

**FRANKLIN SQUARE SCHOOL DISTRICT
FRANKLIN SQUARE, NEW YORK 11010**

**TWO-YEAR PLAN
2020-2022**

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

ADOPTED BY THE BOARD OF EDUCATION

In compliance with Part 200.2(c) of the New York State Commissioner of Education's Regulations, the following Special Education Plan has been developed and adopted by the Franklin Square School District's Board of Education. The plan is on file in the District Office and is available for public inspection and review by the Commissioner.

* Note: A number of the specific practices, procedures and policies contained herein were approved by the Board of Education prior to this date.

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INTRODUCTION

The policies, practices, and procedures of the Franklin Square School District represent a commitment by the district to satisfy both the spirit and the letter of the law

by assuring due process in evaluation and placement for children with disabilities and by providing an array of special education services. This Two-Year Plan outlines the programs and services that are provided. It will be used as a working manual for staff and parents and will undergo changes as regulations, laws, District policies and programs are modified.

MAJOR PROGRAM OBJECTIVES

1. To provide a free, appropriate educational program in the least restrictive environment for all children requiring special education programs and services from age 3 to 21; *
 2. To assure that policies and procedures for establishing and operating special education programs are clearly defined and make provisions for all pupils with disabilities ages 3 to 21; *
 3. To continue to provide the necessary human and material resources for the implementation of programs and services to meet the needs of resident children with disabilities;
 4. To continue to build a close working relationship between the Committee on Special Education (CSE), Committee on Preschool Special Education (CPSE), staff, District administrators, the Board of Education, parents, and community;
 5. To continue to provide the structure for delivery of programs and services which foster the individual pupil's educational progress and prepare a sound foundation for post-high school education and/or employment.
- * Students transferred to the supervision of the CSE of the Sewanhaka Central High School District at age 11.9 years for continued services.

GUIDELINES

The District's resources are committed to the development and implementation of an appropriate education for all children with disabilities who reside in the District in accordance with the following program objectives:

1. To provide a free appropriate education in the least restrictive environment consistent with the needs of resident children between the ages of three (3) and twenty-one (21) who require special education. *
2. To ensure that students with disabilities have the opportunity to participate in school district programs, including extracurricular programs and activities, which are available to all other students enrolled in the public schools of the District.
3. To ensure that each preschool child with a disability residing in the District has the opportunity to participate in a preschool program.
4. To establish a Committee on Special Education and a Committee on Preschool Special Education, which are comprised of appropriately qualified personnel and to assure training for such personnel, to enable them to carry out all practices and procedures identified in the plan.
5. To provide the human and material resources necessary for the implementation of a continuum of programs and services to meet the academic, social, management and physical needs of students with disabilities.
6. To build and maintain a close working relationship between the Committee on Special Education, the Committee on Preschool Education, school staff and school district administrators, parents and community.
7. To assure that special education programs are an integral part of the District's regular educational program.
8. To assure that students with disabilities are provided instruction adequate to provide a basis for the next stage of their development.
9. To ensure the establishment of administrative practices and procedures to implement the provisions of Section 200.6 (a) of the Commissioner's Regulations.
10. To provide for the establishment of administrative practices and procedures for the purpose of ensuring that parents have received and understand the request for consent for evaluation of a preschool student.
11. To ensure that students with disabilities are provided appropriate opportunities to transition to the Sewanhaka Central High School District successfully.
12. To ensure that a discipline code for student behavior is in place which shall govern the conduct of all persons on school premises and which shall assist in the maintenance of public order on school property while protecting rights to continuity of appropriate education.
13. To ensure that the rights of children to privacy and the rights of their parents to review and correct education records are protected during the course of evaluation and placement and while they are receiving special education services within the

district.

14. To ensure that adequate and appropriate space is made available to meet the needs of school-age children with special educational needs.
15. To ensure that necessary modifications are made so that students and their parents have access to services provided by the District.
16. To ensure that children attending school within the district receive the protection of all other applicable State and Federal laws and regulations.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the district must develop a policy and implement a plan to establish pre-referral interventions to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the

school's principal and building level team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services and Educationally Related Support Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL) students who do not achieve the annual 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 level 3 on elementary or intermediate state assessments. 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/assistant support, student or volunteer tutorial assistance, counseling support, and computer assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided and 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 and/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, whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

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

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. Effective October 30, 1990, Congress substituted the term “children with disabilities” for the term “handicapped children” in the Federal law establishing access to fair procedures and appropriate placements.¹

The following statutory and regulatory definitions are controlling:

The term *student with a disability* means a student with a disability, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the Department of Education. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In deciding 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 “*all students*” applies to every student listed on the registry of the district.

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

a. Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.

b. Such instruction includes specially designed instruction in physical education, including adaptive physical education.

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

1 Legal Reference: Individuals with Disabilities Education Act (IDEA), formerly the Education of the Handicapped Act (EHA), 20 U.S.C. Section 1400-1485

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

- a. Special classes, transitional support services, resource room, related services, consultant teacher services and home instruction
- b. Contracts with other districts for special services or programs.
- c. Contracts for special services or programs provided by Board of Cooperative Educational Services (BOCES)
- d. Appointment by the Commissioner to a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law.
- e. Contracts with private, non-residential schools, which have been approved by the Commissioner and which are within the state.

- f. Contracts with private, non-residential schools, which have been approved by the Commissioner and which are outside of the state.
- g. Contracts with private residential schools, which have been approved by the Commissioner and which are within the state.
- h. Contracts with private, residential schools, which have been approved by the Commissioner and which are outside of the state.
- i. Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the State Department of Education.
- j. Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school social work, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.
- k. Contracts for residential or non-residential placements with a special act school district listed in Chapter 566 of the laws of 1967.
- l. Contracts with New York State approved and funded schools (Article 89).

Additional Definitions:

- a. Change in placement means a transfer of a student to or from a public school, BOCES, or schools enumerated in articles 81, 85, 87, 88, or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student with a disability from the student's current education placement under Education Law 3214, change of placement is defined in Part 201 of the Regulations of the Commissioner of Education (May, 2004).
- b. General curriculum means the same curriculum for all students including students with disabilities.
- c. Individualized Education Plan (IEP) means a written statement developed, reviewed and revised in accordance with section 200.4(d)(2) of the Regulations of the Commissioner of Education to be provided to meet

the unique educational needs of a student with a disability.

SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

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

SCHOOL CALENDAR

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

School day means any day, including a partial day that students attend school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities except that,

during the months of July and August, school day means every day except Saturday, Sunday and legal holidays. Days mean calendar days unless otherwise indicated as school day or business day.

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

LEAST RESTRICTIVE ENVIRONMENT

The District provides a wide continuum of services, ranging from placement in residential settings to placement in general education classes with support and related services. The district is committed to the policy of placing students in the least restrictive environment consistent with their needs. *“Least Restrictive Environment”* means that the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs *only* when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

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

PROCEDURES TO IMPLEMENT LRE REQUIREMENTS

- The student will receive a comprehensive, nonbiased, 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 deciding 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, including educationally related support services, has been considered.
- A student’s educational program will be developed with the meaningful involvement of the student’s parent or guardian, 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 age appropriate activities.

- Measurable annual goals, including benchmarks or short-term objectives only for preschool students and students eligible for 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.

- Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determine that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.

- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities.

- The parent or guardian and the Board of Education will be provided a recommendation from the CSE/CPSE, which describes the program and placement options considered for the student and a rationale for those options not selected.

- The CSE/CPSE must indicate clearly defined, expected benefits to the student from the special education program selected in the areas of academic 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 need for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

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

SIMILARITY OF NEEDS

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

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

Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires an IEP diploma program.

The District will also ensure equal access for students with disabilities to after school activities such as clubs, sports, or evening activities and will provide, as recommended by the CSE, appropriate services to enable this participation.

Students who are receiving education in out-of-district facilities, as recommended by the CSE, shall also have an equal opportunity to participate in these activities, as deemed appropriate to meet their individualized needs.

COMMITTEE ON SPECIAL EDUCATION (CSE) AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

APPOINTMENT AND TRAINING

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Special Education (CSE), a Subcommittee and a Committee on Preschool Special Education (CPSE). The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Section 4410 of the Education Law, which established the Committee on Preschool Special Education, was signed into law on July 5, 1989. Major functions of the CSE and CPSE include:

- Identifying, evaluating and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided for each student;
- Maintaining an annually revised register of all students with disabilities who reside in the district and who are eligible to attend preschool or public school during the coming school year;
- Establishing a network for communication and sharing of resources with other educational and community service agencies;
- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school district, and, for preschool students, by public and private agencies within the County of Nassau;
- Reporting to the State Education Department on the number of preschool students, if any, within the district who are not receiving appropriate preschool services and the reasons for any such lack of service.

