

# **Tri-Valley Central School**

**2016-2018**

***SPECIAL EDUCATION DISTRICT PLAN***

**District Practices and Procedures  
Assuring Appropriate Special Education Services**

**Director: Robert Martinelli  
CPSE/CSE Chairperson  
Prepared by: Eileen Conway-Whitaker, Consultant**

**TABLE OF CONTENTS**

<b><u>TOPIC</u></b>	<b><u>PAGE</u></b>
Introduction.....	3
Census and Screening Procedures.....	4
Program Objectives for Students with Disabilities .....	5
Implementation of School-Wide Approaches and Pre-Referral Interventions .....	6
Committee on Preschool Special Education .....	7
Committee on Special Education.....	12
Provision of Appropriate Special Education Services to Enable Involvement and Progress in the General Education Curriculum.....	22
Extended School Year Services .....	23
Access to Programs and Extra-Curricular Activities .....	24
Procedures for Awarding Diplomas.....	26
Declassification of Students with Disabilities .....	28
Discipline of Students with Disabilities.....	29
Confidential Special Education Records .....	32
Space Allocation for Special Education Programs .....	36
Special Education Budget .....	37
Identification of the Number and Age Span of District Residents Being Served .....	38
Special Education Programs and Services (CPSE).....	39
Special Education Programs and Services (CSE) .....	41
Program Evaluation .....	43

## **INTRODUCTION**

The Special Education District Plan includes district policies, practices and procedures for assuring appropriate educational services and due process in evaluations and placement of children with disabilities.

These policies, practices and procedures of the School District, operating under the Regulations of the Commissioner of Education, represent a commitment by the District to satisfy the laws by assuring due process in evaluation and placement for children with disabilities and providing a full continuum of special education services. This plan outlines the programs and services which are provided.

The District is committed to the attainment of long-range goals that emphasize excellence in education for all students. The mission of the District is to educate our students to become independent thinkers, life-long learners and problem solvers.. It is our goal to empower each student to meet the challenges of an increasingly complex world. The District will provide a safe, nurturing environment in which individual and civic responsibility is fostered, diversity is respected, and all students are enabled to realize their full potential.

The Board of Education of the District, as a part of a long standing commitment to excellence in education for all students, supports the provision of special education and related services for students with disabilities under the auspices of the Committee on Special Education and the Committee on Preschool Special Education. It is the intent of this Board of Education to assure that the educational needs of special education students are met. In compliance with the Regulations of the Commissioner of Education, the Board, at a regularly scheduled meeting, has adopted this District Plan for Special Education.

## **CENSUS AND SCREENING PROCEDURES**

### ***CENSUS***

The District conducts an annual census in accordance with Education Law, Sections 3240 and 3241. One purpose of the census is to locate and identify all new students who reside in the District and who are suspected to have a disability. This information is posted on our web page as well as in the local newspapers two times a year.

Any students suspected of having a disability are reported to the Committee on Special Education or the Committee on Preschool Special Education.

## ***SCREENING***

Chapter 53 of the Laws of 1980 requires local school Districts to locate, identify and provide programs for those students who need special services. The District has developed a comprehensive diagnostic screening process for all kindergarten students and new entrants into the District.

Screening programs are designed to obtain preliminary information regarding a child's development in the following areas:

- Physical development
- Cognitive development
- Receptive and expressive language development
- Articulation skills
- Motor development

Professional staff administers screenings. Information collected as a result of the screening will become part of the student's school records. Therefore, the District ensures that policies regarding confidentiality are enforced.

Students whose screening indicates a possible disability will be referred to the Student Support Team or the Committee on Special Education (CSE).

## **PROGRAM OBJECTIVES FOR STUDENTS WITH DISABILITIES**

The District is committed to the development and implementation of an appropriate education for resident students with disabilities and has established the following objectives that are aligned with its policies and procedures to ensure appropriate participation in all school district programs:

