in one or more functional areas; or
- A 33% delay in one functional area, or a 25% delay in each of two functional areas; or
- If appropriate standardized tests are individually administered, a score of two standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in two functional areas; or
- Meet the criteria for a disability as described in the terms for school aged students.

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 (special class integrated)
- e. self-contained program

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-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, medical services as defined by regulation, orientation and mobility services, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, and other appropriate developmental or corrective support services and other appropriate support services and includes the early identification and assessment of disabling conditions of students. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device.

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

- 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

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

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 or more supplementary school personnel assigned to each class. If the CPSE recommends a preschool student to an approved program which has no space available in the specific special class which will meet the student's unique needs as recommended on the IEP, the approved program may temporarily increase the enrollment of a class up to a maximum of 13 preschool students for the remainder of the school year. If the attendance during the instructional time exceeds 12 students, another staff member shall be assigned to the class.
- Services provided not less than 2 ½ hours per day, 2 days per week

COMMITTEE ON SPECIAL EDUCATION (CSE)

MEMBERSHIP

At its yearly organization meeting, the Board of Education shall appoint Chairpersons for the Committee on Special Education who will oversee the committee comprised of the following mandated members:

- The parents or persons in parental relationship to the student;
- Not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or not less than one special education 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 education curriculum and about the availability of the resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- An individual who can interpret the instructional implications of evaluation results. Such individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill the role of the committee;

- 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;
- The parent may request in writing at least three days prior to the CSE meeting, to include a parent member (parent of a student with a disability residing in the district or neighboring district)
- 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; and
- If appropriate, the student (students entering 9th grade and above are invited to attend their meetings)

THE SUBCOMMITTEE ON SPECIAL EDUCATION

Sometimes the CSE meets as a subcommittee. The CSE subcommittee includes the child's parent(s), his/her general education teacher and the special education teacher. The subcommittee meets for routine case reviews and annual reviews. If the CSE plans on declassifying a student or placing the student in a more restrictive setting, e.g. from resource room to special class placement, they meet as a full committee.

ROLE AND RESPONSIBILITY OF THE CSE CHAIRPERSON

The CSE Chairperson will

- preside over the CSE meeting;
- carry out the functions of a CSE chairperson, including but not limited to:
 1. designating for each student a professional employee of the school district with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person of his or her responsibility to implement the recommendations on a student's IEP;
 2. carrying out responsibilities related to referrals and requests for referrals such as:
 - a. forwarding a copy of a referral to the building administrators within five days of its receipt
 - b. reviewing requests for referrals with building team;
- notifying parents when a referral or request for referral has been received;
- documenting attempts to obtain parental consent to an initial evaluation;
- informing a parent that does not grant consent for an initial evaluation, that upon request, the parent will be given an opportunity to attend an informal conference to ask questions regarding the proposed evaluation
- providing a parent and a referring person a copy of an agreement to withdraw a referral
- determining the location of any meeting held to review or evaluate a student.

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. The school district must initiate a referral and promptly request parental consent to evaluate the student to determine if the student needs special education services and programs or if the student has not made adequate progress after an appropriate period of time when provided instruction in a multi-tiered problem-solving approach that utilizes systematically applied strategies and targeted instruction. A referral for an initial evaluation may be made by:

- a student's parent including an individual who is acting in place of a birth or adoptive parent;
- a designee of the school district in which the student resides

A written *request* that the school district or agency refer the student for an initial evaluation may be made by:

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

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

- request parental consent to initiate the evaluation; or
- provide the parent with a copy of a request for referral; and
- inform the parent of his/her right to refer the student for an initial evaluation; and
- offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with:

- a. the building administrator or other designee of the school district authorized to make a referral;
- b. the individual making the request for referral if a professional staff member of the school district; and
- c. upon request of the parent of the school district, any other person making a request for referral must have the opportunity to attend such a meeting.

EVALUATION AND RECOMMENDATIONS

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

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

- An individual psychological evaluation, 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 student's learning environment including the general classroom setting or, in the case of a student of less than school age or out of school, an environment appropriate for a student of that age to document the student's academic performance and behavior in the areas of difficulty;
- A social history;
- Other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

ELIGIBILITY DETERMINATION

The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure that the appropriateness of reading and math instruction and all general education resources including academic intervention services have been considered prior to determining that the student should be identified as disabled and receive special education services. In interpreting evaluation data for the purpose of determining if a student is a student

with a disability, and determining the educational needs of the student, the committee on special education must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior; and ensure that information obtained from all these sources is documented and carefully considered. The school district must provide a copy of the evaluation report and the documentation of eligibility to the student's parents. In making a determination of eligibility for special education and related services, a student shall not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies or math or limited English proficiency. In determining whether a student has a learning disability in reading, the district must implement an RTI process.