RESPONSIBILITIES

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

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

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

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

TRAINING CSE/CPSE MEMBERS

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

- arranging for attendance at meetings of OSES regarding CSE/CPSE issues;
- conducting district-based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- participating in annual CSE/CPSE training provided by the New York State Education Department;
- disseminating all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;
- inviting committee members to annual site visits of out of district special education placements to familiarize them with placement options available to resident special education students;
- utilizing SETRC as a training resource; and
- utilizing the district attorney as a resource person, if needed to interpret specific information for the committee members.

GENERAL STAFF DEVELOPMENT

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

In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and general education teachers, the State Education Department has directed districts to include, as part of its professional development plan, a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.

COMMITTEE OF PRESCHOOL SPECIAL EDUCATION

MEMBERSHIP OF THE CPSE

The Franklin Square School CPSE includes:

1. An appropriate professional employed by the District who shall be the chairperson of the CPSE;
2. An appropriately certified or licensed professional appointed by the chief executive officer of Nassau County, whose attendance is not required for a quorum;
3. An appropriately licensed or certified professional designated by the agency, if any, which served or is serving the child as an infant or toddler pursuant to federal laws prior to preschool eligibility, who must attend all meetings conducted prior to the child's initial receipt of services through the District;
4. A certified teacher, either of the child or one qualified to provide education services within the District;
5. A special education teacher, or where appropriate, at least one special education service provider (i.e., related service provider);
6. The parent of the child.

The child's teacher and other knowledgeable persons are invited to meetings to share information, outside evaluations, and reports with the Committee. A parent of a child with a disability who resides in the district and whose child is enrolled in a preschool or elementary level education program (provided that such parent shall not be employed by or under contract with the District or municipality) is optional and the parent of the child must notify the district to request such individual to be present.

Meetings of the CPSE are held in the CPSE conference room as needed or at preschool program sites in Nassau County throughout the school year and during the summer months. The CPSE will review annually the status of each preschool child with a disability. Notice of meetings of the CPSE shall be given to each committee member and the parent of the preschool child at least five business days prior to the meeting in writing by first class mail, postage prepaid, facsimile, or by personal service.

DEFINITION OF TERMS

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

- o Exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results

of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

A 12-month delay in one or more functional area(s), or

A 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or

If appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or

Meet the criteria as Autistic, Deaf, Deaf-Blind, Hard of Hearing, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury, or Visually Impaired.

First Eligible for Services is the earliest date on which a student becomes eligible for services as defined in current regulations. Students in Family Court placements may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services under Section 4410. A student can be considered a preschool student with a disability through the month of August of the school year in which he or she first becomes eligible to attend Kindergarten.

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

CPSE PROCEDURES

Referral

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

- o The student's parent or person in parental relationship
- o A professional staff member of the school district in which the student resides or the public or private school the student legally attends
- o A staff member of a preschool program approved pursuant to Section 4410
- o A staff member of an approved program providing special instruction to

students ages birth to three (3)

- o A staff member of a program serving infants and toddlers or preschool students
- o A licensed physician or judicial officer
- o A representative of a public agency with responsibility for the welfare, care or education of students
- o A staff member of the Early Childhood Direction Center

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

Evaluation and Recommendations

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

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

- o A physical examination;
- o An individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- o An observation;
- o A social history; and
- o 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 assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time.

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

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

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

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

Placement

Upon receipt of the CPSE's recommendation, the Board of Education will arrange for the student to receive appropriate special programs and services. Services will not be provided without parental consent but if the parent disagrees with the recommendation of the Board and prefers an alternative program, he/she may request

special education mediation or an impartial hearing review and may appeal the decision to the Commissioner of Education. Review of placement decisions will be conducted in accordance with the same rules of procedural due process applicable to the placement of school-aged students. Placement in an approved program will take place as soon as possible following Board approval. If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

Annual Review

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

Withdrawal of Referral

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

CONTINUUM OF SERVICES - COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

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

- a. a twelve (12) month delay in one or more functional area(s), or
- b. a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or,

- c. if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

Program Recommendations

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

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

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

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

Related Services

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

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

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

Special Education Itinerant Services

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

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

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

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

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

- **Direct Services**: Specialized individual or group instruction to a preschool student to aid the student in benefiting from the early childhood program.
- **Indirect Services**: Consultations provided by a certified special education teacher to assist the student's teacher in adjusting the learning environment or modifying instructional methods to meet the individual needs of a preschool student with a disability who attends an Early Childhood program.

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

Integrated Special Class

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

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

Special Class (half or full day)

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

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

Residential Special Education Programs and Services

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

COMMITTEE ON SPECIAL EDUCATION AND SUBCOMMITTEE ON SPECIAL EDUCATION

MEMBERSHIP OF THE CSE

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

- The parents or persons in parental relationship to the student;

- Not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or 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, and is knowledgeable about the general education curriculum and the availability of the resources of the local educational agency;
- 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;
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate.
- If appropriate, the student.

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

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

MEMBERSHIP OF THE SUBCOMMITTEE ON SPECIAL EDUCATION

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

- The parent of the student;
- Not less than one general education teacher of the student (if the student

is, or may be, participating in the general education environment);

- Not less than one special education teacher, or where appropriate, not less than one special education provider (i.e., related service provider) of the student;
- A representative of the district who is qualified to provide, administer or supervise special education and who is knowledgeable about the general education curriculum and the availability of resources of the school district;
- A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, is considered;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the Sub CSE;
- The student, if appropriate.

DEFINITIONS: “Student with a Disability”

The term student with a disability includes the following classifications:

- (1) *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, which adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph 4. A student who manifests the characteristics of autism after age 3 could be diagnosed as

having autism if the criteria in this paragraph are otherwise satisfied.

- (2) *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student's educational performance.
- (3) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- (4) *Emotional Disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:
 - (i) an inability to learn that cannot be explained by intellectual sensory, or health factors;
 - (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (iii) inappropriate types of behavior or feelings under normal circumstances;
 - (iv) a general pervasive mood of unhappiness or depression; or
 - (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

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

- (5) *Hearing Impairment* means impairment in hearing, whether permanent or fluctuating, which adversely affects the child's educational performance but that is not included under the definition of deafness in this section.
- (6) *Intellectual Disability* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.
- (7) *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 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, or lack of instruction in phonemic awareness, phonics, vocabulary development, reading fluency and proficiency. A school district may use a process that determines if a student responds to scientific, research-based interventions as part of the evaluation process.

- (8) *Multiple Disabilities* means concomitant impairments (such as mental retardation, blindness, mental retardation-orthopedic impairments, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
- (9) *Orthopedic Impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
- (10) *Other Health Impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or Tourette Syndrome, which adversely affects a student's educational performance.
- (11) *Speech or Language Impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance.
- (12) *Traumatic Brain Injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language,

memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

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

1 Legal Reference: Regulations of The Commissioner of Education, Section 200.1 (December 2005/August 2006)

PROCEDURES OF THE COMMITTEE ON SPECIAL EDUCATION (CSE)

In accordance with New York Education Law Section 4402, the CSE is responsible for evaluating all school-age children thought to have a disability, identifying the disability (or determining that no disability exists), and recommending a type of placement, if needed, within sixty (60) days from consent for evaluation. The time line begins when a written request for evaluation is made by any of the following:

Referral

A student suspected of having a disability shall be referred in writing to the chairperson of the District's CSE or to the building administrator of the school that the student attends or is eligible to attend, for an individual evaluation and determination of eligibility for special education programs and services. The time-line for identifying a disability and recommending a placement begins when a written request for evaluation (a

"referral") is made by:

1. the pupil's parent or person in parental relationship;
2. a professional staff member of the District or the public or private school the pupil legally attends;
3. a licensed physician;
4. a judicial officer;
5. the commissioner, or designee of a public agency with responsibility for the welfare, health, or education of children;
6. the pupil himself/herself, if such pupil is 18 years of age or older, or an emancipated minor who is eligible to attend the schools in the District.

Referrals can be made at any time during the school year.