- To provide a free appropriate education in the least restrictive environment for all students residing in the District between the ages of three and twenty one or until the students have achieved a regular high school diploma, whichever shall occur first.
- To have high expectations for all preschool and school age students with disabilities and ensure that they have the opportunity to participate in school District programs, to the maximum extent appropriate to the needs of each student, including access to general education curriculum, as well as extracurricular programs and activities that are available to other pupils enrolled in the District.
- To ensure that policies and procedures for establishing and operating special education programs are clearly defined and that the special education program is an integral part of the District's regular education program.
- To provide the human and material resources necessary for the implementation of a full continuum of programs and services to meet the academic, social, physical and management needs of resident students with disabilities.
- To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and appropriate Subcommittees on Special Education for the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and the CSE will monitor the progress of all students with disabilities.
- To provide, to the greatest extent appropriate, adaptation, modification of instruction and collaborative models of instruction to enable students with disabilities to benefit from instruction within the general education setting, whenever appropriate.
- To support high quality, intensive professional development for all personnel who work with students with disabilities in order to assure that they have the skills and knowledge necessary to enable them to meet developmental goals and challenging expectations.
- To ensure that a code of conduct 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 the rights to continuity of appropriate education for students with disabilities.
- To build a close working relationship between the CPSE, CSE, school staff, school District administrators, parents and community. To this end, meaningful opportunities for parents to participate in the education of their children will be provided through parent support meetings, Response to Intervention meetings, CSE as well as transition meetings.
- To ensure the confidentiality of personally identifiable data and information or records pertaining to students with a disabilities. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.

- To ensure that necessary modifications are made so that students and their parents have access to services provided by the District.
- To ensure that parents are advised of their due process rights and to establish procedures in this regard.
- To ensure that students attending schools within the District receive the protection of all other applicable State and Federal regulations.

## **IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS**

In accordance with IDEA and Part 200 of the Commissioner's Regulations, the District has implemented a plan to establish pre-referral interventions and Academic Intervention Services (AIS) to support a student's educational progress before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the building level teams to investigate all possible avenues of general education support services that would enable the student to advance academically. These academic and student support services may be provided before, during, or after the school day, or in the summer and must be afforded to all students who do not meet the minimum designated standards on State assessments and to Limited English Proficient (LEP) students who do not achieve the annual CR Part 154 performance standards. A description of these services will be approved by the Board of Education and reviewed every two years. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family nutrition, and transient issues will be afforded to students who score below Level 3 or below the local passing grade or to students recommended by the Student Support Team or Response To Intervention Team. All school wide approaches to provide remediation activities to students who are at risk of not meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include extra support, student or volunteer tutorial assistance, counseling support, and computer assisted programs. The principal will notify parents whenever Academic Intervention Services (AIS) are provided. These school-wide approaches shall serve as pre-referral interventions prior to consideration of Committee on Special Education (CSE) support services.

The referral form to the CSE used by the District staff will enumerate all pre-referral interventions available to the District's students to enable the CSE to determine which of these interventions have been tried or the reason why no such attempts have been made. The building level team and the special education department shall maintain a record of the pre-referral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized and if further interventions are deemed necessary.

The building administrator may intercede upon receipt of a referral to the CSE and may request a meeting with the parent or guardian, the student, and the referring party to determine whether the

student would benefit from additional general education support services as an alternative to special education. These services may include speech and language improvement service or other academic intervention services. 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 party, the parent or guardian, 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 education record file. If there is no written agreement reached at this meeting the required timeline of the CSE will be maintained.

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

To implement its commitment to the education of children with disabilities, the Board of Education annually appoints a Committee on Preschool Special Education (CPSE). The Committee is appointed in accordance with the provisions of New York Education Law, and the Regulations of the Commissioner of Education. The CPSE evaluates students suspected of having a disability, identifies if there is a disability and determines the nature of that disability, and recommends program placement of the student to the Board of Education. Due process safeguards are assured by the CPSE through the provision of information regarding parental rights and appropriate notices as prescribed in the Commissioner's Regulations. An annual register is maintained of all students with disabilities who reside in the District who are identified by the CPSE. The CPSE is also responsible for reporting the number of preschool students who are not receiving appropriate services and the reasons why.

### ***CPSE DISABILITY CRITERIA***

"Preschool Student with a Disability" refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services. To be identified as having a disability, a preschool student shall either 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 student 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 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; or

- meet the criteria of Autism, Deafness, Deaf-Blindness, Hearing Impairment, Orthopedic Impairment, Other Health Impairment, Traumatic Brain Injury, Learning Disabled, Intellectual Disability, Emotional Disturbance, Speech or Language Impairment, Multiple Disability or Visual Impairment including blindness.