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 of 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). IEPs will be written on a form prescribed by the Commissioner. 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 to the student's parent at no cost. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

If the Committee determines that the student is **ineligible** for special education:

- The Committee will provide prior written notice to the parent of the recommendation.
- The Committee will provide recommendations to the building administrator for consideration of general education supports and/or services to address the student's needs.
- The Committee will provide 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 student may be considered for declassification support services.

The Committee will:

- Identify declassification support services, 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 also provide notice to the Board of Education.

NOTICE OF RECOMMENDATION:

After the determination of eligibility or ineligibility by the CSE, a notice of this recommendation is provided to the parents. This notice of recommendation, also known as *prior written notice*, must be given to 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, educational placement of the student or the provision of a free appropriate public education to the student.

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

The IEP includes:

- The classification of the disability and the recommended placement;
- The student's present levels of academic achievement and functional performance and individual needs – academic, social, physical and management areas including how the disability affects the student's involvement and progress in the general education curriculum;
- Each measurable annual goal, including academic and functional goals shall include the evaluative criteria, evaluation procedures and schedule to be used to measure progress towards meeting the annual goals during the period beginning with placement and ending with the next scheduled review by the committee;

- 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 toward attaining the annual goals, to be involved and progress in the general curriculum, and to be educated and participate in activities with other students with and without disabilities;
- The recommended program and services shall, to the extent practicable, be based on peer-reviewed research;
- The extent, if any, to which the student will not participate with non-disabled students in the general class and in other activities;
- If a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education, including adapted physical education;
- If the student will participate in an alternate assessment on a particular state or districtwide or part of an assessment, why the assessment is not appropriate for the student and how the student will be assessed;
- 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 department policy, State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student and projected date of review of the student;
- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of these services and modifications;
- The general education classes in which the student will receive consultant teacher services;
- The IEP shall identify when periodic reports on the progress the student is making toward the annual goals (such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards) will be provided to the student's parents;
- For a student who takes a New York State alternate assessment and for each preschool student with a disability, the IEP shall include a description of the short-term instructional objectives and/or benchmarks that are measurable intermediate steps between the student's present level of performance and the measurable annual goal.

TRANSITION SERVICES:

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

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

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

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

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

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

The term “***Individualized Education Plan***” means a written statement developed, reviewed and revised in accordance with Section 200.4 (d)(2) of the Regulations of the Commissioner to be provided to meet the unique educational needs of a student with a disability.

The term “***student with a disability***” means a student with a disability, who has not attained the age of 22 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 a term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency. The term student with a disability includes the following classifications:

- (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 disability* 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 disability.

- (5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, which adversely affects the child's educational performance but that is not included under the definition of deafness in this section.
- (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. 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) *Intellectual Disability* means significantly subaverage 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 causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
- (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, bond 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's 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 an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

IEP Implementation, Distribution and Placement

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) school days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services. If 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 student with a disability has an IEP in effect at the beginning of each year;
- each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy of the student's IEP prior to the implementation of such IEP;
- a paraprofessional and each other provider responsible for assisting in the implementation of a student's IEP, has the opportunity to review a copy of the student's IEP, prior to the implementation of the program, and has ongoing access to a copy of the IEP;
- each general education teacher, special education teacher, related service provider and other service provider, paraprofessional and other providers and support staff person has been informed, prior to the implementation of the IEP, of his or her responsibility to implement the recommendation on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, and
- a copy of the IEP is provided to the student's parents at no cost to the student's parents.

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

Transfer Students

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

Outside New York State – In the case of a student with a disability who transfers school districts within the same academic year, who enrolls in a new school district and who had an IEP that was in effect in another state, the school district shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation, if determined to be necessary by the school district, and develops a new IEP, if appropriate.

Annual Review, Reevaluation and Declassification

The IEP of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. 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 education curriculum, if appropriate;
- The results of the most recent evaluations of the student;
- Concerns of the parents for enhancing the education of their child;
- Strengths of the student;
- Other matters, including a student's need for test accommodations and/or modifications and the student's need for a particular device or service (including an intervention, accommodation or other program) in order for the student to receive a free appropriate public education;
- The student's anticipated needs;
- As appropriate, the results of the student's performance on any general, state or district-wide assessment program.

A Committee on Special Education shall arrange for an appropriate reevaluation of each student with a disability if the school district determines that the educational or related service needs, including improved academic achievement and functional performance of the student, or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year, unless the parent and the representative of the school district appointed to the committee on special education agree otherwise; and at least once every three years. The parent and the school district may agree in writing that a three-year reevaluation is unnecessary.