All referrals are made to the building principal or the chairperson of the CSE. The referral must be in writing, dated, and must state the basis for the belief that the pupil may have a disability. A referral submitted by anyone other than the parent, student or judicial officer must also: (1) include any test results, records or reports upon which the referral is based that may be in the possession of the person submitting the referral; (2) describe attempts to remediate the student's performance prior to referral, including any supplementary aids or support services provided, or state the reasons why no such attempts were made; and (3) describe the extent of parental contact or involvement prior to the referral.

Upon receipt of a referral, the chairperson of the CSE will contact the parent or guardian, or ask a designee at the building level to do so, and request consent for evaluation. A copy of New York State's A Parent's Guide to Special Education is given to the parent at this time as well as the District's notice of due process rights.

Withdrawal of Referral

Within ten (10) days following receipt of a CSE referral or copy of referral, the building principal or designee may decide to meet with the parent or guardian and/or pupil to discuss educational services presently being offered and to determine whether the student would benefit from alternatives to special education. If a professional staff member in the District made the referral, he/she should also attend this meeting. Any other person making a referral shall have the opportunity to attend. An interpreter will be provided, should one be necessary. Should the principal, professional making the referral, and parent or guardian thereafter agree to further efforts at remediation or short-term guidance efforts, without resort to special education, the referral is unwarranted. If the referral is unwarranted, then the referral shall be withdrawn, in writing. The written agreement must specify the educational program that will be provided and a proposed duration of this program. Copies of the agreement will be given to the CSE chairperson, the person who made the referral if a professional staff member of the District, the parent

or person in parental relationship, and the student, if appropriate. A copy of the agreement becomes part of the student's cumulative educational record. A copy of the agreement must be in the native language of the parent or person in parental relationship.

If the referral to the CSE is not withdrawn by agreement, and the parent or guardian does not consent to the evaluation within thirty (30) days from the date of receipt of referral, the Chairperson of the CSE shall document attempts made by the Chairperson or other representatives of the committee to obtain parental consent and shall notify the Board of Education that they may utilize due process to permit the district to conduct an evaluation of the student without the consent of the parent.

Evaluation and Recommendation

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The 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:

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

The district will ensure that:

- Assessments and other evaluation materials used to assess a student:

- (a) are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;
 - (b) are used for purposes for which the assessments or measures are valid and reliable;
 - (c) are administered by trained personnel in accordance with the instructions provided by those who developed such assessments; and
 - (d) are selected and administered so as not to be discriminatory on a racial or cultural basis;
- Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
 - Tests are selected and administered to ensure that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
 - Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;
 - No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;
 - The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;
 - The evaluation is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified;
 - Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
 - Assessment tools and strategies are used that provide relevant information that directly assist persons in determining the educational needs of the student;

- The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities;
- The results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication, unless it is clearly not feasible to do so;
- Assessments of students with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations;
- No student shall be required to obtain a prescription for a drug or other substance.

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

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

- A written notice will be sent to parents at least five days prior advising them of the meeting. The parent may elect to receive the notice of the meetings by an electronic mail (e-mail) communication if the school district makes such option available.
- When conducting a meeting of the Committee on Special Education, the parent and the school district may agree to use alternative means of meeting participation, such as videoconferences and conference telephone calls.

ELIGIBILITY DETERMINATION

The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure that all general education resources including educationally related support services and academic intervention services have been considered prior to determining that the student should be placed in a special education program. In deciding 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 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, the district may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures. The district is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical computation or mathematical reasoning. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible this should occur when the evaluation reports are shared with other members of the CSE before any meeting to discuss the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student. Consensus is the preferred decision-making process.

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

In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the 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 annual goal shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress towards meeting the annual goal 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 towards attaining annual goals, to be involved and to progress in 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 nondisabled 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 district wide 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 the measurable intermediate steps between the student's present level of performance and the measurable annual goal.

CONSIDERATION OF SPECIAL FACTORS

The CSE shall:

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

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

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

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

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

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

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

The committee will provide written notice to parents which include:

- A recommendation including options considered and a rationale for rejecting those options not selected;
- A copy of the evaluation report and the documentation of determination of eligibility;
- Procedural safeguards notice; and
- Request for parental consent for initial placement (including, if appropriate, initial recommendation for twelve (12) month programs and services).

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

IEP IMPLEMENTATION, DISTRIBUTION AND PLACEMENT

Within sixty (60) school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within sixty (60) school days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services. If 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 every 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:

- 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;
- Transfer Students From Outside New York State – In the case of a student with a disability who transfers school districts within the same academic year, which 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, RE- EVALUATION AND DECLASSIFICATION

The IEP of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. 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.

The 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 services needs exist; 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. Amendments to an IEP made after the annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- The parent shall receive prior written notice of any changes to the IEP, and
- The parent shall receive a copy of the document that amends or modifies the IEP or, upon request, the parent shall be provided a revised copy of the entire IEP with the amendments incorporated.

A multidisciplinary team or group arranges a comprehensive reevaluation, 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 Plan 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. If the parent refuses consent, the district must resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment as part of the re-evaluation. If the committee determines that no additional data is needed to determine whether the student continues to be a student with a disability, the CSE will notify the parent of that

determination, and the reasons for it and the right of the parent to request an assessment to determine whether the student continues to be a student with a disability. The committee will also indicate that it is not required to conduct such an assessment unless requested by the student's parent.

The CSE must evaluate a student with a disability in accordance with section 614 before determining that the student is no longer a student with a disability. A copy of the evaluation report and the documentation of eligibility must be provided to the student's parent. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, social work, speech and language services, non-career counseling, or the assistance of a teacher aide or consultant to the classroom teacher. Continuation of test modifications upon declassification is not automatic. The CSE may determine 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.

SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW

In accordance with Section 200.6 of the Regulations of the Commissioner of Education, the District provides a continuum of services that allow placement of preschool and school-age children, to the maximum extent appropriate, in the least restrictive environment consistent with their needs and that provides for placement of children on the basis of similarity of individual needs.

LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment means that 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 use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of a student with a disability in the least restrictive environment shall: (1) provide for the special education needed by the student; (2) provide for the education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and (3) be as close as possible to the student's home.

The Special Education continuum can be viewed as having a few children in highly restrictive settings and increasingly greater numbers of children benefiting from services at less restrictive levels. The following list illustrates the available alternatives ranging from the most restrictive at the top of the list to the least restrictive at the bottom.

THE SPECIAL EDUCATION CONTINUUM

Hospital
Residential Treatment Facility
Residential School

Home-Bound Program
Day Treatment in a Hospital Setting
Private School for Special Education Students
BOCES Special Education Programs
Self-Contained Special Education Classes in Other Public Schools
Self-Contained Classes in District
Integrated / Co-Teaching
Resource Room Program in District
Related Services or Consultant Teacher in District
Transitional Support Services
General Education Classes with Modifications

SIMILARITY OF NEEDS

Whenever children with disabilities are grouped together for purposes of special education, they are grouped by similarity of individual needs in a class consisting of students with the same disabilities or with differing disabilities. The CSE identifies educational needs in accordance with the following factors:

1. Range of academic or educational achievement within the classroom must be such that classroom instruction can be provided to each pupil with appropriate opportunities to achieve his/her annual IEP goals. The learning characteristics of pupils in the group must be sufficiently similar to assure that an acceptable range of academic or educational achievement is maintained.
2. Social development of each student shall be considered prior to placement in any instructional group. Social development must be considered to assure that the social interaction within the group is beneficial to each pupil and does not consistently interfere with the instruction being provided. However, the social needs of a pupil will not be the sole determinant for placement.
3. Physical development levels within an instructional group may vary, provided that each pupil is given appropriate opportunities to benefit from instruction. Physical needs must be considered prior to determining placement to assure access to appropriate programs, but physical needs will not be the sole basis for determining placement.
4. Management needs may vary, provided that environmental modifications, adaptations, or, human and material resources required to meet the needs of any one pupil in the group are provided and do not consistently distract from the opportunities of other pupils in the group to benefit from instruction.

IN-DISTRICT PROGRAMS

Services provided in the schools of the District include:

- Self-contained special classes (TLC/ISP)
- Resource room programs
- Direct and indirect teacher consultation
- Integrated Co-teaching/Inclusion
- Transitional support services
- Declassification support services
- Speech-language services
- Counseling
- Physical therapy
- Occupational therapy
- Parent education/training
- Psychological evaluation and consultation
- Neurological, psychiatric, audiological, and other special diagnostic assessments as deemed necessary

All professionals involved in District programs are appropriately certified or otherwise qualified in the area of service they provide. Programs are supervised by building principals, the Director of Special Education, the Assistant Superintendent for Curriculum and Instruction, the Superintendent, and the Board of Education.