### ***CPSE MEMBERSHIP***

The members of the multi-disciplinary team known as the CPSE are appointed as required by Education Law and the Commissioner's Regulations. The statutory members include:

- The parents of the preschool child;
- A regular education teacher of the child whenever the child is or may be participating in the regular education environment;
- A special education teacher of the child, or, if appropriate, a special education provider of the child;
- A representative of the school District who is qualified to provide, or supervise special education and who is knowledgeable about the general curriculum and the availability of preschool special education programs and services and other resources of the school District and the municipality. The representative of the school District shall serve as the chairperson of the committee;
- an additional parent member of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, if specifically requested in writing by the parent of the student, the student or by a member of the committee at least 72 hours prior to the meeting;
- An individual who can interpret the instructional implications of evaluation results, provided that 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 on the committee;
- 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;
- For a child in transition from early intervention programs and services, the appropriate personnel designated by the agency that has been charged with the responsibility for the preschool child, and;
- A representative of the municipality of the preschool child's residence provided that the attendance of the appointee of the municipality shall not be required.

### ***PARENTAL ROLE ON THE CPSE***

Parents are expected to be equal participants along with school personnel in:

- Developing, reviewing, and revising the IEP for their child;
- Determining what additional data are needed as part of the evaluation for their child and determine their child's eligibility and educational placement;
- Having their concerns and information that they provide regarding their child considered in developing and reviewing their child's IEP;
- Being periodically informed of their child's progress toward reaching the annual goals.

### ***CPSE REFERRALS***

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

- the student's parent or person in parental relationship
- a professional staff member of the District or from the public or private school the student attends
- a staff member of a preschool program approved pursuant to Section 4410
- a staff member of an approved program providing special instruction to students ages birth to 3
- a staff member of a program serving infants and toddlers or preschool students
- a licensed physician or judicial officer-if requested by parent
- a representative of a public agency with responsibility for the welfare, care or education of students
- a staff member of Head Start or other preschool program.

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 write to the parent, describing the evaluation procedures and requesting parental consent for the evaluation. A list of County approved evaluation sites will be included. Translations will be provided as needed. In the event that written consent is not provided, the Committee shall implement the District's practices and procedures for ensuring that the parents have received and understood the request for consent. If that parental permission continues to be withheld, the parent shall be given the opportunity to attend an informal conference with designated professionals most familiar with the proposed evaluation. At this conference, the reasons for the evaluation and the services that may be available for the student, if it is determined that there is a disability, will be discussed. If, at this meeting, a decision is made that the referral is not warranted at this time or the

parent still chooses not to consent to the evaluation, the Chairperson of the CPSE will issue a letter notifying the parent that the referral has been withdrawn.

### ***CPSE EVALUATIONS***

The evaluation will be conducted by the service provider selected by the parent and will include the following, at no cost to the parent:

- a physical examination;
- an individual psychological evaluation;
- an observation;
- a social history; and
- other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which 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. The tests will be validated for the specific purpose for which they are used and are administered by trained personnel. Tests will be administered so as not to be racially or culturally biased. 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.

### ***CPSE MEETINGS***

Whenever the CPSE proposes to conduct a meeting related to the development or review of a student's IEP, or the provision of a free appropriate public education to the student, the parent receives notification in writing at least five days prior to the meeting. The meeting notice may be provided in less than five days prior to the meeting to meet the mandated timelines and in situations in which the parent and the District agree to a meeting that will occur within five days. The notice is in the native language of the parent and is mailed with a copy of the due process rights. This invitation states the purpose, date, time, and location of the meeting and the name and title of those persons expected to attend the meeting.

### ***CPSE RECOMMENDATION PROCESS***

When completed, the evaluation reports will be submitted to the CPSE and to the person designated by the municipality of the District and a CPSE meeting will be scheduled. The parents will be provided with a copy of the summary of the evaluation prior to the meeting by an approved evaluator and they will receive a copy of the evaluation reports at the meeting. The summary report shall not include a recommendation as to the general type, frequency, location and duration of special education services and programs that should be provided; shall not address the manner in which the preschool student can be provided with instruction or related services in the least restrictive environment; and shall not refer to any service provider of special services or programs. The results

of the evaluation will be provided to the parents in their native language or other mode of communication used by the parents unless it is not feasible to do so. A written notice is sent to the parents at least five days prior to the CPSE meeting advising them of the meeting. Reasonable measures will be made to ensure the parent attends the meeting; however, if the parent does not choose to attend, the meeting will take place as planned. No action will take place prior to parent being informed and agreeing to the recommendation. The CPSE will then submit a recommendation to the Board of Education as well as to the parent and the municipality.

An Individualized Education Program (IEP) shall be prepared which indicates the classification of Pre-school student with a disability, the student's present levels of functioning including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short term objectives, and the type of special education program and/or services recommended. Transportation to approved programs will be provided and, to the extent possible, children with special needs will receive educational services with other preschoolers who are in regular education programs. The IEP will be given to the parents and each provider of services.