If conducted, a comprehensive three-year reevaluation is arranged 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 reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the committee on special education in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, 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, local and state assessment, classroom based observations, and observations by teachers and related service providers. 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 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 (following the prior written notice requesting consent). 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.

Amendments to the IEP after the Annual Review:

After an IEP has been developed at the annual review meeting, a parent and the school district may agree not to convene a meeting of the CSE to make changes to a student's IEP, and instead may develop a written document to amend the student's IEP under the following circumstances:

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

The parent must be provided prior written notice (notice of recommendation) of the changes to the IEP. The CSE must be notified of any changes made to the IEP.

The parent must also receive, either a:

- rewritten IEP; or
- document that amends or modifies the IEP (or, upon parent request, a revised copy of the IEP with the amendments incorporated).

Amendments made to an IEP without a meeting do not affect the requirement that the CSE must review the IEP at the annual meeting, or more often if necessary.

The CSE must evaluate a student with a disability 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 parents/guardians. 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 test accommodations upon declassification is not automatic. The CSE may determine that the test modifications previously documented in a student's IEP must continue to be consistently provided to the student for the balance of his or her public school education. 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, but is required to provide the student with a summary of his or her academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his or her postsecondary goals.

CONTINUUM OF SERVICES

SCHOOL-AGED SPECIAL EDUCATION

The Menands Union Free School District operates a variety of programs and services for students who possess disabilities. These services are provided to district residents at no cost and in the least restrictive environment upon the recommendation of the Committee on Special Education and with the approval of the Board of Education.

These services are available to pupils with disabilities until their 22nd birthday occurs, or until a regular high school diploma has been attained, whichever shall occur first.

A description of each of the special education program options prioritized from least restrictive to more restrictive follows.

CONSULTANT TEACHER SERVICES

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend general education classes and/or to such student's general education teachers. Such services shall be recommended by the Committee on Special Education to meet the specific needs of a student with a disability. The student's individualized education program (IEP) shall indicate the general education classes in which the student will receive consultant teacher services. The total number of students with disabilities assigned to a consultant teacher shall not exceed 20, the maximum number allowed by NYSED. Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for not less than two hours each week.

RESOURCE ROOM SERVICES

This service is supplemental instruction to the general education curriculum, provided by a special education teacher. The special education teacher works with a group of identified students in a group of no more than 5 students, daily or every other day when provided in conjunction with consultant teacher services. The resource teacher may pre-teach or re-teach concepts learned in the regular classroom, or may teach mini-lessons to address reading, writing, math, and/or organizational skills. Resource Room also assists students in dealing more effectively with assignments from their general education classes. Ongoing consultation with general education classroom teachers is an integral part of these services in both meeting educational needs as well as in helping students develop basic skills and competency in content areas.

INTEGRATED CO-TEACHING SERVICES

The continuum of special education services may include integrated co-teaching services in its continuum of services for special education students. Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. Co-teaching services may be approved for students with significant learning disabilities, who may have previously been considered for self-contained academic instruction. When a group of students with similar needs exists at a grade level, integrated co-teaching may be provided. The maximum number of students with

disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, and shall not exceed 12 students or 50% of the class. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher. Additional personnel assigned to such classes by the district may not serve as the special education teacher. When implementing a co-teaching model, the curriculum presentation and/or instructional mode is varied based on the needs of the students and the subject matter. It allows for flexible grouping, station teaching, parallel instruction, and greater assistance within the classroom utilizing the content expert (general education teacher) and the process expert (special education teacher). An important component of this program is the ongoing collaboration between the general and special education teacher. Modifications in instructional methodologies, assessments, assignments and environment are assessed and individualized for each student, in accordance with the needs specified in each student's IEP.

SPECIAL CLASS

Special classes are designed to provide instruction for students grouped together based on similarity of need. Students may be recommended for a special class placement because of significant learning disabilities, emotional/behavioral disorders, intellectual disability, or multiple disabilities. The following describes in-district classes:

- Special Class (15:1) Reading or Math- This is a class up to 15 students with a special education teacher who provides primary instruction to students who have a specific disability in math or reading that prohibits them from learning in regular class due to either the content or pace of instruction.
- Special Class (8:1+2) Life Skills- This program is designed for students who exhibit significant delays in cognitive, adaptive and functional areas with the purpose of being provided a highly individualized curriculum that focuses on functional communication, social interaction, academics, independence and activities of daily living. Primary instruction is delivered by a special education teacher with mainstreaming opportunities as appropriate.
- Special Class (12:1 (3+1)) Life Skills- This program is designed for students who exhibit significant delays in cognitive, adaptive and functional areas with the purpose of being provided a highly individualized curriculum that focuses on functional communication, social interaction, academics, independence and activities of daily living. Primary instruction is delivered by a special education teacher with mainstreaming opportunities as appropriate.