Transitional Support Services

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

Consultant Teacher Services

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

Related Services

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and include speech-language pathology, audiology services, psychological services, physical therapy, occupational therapy,

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

- The frequency, duration and location of each service shall be in the IEP, based on the individual student's need for the service.
- When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five.

Resource Room

The Resource Room program is for the purpose of supplementing the general or special classroom instruction of students with disabilities who need such supplemental programs.

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

Integrated Co-Teaching Services

Integrated/Co-Teaching is defined as a group of students with the same or different disabilities who are fully included in the general education environment but who need a more intense level of support. Students are integrated into age appropriate general education classrooms with appropriate support. Special Education Teacher focuses on ELA and Math, however, contact time may vary with other subjects. Differentiated instruction is provided throughout the day. The 6th grade Co-Teaching Model incorporates departmentalization in preparation for student transition to high school. Special Education Teacher supports integrated/co-teaching students during ELA and math periods.

Special Class

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

OUT-OF-DISTRICT PLACEMENT

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

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

HOME AND HOSPITAL INSTRUCTION

Home Instruction

A pupil who is enrolled in the Franklin Square School District but who cannot attend school for an extended period of time due to illness or disability or is awaiting an appropriate placement (and the parents agree to the provision of home instruction pending a school placement) will be eligible for home or hospital instruction under the following circumstances:

1. A written request is submitted by the parent or guardian, or school professionals (when a placement is pending), to the Special Education office.
2. A letter is submitted by a physician describing the illness and the amount of time the child is expected to require home or hospital care. The physician should be the child's attending doctor and must be someone other than the parent of the child.
3. Arrangements are made so that an adult will be at home with the child during the period in which instruction is provided.
4. Instruction for elementary school students will usually be provided five (5) hours per week.

Students are placed on homebound status by the CSE only if classroom placement is inconsistent with the child's health or welfare. This type of placement is used on a short-term basis only and is reviewed at frequent intervals.

DECLASSIFICATION SUPPORT SERVICES

Students exiting special education may be considered for declassification services. Declassification support services are defined in the Part 100 Regulations. Testing modifications may be continued as recommended by the CSE.

Declassification support services are provided by persons certified in an appropriate area of service to a student or the student's teacher(s) to aid in the student's move from Special Education to full-time regular education. Declassification support services can include psychological, and speech/language improvement services, non-career counseling, support from a teacher-aide in the mainstream or consultation with appropriate personnel.

If a student has been receiving special education services but the Committee on Special Education determines that the student no longer requires such services and can be placed in a general education program on a full-time basis, the recommendation shall:

- identify the declassification support services,
- indicate the projected date of initiation, and
- frequency and duration of such services, not to exceed one year.

OTHER PROGRAMS

Other Special Education programs may be necessary for the student who requires treatment in a hospital or child-care institution other than a school. Placements for care or treatment are usually temporary and are brought to the attention of the Special Education office by the parent or by the institution, if an educational program is to be developed for the student.

Extended School Day Special Education Program

As outlined in a memo from the New York State Education Department dated August 1995, most students with disabilities in New York can receive FAPE (Free Appropriate Public Education) during the typical school day. Generally, special education programs and services can be provided within the course of the regular school day. The school district would not be required to provide an extended school day for most students with a disability in excess of the school day established for all students, and need do so only in those extreme instances where the extraordinary needs of the child, as determined by the CSE/CPSE require more special education services. The CSE/CPSE is not required to recommend optimal special education programs and services.

ADDITIONAL EVALUATION, IEP AND PLACEMENT CONSIDERATIONS

ARRANGEMENT OF SPECIAL EDUCATION PLACEMENTS

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

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

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

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

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

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

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

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

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

PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS (ELL STUDENTS)

Screening:

As part of the Kindergarten screening, students who appear to be English Language Learners (ELL), formerly known as Limited English Proficient (LEP) Students, are screened by the ELL teacher. The ELL teacher also screens ELL new entrants to the

district. One method that is used to determine the student's predominant language is the Home Language Survey. If the student does not speak English, the ELL teacher administers the Language Assessment Battery (LAB) to determine language proficiency. If the student scores at or below the cut-off point on the LAB, the student is determined to be limited in oral proficiency and ELL services are provided. If a student scores at or below the statewide reference point or the 40th percentile on a standardized test of English reading, the student is considered limited in proficiency in reading English and will receive ELL services.

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

Additionally, the Language Proficiency Team (LPT) will convene and conduct a seven-step review to determine whether the student's disability is the determinant factor affecting whether the student can demonstrate proficiency in English.

Language Proficiency Team:

The Language Proficiency Team (LPT) shall mean a committee that makes a recommendation regarding the initial assessment of English Language Learner status for a student with a disability. The LPT is comprised of a school/district administrator; a teacher or related service provider with a bilingual extension and/or a teacher of English to Speakers of Other Languages; the director of special education or individual in a comparable title; and the student's parent.

Steps in the LPT Review Process:

- 1) For a student identified as having a disability, the LPT must make a recommendation as to whether there is evidence that the student may have second language acquisition needs.
- 2) In making this recommendation, the LPT shall consider evidence of the student's English language development, including but not limited to:
 - a) The results of Steps 1 and 2 in section 154-2.3(a)(1) and (2);
 - b) The student's history of language use in school and home or community;
 - c) The individual evaluation of the student conducted in accordance with the procedures in section 200.4(b)(6) of this Title, which shall include assessments administered in the student's home language; and
 - d) Information provided by the Committee on Special Education as to whether the student's disability is the determinant factor affecting whether the student can demonstrate proficiency in English.
- 3) Based on the evidence, the LPT must make a recommendation as to whether a student may have second language acquisition needs or whether the student's disability is the determinant factor affecting whether the student could demonstrate proficiency in English during step 2 in section 154-2.3(a)(2).
- 4) If the LPT recommends that the student does not have second language acquisition needs and therefore should not take the English language proficiency identification assessment to identify the student as an English language learner, the recommendation shall be referred to the school principal for review.

- 5) If the school principal agrees with the recommendation of the LPT that the student is not an English language learner and will not take the English language proficiency identification assessment, the school principal shall inform the parent of this recommendation, in the language or mode of communication the parent best understands.
- 6) Upon receipt of a recommendation by the school principal, the Superintendent of his designee shall review the school principal's recommendation and make a final determination to accept or reject the school principal's recommendation within ten days of receiving the school principal's recommendation. If the Superintendent determines that the student is not an English Language Learner, notice of such determination shall be provided to the parent in the language or mode of communication the parent best understands within 5 days of such final determination.
- 7) If the LPT determines that the student with a disability may have second language acquisition needs, the student shall take the initial English language proficiency identification assessment. The CSE shall determine, in accordance with the Individualized education program developed for such student pursuant to Part 200 of this Title, whether the student shall take the assessment with or without testing accommodations or an alternate assessment as may be prescribed by the commissioner.

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

These supports may include:

- Remedial Reading Program
- ELL Program
- Speech/Language Services
- Extra help sessions with the general education teacher
- Informal small group instruction
- Curriculum modifications

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

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

- The length of time the student has been in the United States;
- The amount of instruction that the student has received in the United States as well as in his or her home country;

- The length of time the student has been receiving ESL instruction;
- Attendance in school;
- The student's proficiency in his native language as well as English proficiency;
- The types of general education supports that the student has received.

In all cases, the student's educational, cultural and experiential background will be considered by the Committee to determine if these factors are contributing to the student's learning or behavioral problems. In making a determination of eligibility for special education and related services, a student may not be identified as a child with a disability if the determinant factor for such determination is limited English proficiency.

CULTURALLY UNBIASED/NON-DISCRIMINATORY EVALUATION FOR ENGLISH LANGUAGE LEARNERS

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

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

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

notifications in their dominant language. They will also receive the **Parent's Guide to Special Education** in their native language

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

The bilingual evaluation will include the following considerations/evaluations:

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

- The evaluation report will state the language in which the assessment was administered.
- If the tests normally used are not considered valid for the ELL student, other avenues of data collection including criterion-referenced tests may be used and the results will be described in the evaluation report.

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

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

EXTENDED SCHOOL YEAR (ESY) SERVICES

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

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;

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

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

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

ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

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

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

Assistive technology devices mean any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such device.

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

- The evaluation of the needs of a child with a disability, including a functional evaluation of the student in the student's customary environment;

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

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

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

PROCEDURAL SAFEGUARDS

DUE PROCESS

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

The Procedural Safeguards Notice must be provided to parents of students with a disability at a minimum of one time per year and also:

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

PRIOR WRITTEN NOTICE

Prior written notice means written statements provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

A parent of a student with a disability may elect to receive prior written notice and other required notifications by an electronic mail (e-mail) communication if the school district makes this option available.

INFORMED CONSENT (CSE and CPSE)

“Consent” means:

- the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- the parent understands and agrees in writing to the activity for which consent is sought; and
- the parent is made aware that the consent is voluntary on the part of the

parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Written Parental Consent is Required Prior To:

Initial Evaluation – Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having a disability, parental consent for evaluation is requested.

A representative of the CSE/CPSE contacts the parent regarding the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation and **A Parent’s Guide to Special Education**. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the CPSE until such consent is obtained. If the parent of a school-age child does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts to obtain parental consent and will notify the Board of Education that they may utilize the due process procedures to permit the district to conduct an evaluation of the student without the consent of the parent.

The initial evaluation to determine if a student is a student with a disability must be completed within 60 days of receiving parental consent for the evaluation.

The 60-day timeline shall not apply if:

- A student enrolls in district after parental consent has been received and prior to a determination by the previous school district as to whether the student is a student with a disability. The district will ensure prompt completion of the evaluation and the parent and school district will agree to a specific time when the evaluation will be completed; or
- The parent of a student repeatedly fails or refuses to produce the student for the evaluation.

Initial Provision of Special Education Services – If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent to initial placement is requested. The parent is provided with a copy of due process rights. If a parent refuses to give written consent, the District may not deny the parent or child any other service, benefit, or activity of the school district, except for the recommended special education service. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CSE or school staff, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of the student refused to

consent or fails to respond to a request to provide consent to the provision of special education programs and services, the school district shall not provide the special education program and services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The school district shall not be considered to be in violation of the requirements to make available a free appropriate public education for the failure to provide the student with the special education program and services for which the school district requests consent. The school district shall not be required to convene a meeting of the committee on special education or develop an IEP for the special education program and services for which the school district requests consent.

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

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

Reasonable measures are interpreted as:

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

Withdrawal of Referral - Parental consent will be required if the parent decides to withdraw a referral for special education.

Requests for Records/Other Communications with Non-District Personnel

Parent consent is requested for the following:

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

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

INDEPENDENT EVALUATIONS

At the time of CSE initial or reevaluation, the Committee on Special Education will inform parents regarding their right to an independent evaluation by providing them with

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

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

- The parent must request a copy of the Board policy prior to seeking an evaluation and reimbursement;
- The qualifications of the evaluator and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation. This includes, but is not limited to the following:
 - Psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;
 - Other evaluators should be appropriately certified in the area of their specialty by the State Education Department; and
- The evaluation will take place within the boundaries of the metropolitan area (e.g. Nassau, Suffolk, Queens or Manhattan).
- The tests performed must be norm referenced for individual evaluation appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests;
- The cost of an independent evaluation requested by a hearing officer shall be at district expense;
- Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances costs will be deemed reasonable and allowable in accordance with the following fee schedule:

Psychological Evaluation/Cognitive Evaluation	\$	400.00
Projective Evaluation	\$	300.00
Neurological Evaluation	\$	1,000.00
Educational Evaluation	\$	450.00
Speech/Language Evaluation	\$	420.00
OT Evaluation	\$	250.00

PT Evaluation	\$	250.00
Psychiatric Evaluation	\$	775.00
Neuropsychological Evaluation	\$	5,000.00
Audiological Evaluation	\$	250.00
CAP Evaluation	\$	400.00
Assistive Technology Evaluation	\$	750.00

- Parents must notify the Director of Special Education that reimbursement for an independent evaluation is being requested no later than 90 calendar days from the date of the initial/review/reevaluation CSE/CPSE meeting. An additional 90 calendar days would be provided to complete the evaluation. In no cases will reimbursement for an independent evaluation be considered beyond the six-month time limit.

Resources for Independent Evaluations

Student Dev. Center Nassau County Medical Center 2201 Hempstead Tpke East Meadow, N.Y. 11554 572-5914	Steven & Alexandra Cohen's Children's Medical Center 269-01 76th Ave. New Hyde Park, N.Y. 11040 (718) 470-3540	North Shore University Hospital Neuropsychological Div. 400 Community Drive Manhasset, N.Y. 11030
North Shore Child and Family Guidance Center 480 Old Westbury Rd. Roslyn Heights, N.Y. 11577 (516) 626-1971	Hofstra University Hempstead Turnpike Hempstead, N.Y. 11550 Psychological Evaluation Research Center (516) 463-5660	Adelphi University Garden City, N.Y. 11530 Center for Psych Services (516) 877-4820 Hy Weinberg Speech and Hearing Clinic (516) 877-4850

SURROGATE PARENTS

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

Qualifications:

Persons selected as surrogate parents cannot be officers, employees or agents of the school district or State Education Department or other agency involved in the education

or care of the student. To the extent possible, an effort is made to appoint surrogate parents who:

1. Have no other interest which could conflict with their primary allegiance to the student they would represent;
2. Are committed to acquaint themselves personally and thoroughly with the student and the student's educational needs;
3. Are of the same racial, cultural and linguistic background as the student they seek to represent; and
4. Are generally familiar with the educational options available to children with disabilities.

Procedures for Assigning Surrogates:

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

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

The surrogate parents appointed by the Board of Education are Ellen Andreo and Carolyn Mione

SPECIAL EDUCATION MEDIATION

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

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

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the types of special education programs and services the student will receive, the mediator does not make a decision. In the case that a resolution is reached to resolve the complaint through the mediation process, the parents and school district representative will execute a legally binding written agreement that details the resolution and states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. Both the parent and a representative of the school district who has the authority to bind the school district will sign the agreement. This agreement is enforceable in any State or District court. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. If the written agreement reached by the parties in mediation is inconsistent with the student's IEP, then the student's IEP must be immediately amended to be consistent with the mediation agreement. The Community Dispute Resolution Center (CDRC) in Nassau County will conduct Special Education mediation. Each center is staffed by a number of highly qualified mediators who are not employed by the school district and who are not selected to be mediators by the school district.

Resolution Session:

Prior to an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting. The parent and school district may agree to use alternative means of meeting participation, such as video conferences and conference calls. The participants at the meeting shall include the parents and the relevant members of the CSE who have specific knowledge of the facts identified in the complaint, including a representative of the school district who has decision making authority on behalf of the school district. This meeting shall not include an attorney of the school district unless an attorney accompanies the parent.

The parent and the school district may agree, in writing, to waive the resolution session or agree to use the mediation process to resolve the dispute.

If the parent and the school district reach an agreement to resolve the complaint at a resolution session, a legally binding agreement shall be signed by both the parent and a representative of the school district who has the authority to bind the school district. Such agreement shall be enforceable in any State court of competent jurisdiction or in a District court of the United States. Either the parent or school district may void the agreement within three business days of the agreement's execution.

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

APPOINTMENT OF IMPARTIAL HEARING OFFICERS

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

- Beginning September 1, 2001, be a New York State attorney in good standing with a minimum of two years practice and/or experience in the areas of education, special education, disability rights or civil rights; or be independent and not an officer, employee or agent of the school district or of the Board of Cooperative Educational Services (BOCES) of which the school district is a component or an employee of the State Education Department;
- Continue to remain qualified as an IHO if the individual was certified as an IHO prior to September, 2001;
- Not have been employed by a school district, school or program serving students with disabilities placed there by a school district CSE or an officer, employee or agent of a school district for two years following the

termination of such employment;

- Have access to the support and equipment necessary to perform the duties of an IHO; and
- Successfully complete a State Education Department training program.

Appointment

The updated list of certified IHOs for Nassau County promulgated by the New York State Education Department will be used in connection with all requests for impartial due process hearings. The list shall include the names of those certified IHOs who appear on the state list for the county or who have indicated their interest in serving in such capacity in the Franklin Square School District.

The District Clerk or designee shall be responsible for contacting IHOs. Upon receipt of a request for an impartial hearing, the District Clerk or designee not involved in the hearing process shall canvass the list in alphabetical order of IHOs as prescribed by the Regulations of the Commissioner of Education to ascertain the willingness and availability of the next listed individual to serve as an IHO for the particular matter.