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, vision services, hearing services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation and vocational counseling services, orientation and mobility services, parent counseling and training, and school nurse

services, The CSE recommends any related service that is appropriate to a student's individual needs.

The district employs one (1) School Psychologist, one (1) School Social Worker, two (2) Speech and Language Pathologists, one (1) Certified Occupational Therapy Assistant, and one (1) Physical Therapist to provide their respective services. The district contracts with private agencies to provide assistive technology, vision therapy, or audiological therapy as needed.

SPEECH and LANGUAGE THERAPY

The goal of speech and language therapy is early identification of communication disorders and remediation of articulation and phonological deficits, stuttering, and receptive and expressive language problems, which adversely affect a student's educational performance.

Services are rendered either individually or in small groups of two to five students. The services are provided in the class, therapy room, or other school setting, as indicated on each student's IEP. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least on an annual basis.

SCHOOL PSYCHOLOGICAL SERVICES

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in the Committee on Special Education (CSE) including referral, evaluation and placement; monitoring of student progress; pre-referral intervention; consultation with teachers; and liaison activities with community agencies and other professionals. Additional functions relating to special education students include: assisting teachers in the development of interventions to help students in achieving Individualized Education Program (IEP) goals; performing functional behavioral assessments and developing, monitoring and updating behavior intervention plans; coordinating and chairing sub-CSE meetings; conducting re-evaluations and exploring out-of-district educational alternatives when necessary.

COUNSELING

Counseling as a related service is provided to those students whose psychosocial needs interfere with their benefiting from education. The focus of school-based counseling must be on the school-related difficulties of the student with a disability, and is designed to assist the student in overcoming social, emotional or learning difficulties that interfere with the educational process. Counseling services improve communication and interaction between the student and school personnel in order to enable the student to be more productive. Counseling also addresses those social skills that students need to function appropriately.

Counseling services are provided district-wide by the school social worker and school counselor. The school social workers also provide counseling services to students in special programs including providing parent education; crisis intervention, and serving as a general liaison between school and home. The extent and duration of the services are prescribed by the Committee on Special Education and are reviewed at least once annually.

PHYSICAL and OCCUPATIONAL THERAPY

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

Occupational Therapy is concerned with the impact of a student's disability on his or her learning performance and ability to independently execute the functional tasks required in the school environment. Occupational therapy focuses on how the student receives and interprets the sensory information that is used in coordination with the motor control needed to meet the demands of the environment. The occupational therapist assesses skill levels and provides remediation in the areas of deficit such as postural control, motor planning, visual perceptual skills, hand skill development and sensory processing. The therapist may also provide alternative materials and environmental modifications to facilitate independence and generalization of those skills. Occupational therapy may be provided individually, in a small group, or a consultation to the classroom teacher, based on the recommendation of the CSE.

ITINERANT SERVICES FOR STUDENTS WITH HEARING IMPAIRMENTS

Hearing Services are designed to provide direct specialized instruction to students, ages five (5) to twenty one (21) years of age, with hearing impairments who are enrolled in a general or special education program. Specialized instruction in reading, speech, and auditory training are provided by a teacher of the deaf and hard of hearing. Students may also require Audiological Services to support the maintenance and use of hearing systems in the school. These services are necessary in order for students to benefit from their primary educational program. The district contracts with BOCES and outside agencies to provide these services (as needed).

ITINERANT SERVICES FOR STUDENTS WITH VISUAL IMPAIRMENTS

Vision Services are designed to provide direct, specialized instruction to students, ages five (5) to twenty one (21) years of age, with visual impairments who are enrolled in a general or special education program. The teacher of the visually impaired (TVI) meets individually with the student and trains the student in the use of residual vision, and the listening, organizational and tactual skills that are specific to the student's individual situation. This related service includes mobility services, tactile and recorded material and current technology. Depending on the needs of the student, the TVI may teach the student to read Braille and write using a Braille Writer. Teachers may also assist other teachers in meeting the student's educational needs. The district contracts with BOCES and outside agencies to provide these services (as needed).

ORIENTATION AND MOBILITY SERVICES

Orientation and mobility training provides sequential instruction to students with visual impairment or those who are blind in the use of their remaining senses to determine their position within the environment and in techniques for safe movement from one place to another. Orientation is the process of using sensory information to establish and maintain one's position

in the environment. The goal of orientation and mobility service is to train students to travel safely and independently in a variety of environments. The district contracts with BOCES and/or outside agencies to provide these services (as needed).