Upon receipt of a complete due process complaint notice for an impartial hearing, the rotational selection process of the IHO shall be initiated immediately and always within two days after receipt by the district of such request. Should an IHO decline appointment or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such district representative shall then proceed through the list to determine availability of the next successive IHO.

The impartial hearing officer may not accept appointment unless he or she is available to make a determination of sufficiency of a due process complaint notice within five days of receiving such a request and unless an extension is granted, to initiate the hearing within the first 14 days after:

- the date upon which the impartial hearing officer receives the parties' written waiver of the resolution session; or
- the date upon which the impartial hearing officer receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
- the expiration of the 30-day period beginning with the receipt of the due process complaint notice, whichever occurs first.

The District Clerk or designee shall then proceed through the list to determine availability of the next successive IHO. Upon identifying the next IHO on the list who is available to serve, a subcommittee of the Board of Education, consisting of the Board President or in his/her absence, the Board Vice President, shall appoint such person to serve as the IHO.

Records relating to the IHO process including, but not limited to, the request for availability, initiation and completion of such impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by the Commissioner's Regulations.

Compensation

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100 per hour for pre-hearing, hearing and post-hearing activities. There is no maximum per diem number of hours for which an IHO can be compensated. Pre-hearing activities include scheduling the time and location of the hearing, conducting pre-hearing conferences, arranging for witnesses and subpoenas, and writing letters to the parties involved in the hearing. Hearing activities include the hearing, participating in settlement discussions and arranging for subsequent hearing dates. Post-hearing activities include researching material pertinent to the issues raised at the hearing, reviewing the hearing records, exhibits, memoranda of law and writing the decision. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed.

Impartial hearing officers will be reimbursed for automobile travel in accordance with the current Internal Revenue Code mileage rate. If the travel distance from the home/office of the impartial hearing officer is more than 200 miles from the hearing location, the impartial hearing officer may be reimbursed for air travel using a commercial airline carrier where tickets are purchased at the economy rate for round trip tickets. Prior to confirming purchase of airline tickets the impartial hearing officer must inform the district of his/her wish to travel by airline.

The District shall not be responsible for the impartial hearing officer's fee due to a late cancellation unless the District makes the cancellation less than one (1) calendar week from the date the impartial hearing officer is scheduled to serve. The District shall annually notify each impartial hearing officer certified to serve in the district of this policy and of the current rates set by the district for travel reimbursement, overnight lodging, meal expenses and mailing costs.

For further information concerning the impartial due process hearing refer to the "New York State Education Department Procedural Safeguards Notice."

GUARDIAN AD LITEM

In the event the impartial hearing officer determines that the interests of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of a student would best be protected by appointment of a *guardian ad litem*, the

impartial hearing officer shall appoint a guardian ad litem, to protect the interests of the student unless a surrogate parent has previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent are preserved throughout the hearing whenever a *guardian ad litem* is appointed.

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

SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY

Notice of Rights Concerning Student Records

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

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all official records, files and data directly related to their student, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age shall make a request for access to records, in writing, to the building principal. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Superintendent of Schools.
- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to

persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.

DISCIPLINE

SCHOOL CONDUCT AND DISCIPLINE

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

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

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

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

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

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

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

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

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

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

ACCESSIBILITY

ACCESS TO PROGRAMS AND EXTRACURRICULAR ACTIVITIES

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

In the event that special transportation or other special arrangements are required to enable a child to participate in an extracurricular activity at a placement provided by the district, application may be made to CSE. The CSE will meet with the child's parent to review the child's placement needs and, if appropriate, to recommend special services.

ACCESS TO SCHOOL DISTRICT MEETINGS AND ACTIVITIES

The Board of Education recognizes that those District parents with hearing impairments which prevent a meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded to other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the School District will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- parent/teacher conferences,
- child study or building level teams,
- planning meetings with school counselors regarding educational progress,
- career planning,
- suspension hearings or other conferences with school officials relating to disciplinary actions

The District will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the District within 10 days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will make other reasonable accommodations (e.g., note-taker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the District at no cost to the parents.

ELEMENTARY DISTRICT DAY PROGRAMS

LOCATION/PROGRAM TITLE	DESCRIPTION AND HANDICAPPING CONDITION
<u>Consultant Teacher</u> (All Schools) Grades K – 6	Minimum of two (2) hours of service per week given to the student and/or mainstream teachers to support the student in the mainstream.
<u>Resource Room</u> (All Schools) Grades K –6	Minimum of three (3) hours per week emphasizing learning strategies, attitude and work habit development. For students with academic difficulties.
<u>Integrated Co-Teaching</u> (All Schools) Grades K – 6	Minimum of two (2) hours of service per day within the general education classroom.
<u>Washington Street School</u> Transitional Learning Class (TLC Special Class)	Full-time, non-categorical special class program emphasizing academic and readiness skills for children with speech-language impairment, moderate to severe learning disability, mild intellectual disability, multiple disabilities, mild emotional disturbance, et. al.
<u>John Street School</u> Intensive Support Program (ISP Special Class)	Full-time, non-categorical special class program emphasizing academic and readiness skills for children with severe speech-language impairment, autism, intellectual disability, multiple disabilities, et. al.

NOTE: Opportunities for mainstreaming are provided in all programs on an individual basis as per the recommendation of the CSE.

CONSULTANT TEACHER SERVICES

The services of a consultant teacher are recommended for children who are fully mainstreamed. The service is available for children in grades Kindergarten through sixth who can benefit from the regular curriculum with limited special services.

The consultant is a certified special education teacher who works directly or indirectly with the special needs child for a minimum of two (2) hours per week. Through collaboration with the regular classroom teacher and other specialists, an individualized program is designed to assist the child's learning within the regular classroom setting.

The District uses this consultant teacher model in combination with a co-teaching model. A special education teacher is assigned to a group of not more than five children who are students in a general education class. These children are not pulled out of their class for resource room services, but rather have the benefit of a special education teacher in the classroom.

STAFF

In addition to the consultant teacher who works in collaboration with the regular class teacher, support staff may include speech/language therapist, psychologist and reading teacher.

NEEDS

While every special education program must address individual learning styles, students in the consultant model share the following similarities:

Student is able to learn within the regular classroom with limited direct intervention from the special educator.

TEACHER'S ROLE

The role of the consultant teacher is to collaborate with the classroom teacher, parent and other support staff in the development of an appropriate classroom program. This may include the modification of materials, procedures and methods of instruction or, at times, direct instruction to the child. Consultation teacher services may be used to support children included in the regular classroom. The consultant teacher may co-teach in the general education classroom.

ELEMENTARY RESOURCE ROOM PROGRAM

The Resource Room Program is designed for students whose primary handicapping condition is learning disabled, speech impaired or mild emotional disturbance. The program generally serves pupils from the ages of five (5) to twelve (12) years old. Recommended capacity is five (5) students per class with twenty (20) students per certified special education teacher.

The program consists of identification and diagnostic assessment, small group and/or individualized instruction in basic skills, language, study and organizational skills. Encouragement and emotional support are provided. Ongoing consultation with regular classroom teachers is an integral part of this program.

The program comprises a minimum of three hours. The services are provided using both a pull-out and push-in model.

STAFF

The Elementary Resource Room Program consists of a special education teacher, in collaboration with support staff, which may include a school psychologist, a speech and language therapist, and a reading teacher.

NEEDS

While the curriculum in special education programs is consistently adapted to individual learning styles, the Elementary Resource Room program serves children with the following similar educational needs:

ACADEMIC NEEDS

-Instruction in basic skills, oral and written language, study skills and organization; development of sense of academic competence; support for content areas; attention and concentration.

SOCIAL/EMOTIONAL NEEDS

-Age-appropriate behavior, interpersonal skills, sense of competency.

MANAGEMENT NEEDS

-Clarity of expectations, structure, support and encouragement.

PHYSICAL NEEDS

-Elementary physical education requirements with appropriate adaptations or modifications in areas such as vision, hearing, activity level, mobility, manual dexterity, etc.

TEACHER'S ROLE

The role of the teacher(s) is primarily to provide basic language study and organizational skills in support of content areas, as well as to coordinate efforts of mainstream teachers in meeting educational needs.

SUPPORT SERVICES

Other support services to the student may include case conferences, counseling, psychological consultation as needed for diagnosis or evaluation as well as speech and language therapy.

ELEMENTARY SPECIAL CLASS TRANSITIONAL LEARNING CLASS (TLC)

The TLC (Transitional Learning Class) is a non-categorical class servicing students in Grades K - 6 whose primary handicapping condition is learning disabled, emotionally disturbed, speech and language impaired, mild mental retardation or multiply disabled. Age range is three years and recommended capacity is 15 students. (15:1:1)

The program consists of a language-based instructional approach to develop readiness and competency in basic skills. Students are mainstreamed in some academic areas when appropriate. Ongoing consultation with the mainstreaming teacher is an integral part of the design. Students participate in the recess, art, physical education, music, library and extra curricula programs of the school, as do general students.

Transportation is provided when necessary.

STAFF

The TLC Special Class staff consists of a multi-disciplinary team, which includes a teacher and a teacher aide. Support staff may also include a school psychologist, speech and language therapist or a school nurse.

NEEDS

While every special education class and/or program must address individual learning styles, students in the TLC Special Class Program share the following similar needs:

ACADEMIC NEEDS

-Language and cognitive development are emphasized. Intensive experiences in reading, writing and mathematics are provided at the appropriate level for each child. Problem-solving, science and social studies activities are developed throughout the year.

SOCIAL NEEDS

-Effective social interactions are encouraged and modeled through individual and group experiences. Self-help skills and age-appropriate behavior are emphasized.

MANAGEMENT NEEDS

-Students are encouraged to work toward independence in social and academic situations. Structure, clear expectations and limits on behavior are provided within a framework emphasizing individual responsibility, self-control and autonomy.

PHYSICAL NEEDS

-Gross and fine motor coordination are emphasized. Individually determined adaptations or modifications are made in areas such as vision, hearing activity level, mobility, manual dexterity, etc.

TEACHER'S ROLE

In addition to the teaching of academic or readiness skills, the role of the teacher is primarily to provide supervision, guidance, adult interpretations of the world, and receptive language skills. The teacher also helps develop expressive language skills by stimulating and mediating interactions between the language impaired child and his peers, in social as well as academic sessions throughout the school day.

SUPPORT SERVICES

Other support services to the student may include speech and language therapy, adaptive physical education, physical therapy, occupational therapy, psychological counseling/consultation for diagnosis or evaluation as needed.

NOTE: Opportunities for mainstreaming are provided on an individual basis as per the recommendation of the CSE.

ELEMENTARY SPECIAL CLASS INTENSIVE SUPPORT PROGRAM (ISP)

The ISP (Intensive Support Program) is a non-categorical class servicing student in Grades K - 6 whose primary handicapping condition is autistic, speech/language impaired, mild mental retardation or multiply disabled. Age range is three years and recommended capacity is 8 students. (8:1:3)

The program consists of a language-based instructional approach to develop readiness and competency in basic skills. Students are mainstreamed in some academic areas when appropriate. Students participate in the recess, art, physical education, music, library and extra curricula programs of the school, as do general education students.

Transportation is provided when necessary.

STAFF

The ISP Special Class staff consists of a multi-disciplinary team, which includes a teacher and teacher aides. Support staff may also include a school psychologist, speech and language therapist, occupational therapist, physical therapist, or a school nurse.

NEEDS

While every special education class and/or program must address individual learning

styles, students in the ISP Special Class share the following similar needs:

ACADEMIC NEEDS

-Language and cognitive development are emphasized. Intensive experiences in reading, writing and mathematics are provided at the appropriate level for each child. Problem-solving, science and social studies activities are interwoven into the curriculum whenever appropriate.

SOCIAL NEEDS

-Effective social interactions are encouraged and modeled through individual and group experiences. Self-help skills and age-appropriate behavior are emphasized.

MANAGEMENT NEEDS

-Students are encouraged to work toward independence in social and academic situations. Structure, clear expectations and limits on behavior are provided within a framework emphasizing individual responsibility, self-control and autonomy.

PHYSICAL NEEDS

-Gross and fine motor coordination are emphasized. Individually determined adaptations or modifications are made in areas such as vision, hearing activity level, mobility, manual dexterity, etc.

TEACHER'S ROLE

In addition to the teaching of academic or readiness skills, the role of the teacher is primarily to provide supervision, guidance, adult interpretations of the world, and receptive language skills. The teacher also helps develop expressive language skills by stimulating and mediating interactions between the language impaired child and peers, in social as well as academic sessions throughout the school day.

SUPPORT SERVICES

Other support services to the student may include speech and language therapy, adaptive physical education, physical therapy, occupational therapy, psychological counseling/consultation for diagnosis or evaluation as needed.

NOTE: Opportunities for mainstreaming are provided on an individual basis as per the recommendation of the CSE.

OTHER SUPPORT SERVICES

School Psychological Services

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in Committee on Special Education (CSE) referral, evaluation and placement;

monitoring of student progress; consultation with teachers; social skills training, student counseling; and liaison activities with community agencies and other professionals. Additional functions relating to special education classes include: assisting teachers in the development of interventions to help students and in the development of Individualized Education Plans (IEPs); conducting three-year reevaluations; exploring out-of-district education alternatives, when necessary; monitoring progress of students after placement (site visits); intervening during crisis.

Speech, Language and Hearing Services

Specialists in speech and language assist school staff with the identification and instruction of children with speech, language and hearing disorders. They provide diagnostic and remedial services for children with articulation disorders, stuttering and voice disorders, expressive and receptive language problems, hearing deficits, cerebral dysfunction and cleft palate. Much of the activity of these specialists involves observation, individual testing and counseling, related conferences with parents and consultations with teachers regarding instructional methods.

Physical Therapy

Physical therapy is provided in order for a physically handicapped student to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive need of the student; program planning and treatment program when indicated; consultation with regular education teachers in the mainstreaming process; supervision and instruction of non-professional personnel in dealing with the physical needs of the student.

Occupational Therapy

The occupational therapist serves children whose handicaps prevent them from functioning normally within the school environment. The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper extremities necessary for handwriting and other classroom fine motor tasks, modulating a child's sensory responses that interfere with everyday activities, developing the activities of daily living, providing adaptive equipment as necessary and counseling students with disabilities about their participation in activities. The goal of the occupational therapist is to provide appropriate treatment to increase the student's ability to function independently in the school environment.

METHODS FOR EVALUATING PROGRAM OBJECTIVES

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, the District's School Report Card, the rate of students passing State required tests, etc., formative data will be gathered relative to the success of the delineated objectives. The data will be analyzed to provide summative information to

assist the district in decision-making regarding revisions and modifications for programs, services and procedures.

MISCELLANEOUS

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

The procedures to locate, identify, and evaluate all non-public 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. A student who is enrolled in a non-public school and receives special education services is considered to be “dually enrolled” in both the non-public and the public schools.

The Board of Education shall consult with appropriate representatives of private school students with disabilities, that may include representatives of organizations of non-public school groups, selected parents of students with disabilities enrolled in non-public schools and selected representatives of the non-public schools in the school district, on how to carry out the activities described in the Regulations of the Commissioner of Education.

The Board of Education is required to furnish special education programs and services to a student who is a resident of the district and who attends a non-public school located within New York State, upon the written request of the student’s parent. If a parent of a student with a disability wishes to have his or her child receive special education programs and services while enrolled in a non-public school, the parent must file a written request for special education services with the school district of residence on or before June 1, preceding the school year for which such services are requested.

Referrals for Evaluation of Students Thought to be Disabled

Resident students who attend non-public schools within the district may be referred to the Committee on Special Education of the school district in exactly the same manner as students who attend public schools. In the case of the non-resident student, the referral will immediately be directed by the building administrator of the non-public school or by the CSE (if the referral is submitted to the CSE office) to the Committee on Special Education in the district of residence of the student. The Committee in the district of residence will determine what types of diagnostic testing are needed, and will obtain parental consent for evaluation.

In the case of a resident student, regular referral procedures are followed. The CSE (or building designee) obtains parental consent for evaluation and schedules the evaluation with the school psychologist. In all cases, the Committee on Special Education of the district of residence will review the results of the evaluations to determine if special education services are warranted.

Implementation of IDEA 2004 and Non-public School Students

As of the 2007-08 school year:

- The school district where the non-public elementary or secondary school is located will be responsible for the equitable provision of services, child find and consultation requirements in IDEA 2004. Required consultation relating to 2008-2009 services should occur in the 2007-2008 school year.
- If the school district where the non-public 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 residence for evaluation and possible identification as a student with a disability by the CSE of the school district of residence.