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

Home and hospital instruction is the most restrictive service for students. Students requiring this level of programming are too ill to participate in an educational program in a school building. Students who require a placement at home or in the hospital will receive appropriate special education services determined by the CSE in order to meet their unique needs.

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 the 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 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.

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

The procedures to locate, identify, and evaluate all nonpublic school students with disabilities, including students attending religiously-affiliated schools, residing in the district, must be comparable to activities undertaken for students with disabilities in public schools.

The school district where the nonpublic elementary or secondary school is located will be responsible for the equitable provision of services, child find and consultation requirements in IDEA 2004.

If the school district where the nonpublic school is located determines through its child find process that a student is suspected of having a disability, it must immediately refer the student to the CSE of the student's school district of location for evaluation and possible identification as a student with a disability.

The school district of residence must conduct the evaluation and eligibility determination and, for a student determined eligible for special education services, develop the IESP.

The school district of location must provide the services as recommended in the IESP.

The school district where the nonpublic school is located must expend a proportionate amount of its federal funds made available under Part B of IDEA for the provision of services to students with disabilities attending nonpublic schools in the jurisdiction of its public school. Such federal funds may not be used for child find purposes.

The school district where the nonpublic school is located can recover tuition from the district of residence for special education services provided to nonresidential students. Such tuition must exclude costs paid with federal or state funds by the school district where the nonpublic school is located who provided the special education services.

State and local funds provided by the school district of residence must supplement and in no case supplant the proportionate amount of federal funds required to be expended by the school district in which the nonpublic school attended by the student is located.

SERVICES TO HOME SCHOOLED STUDENTS WITH DISABILITIES

Section 3602-C of the Education Law deems home-schooled students with disabilities and students suspected of having a disability to be nonpublic school students solely for the purpose of receiving special education services during the regular school year.

To be eligible for special education services, a homeschooled student must be a district resident entitled to attend public schools. In addition, the student would be required to have an individualized home instruction plan (IHP) that the superintendent of schools has determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at home, the school district of location is the same as the student's school district of residence.

The district will notify all parents of students with disabilities who are in home instruction programs that:

- the Committee on Special Education should develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents' decision to homeschool their child;
- the parent must request special education services in writing to the Board of Education by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first of April of the current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may also be submitted within 30 days of a change in the student's school district of residence;
- special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district;
- parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process just as parents of nonpublic students are;
- the board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.

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.

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 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.

PLAN TO ENSURE AVAILABILITY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS

Section 200.2 (b) (10) of the Regulations of the Commissioner requires the Board of Education to establish a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students. "Alternative format" is defined to mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district. It would include but not be limited to, Braille, large print, open and closed caption, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

Identification of the Needs of Students Residing in the District

Advance planning in the selection and ordering of books will help ensure that students with disabilities attending their classes receive their instructional materials at the same time as other students in the classes.

If the CSE determines that a student needs his or her instructional materials in an alternative format the IEP will specify the accommodations for the individual student and any related instruction and/or assistive technology devices needed for the student to access the alternative format materials. If the student needs instructional and assessment materials in alternative formats, the CSE should review the following considerations:

What alternative format is needed?

What instruction is needed for the student to use the alternative format materials?

What assessment technology devices or services are needed for the student to access the alternative format materials?

What support for school personnel may be needed related to the alternative format(s) recommended?

What assistance do the parents need to help them acquire skills necessary to support the child's use of the instructional materials and/or related assistive technology devices?

What testing accommodations a student might need related to the alternative formats?

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 special education programs. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications for programs, services and procedures. The goal of the special education program in the district is to provide each 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, state assessments 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;
- Re-evaluations of each student with a disability;
- Biennial review of the district plan

Section 504 of the Rehabilitation Act

Section 504 protects qualified individuals with disabilities. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities.

The two main purposes of **Section 504** are to prohibit disability discrimination and to **provide** FAPE to K–12 **students** with disabilities. **Section 504** applies to public schools, as well as to most colleges and private schools. Most kids with learning and thinking differences are protected by **Section 504**.

To be **covered under Section 504**, a student must be “qualified ” (which roughly equates to being between 3 and 22 years of **age**, depending on the program, as well as state and federal law, and must have a disability).

IDEA is a federal law that governs all U.S. special education services; **Section 504** is a civil rights statute, requiring that schools, public or private, who receive federal financial assistance for educational purposes, not discriminate against children with disabilities.