- The school district of location must conduct the evaluation and eligibility determination and, for a student determined eligible for special education services, develop the IEP.
- The school district of residence must contract with the school district where the nonpublic school is located to provide special education services to the student.
- The school district where the non-public 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 non-public schools in the jurisdiction of its public school. Such federal funds may not be used for child find purposes.
- The school district where the non-public 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 non-public school attended by the student is located.

REIMBURSEMENT FOR UNILATERAL PLACEMENT IN A PRIVATE SCHOOL

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

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

The cost of reimbursement may be reduced or denied:

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

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

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

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

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

It is the policy and practice of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of pupils with disabilities and preschool pupils with disabilities. An appropriate amount of space in District facilities will be allocated to meet the needs of students in such programs.

Further, it is the policy and practice of the Board of Education to ensure that appropriate space will be available to meet the needs of resident pupils 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.

This allocation will be part of the bi-annual district plan for the provision of Special Education programs and services, as mandated by the Commissioner of Education.

The District will also attempt to provide the Board of Cooperative Educational Services with appropriate space for resident and non-resident students on the basis equal to the number of District students served.

PLAN TO ENSURE AVAILABILITY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS

Effective May 16, 2002, section 200.2 of the Regulations of the Commissioner has been amended to implement Chapter 377 of the Laws of 2001. As a result of Chapter 377 and the Laws of 2001, the Board of Education must 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 supports 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?

Access to and Conversion of Electronic Files

Instructional materials provided in electronic files can offer many flexible options for a student with a disability to access the curriculum when the files are used with a variety of technology and tools such as computer screens using highlighted or enlarged text, screen readers or Braille printers. Students will have access to appropriate software and hardware in order to provide these materials in an alternative format. This would include, but not be limited to computers, printers, scanners, alternative keyboards, Braille note takers, tape recorders, screen readers, speaking browsers, screen magnification devices, scan and read, and Braille translation. The district will also access appropriate agencies and resource centers to assist in the conversion of materials into Braille format.

Ordering Timelines

Braille and large-type test booklets will be obtained from the State Education Department for the Elementary State Assessments. The Braille and large-type test booklets requested will be included in the regular shipment to the school. These tests will be ordered at the same time that tests are ordered for non-disabled students. If reproduction and/or reformatting of test booklets is required, written advance permission of the State Education Department will be obtained in sufficient time as to administer the test at the same time as administered to non-disabled students. If Braille or large print conversions are requested, the district will request this conversion at least three months in advance of the exam.

The district will inquire of publisher sales representatives about available formats. If the instructional materials needed by the student cannot be purchased in alternative formats, the district will make reasonable efforts to adapt or convert the materials or provide substantially equivalent materials to the student in a format he or she can access. Consideration will be given as to sufficient time to convert these materials so that the student will be able to participate and progress in the general curriculum.

Selection and Procurement of Instructional Materials

The district utilizes a textbook selection committee when considering the purchase of new textbooks or materials. The committee will be informed of the need to give preference to those vendors who agree to provide materials in alternative formats.

When the district selects any new instructional materials for a course, consideration will be given, as one factor, if such materials are available from the vendor in the alternative format(s) needed by the student. Where different textbooks meet the district's criteria for a particular subject matter, the district will give preference to the vendor that agrees to provide materials in alternative formats. If competitive bidding is required for the purchase of instructional material, bid specifications will be drafted to allow the district to select the bidder who can provide materials in alternative formats in a timely fashion by making alternative format availability a specification of the bid.

Procedures for New Entrants Students During the School Year

When a new student enters the district, the CSE will review the student's previous IEP to determine if the IEP has specified the need for materials to be provided in an alternative format. If the IEP indicates that the student requires an alternative format, the district will immediately either provide the necessary software or hardware necessary for the conversion or contact the appropriate agency to either purchase or convert the materials.

If a student requires additional materials in an alternative format, the special education teacher or school psychologist will be responsible to provide this information to the Director of Special Education. The Director will be responsible for arranging the provision of materials in an alternative format.

TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS

Transportation for in-district students with disabilities will be provided in accordance with district policy and comply with all applicable laws, regulations and policies established by federal, state and local authorities.

Transportation will be provided to in-district students under the following conditions:

Grades

Kdg. – 3rd Grade Children living in excess of ½ mile from the school of assigned attendance

Grades 4,5,6 Children living in excess of one mile from the school of assigned attendance

In addition to the above criteria, if a student is recommended for transportation based on the student's disability, the student will then be transported to his or her assigned school. If a student with a disability attends an out-of-district placement, he or she will be provided with transportation to the school as recommended by the Committee on Special Education.

If a parent elects to transport their child to an out-of-district placement in lieu of utilizing district transportation, the parent will be compensated at the current district mileage rate.

MEMBERS OF COMMITTEE ON SPECIAL EDUCATION FOR 2020-2022

Director of Special Education	Pamela Taylor, Ed.D
Chairperson	Pamela Taylor, Ed.D
Chairperson	Kristin Stallone
Alternate Chairperson	Stephanie Baglici, Psy.D
Alternate Chairperson	Kathryn Strunk
Alternate Chairperson	Kaitlin Darmiento
Alternate Chairperson	Jason Tomack
Alternate Psychologist	Stephanie Baglici, Psy.D
Alternate Psychologist	Kathryn Strunk
Alternate Psychologist	Kaitlin Darmiento

Alternate Psychologist	Jason Tomack
Principal / AP @ PSS	Gil Torossian / John Trotta
Principal / AP @ WSS	John Stella / Dominic Gobbo
Principal / VP @ JSS	Thomas Riccobono / Jung Lee
Superintendent	Jared Bloom, Ph.D
Asst. Sup. for Curriculum	Maura Gallagher
Physician	Robert Marino, MD
Alternate Special Education Teacher	Kristina Mastrandrea
Alternate Special Education Teacher	Amanda Caputo
Alternate Special Education Teacher	Jean D'Aurio
Alternate Special Education Teacher	Nicolette Fazio
Alternate Special Education Teacher	Stacey Mankuta
Alternate Special Education Teacher	Michelle Gannon
Alternate Special Education Teacher	Michelle Gordon
Alternate Special Education Teacher	Michelle Hegarty
Alternate Special Education Teacher	Kristin McHale
Alternate Special Education Teacher	Ryan Meliere
Alternate Special Education Teacher	Gabriella Gallo
Alternate Special Education Teacher	Karen Nieuchowicz
Alternate Special Education Teacher	Alana Rollandi
Alternate Special Education Teacher	Kristin Rudolph
Alternate Special Education Teacher	Margaret Solenne
Alternate Special Education Teacher	Lorie Tesoriere
Alternate Special Education Teacher	Michelle Rocco
Alternate Special Education Teacher	Jesse Vitchers
Alternate Special Education Teacher	Lisa Wagner
Alternate Special Education Teacher	Susana Zerella

SPEECH PATHOLOGIST

Speech Pathologist	Lauren Bieniek
Speech Pathologist	Allison Brown
Speech Pathologist	Samantha Smith
Speech Pathologist	Jacqueline Schomaker
Speech Pathologist	Lisa Staffa
Speech Pathologist	Ailynn Cabasino

SPEECH THERAPIST

Speech Therapist	Tressa Wiecezak
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OCCUPATIONAL THERAPIST

Occupational Therapist	Sandra Schooff
Occupational Therapist	Jenean Rose

Other Titles:

Regular Education Teacher of the Child
Parent of the Child

2020 -2022 Surrogate Parents:

Ellen Andreo
Carolyn Mione

**MEMBERS OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION
FOR 2020-2022**

Chairperson	Kristin Stallone
Alternate Chairperson	Pamela Taylor, Ed.D
Alternate Chairperson	Kathryn Strunk
Alternate Chairperson	Kathy Tener
Alternate Chairperson	Jason Tomack
Alternate Chairperson	Stephanie Baglici, Psy.D

Parent Members:

Kristen Gasperetti

Other Titles:

Teacher of the Child
Parent of the Child
Regular Education Teacher

2020-2022 Surrogate Parents:

Ellen Andreo
Carolyn Mione

**COMMITTEE ON SPECIAL EDUCATION SUBCOMMITTEE
FOR 2020-2022**

Chairpersons:

Gilbert Torossian / John Trotta PSS
Thomas Riccobono / Jung Lee JSS
John Stella / Dominic Gobbo WSS

Alternate Chairpersons:

Kaitlin Darmiento	PSS
Kathryn Strunk	JSS
Jason Tomack	WSS
Stephanie Baglici, Psy.D	WSS

Other Titles:

Special Education Teacher of the Child
Regular Education Teacher of the Child
Parent of the Child