If the Committee finds no disability, written notification is sent to the parent, consistent with prior notice requirements, and to the Board of Education indicating ineligibility for preschool special education and the reasons for the finding

#### ***CPSE ANNUAL REVIEW***

An annual review is conducted for every preschool student who has been classified as having a disability. Reasonable measures will be taken to ensure that the parent attends the meeting. This review is conducted to consider continued eligibility for services and to determine whether the annual goals for the student are being achieved. The professionals who participated in the evaluation of the student shall, upon the request of the parent or the Committee, attend and participate in the meeting. The IEP is revised, as needed, to address any lack of expected progress towards annual goals. The results of any reevaluation information about the student shall be provided to the parents. Parental reports and evaluations will be shared with the CPSE to assist in determining the student's anticipated needs. A new IEP will be prepared at the meeting.

#### ***CPSE TRANSITION TO THE CSE***

If the CPSE believes that a child will continue to need special education programs and services, the CPSE must refer the child to the CSE.

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

To implement its commitment to the education of children with disabilities, the Board of Education annually appoints a Committee on Special Education (CSE). The Committee is appointed in accordance with the provisions of New York Education Law, and the Regulations of the Commissioner of Education. The CSE evaluates students suspected of having a disability, identifies if there is a disability, determines the nature of that disability, and recommends programs. Due process safeguards are assured by the CSE through the provision of information regarding parental rights and appropriate notices as prescribed in the Commissioner's Regulations.

### ***CSE DISABILITY CRITERIA***

Students with disabilities are those whose special needs are significant enough to warrant the provision of special education services in accordance with an individualized educational program (IEP). 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 twenty-one 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 and recommended by the CSE or SubCSE. This term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency.

### ***CSE MEMBERSHIP***

The CSE is a multidisciplinary committee, which meets to perform mandated functions. All members of the CSE are appointed annually by the Board of Education. Translators for the deaf or interpreters for non-English speaking parents are provided, if necessary. A meeting will be conducted without a parent in attendance, when the parent declines to attend. The District will document its attempts to arrange a mutually convenient time for the meeting.

- The parents or persons in parental relationship to the student;
- At least one regular education teacher of the student whenever the student is, or may be, participating in the regular education environment;
- One special education teacher of the student, or if appropriate, a special education provider (i.e., related service provider) of the student;
- A representative of the school District who is qualified to provide, or supervise special education and who is knowledgeable about the general curriculum and the availability of resources of the school District; provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist;
- An individual who can interpret the instructional implications of evaluation results. Such

individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school District or a person having knowledge or special expertise regarding the student when such member is determined by the school District to have the knowledge and expertise to fulfill this role on the Committee;

- A 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;
- an additional parent member of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, if specifically requested in writing by the parent of the student, the student or by a member of the committee at least 72 hours prior to the meeting;
- Other persons having knowledge or special expertise regarding the student, including related services personnel as appropriate, as the school District or the parent(s) shall designate; and
- If appropriate, the student.

### ***SUBCSE MEMBERSHIP***

- The parents of the student;
- One regular education teacher of the student whenever the student is or may be participating in the regular education environment;
- The student's special education teacher, or if appropriate, special education provider (i.e., related service provider) of the student;
- A representative of the school District who is qualified to provide, administer or supervise special instruction and who is knowledgeable about the availability of resources of the school District; who may also be the special education teacher, special education provider of the student or a school psychologist;
- 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 regular education teacher, a special education teacher, a representative of the school District who is qualified to provide, administer, or supervise special education, a school psychologist, a related service provider or a person having knowledge or special expertise regarding the student;
- Such other persons having knowledge or special expertise regarding the student, including related services personnel as appropriate, as the Committee or the parent shall designate; and
- The student, if appropriate.

### ***PARENTAL ROLE ON THE CSE***

Parents are expected to be equal participants along with school personnel in:

- Developing, reviewing and revising the IEP for their child;
- Determining what additional data are needed as part of the evaluation for their child and determine their child's eligibility and educational placement;
- Having their concerns and information that they provide regarding their child considered in developing and reviewing their child's IEP;
- Being periodically informed of their child's progress toward reaching the annual goals.

### ***CSE REFERRAL***

In accordance with New York Education Law Section 4402, the Committee on Special Education (CSE) is responsible for evaluating students to identify students with disabilities or determining if no disability exists and recommending a special education program within 60 days of receipt of consent for the evaluation. The following persons may make a request for a referral to the Director of Student Services:

- The student's parent or person in parental relationship.
- A professional staff member of the school District or the public or private school the pupil legally attends.
- A licensed physician.
- A judicial officer.
- The commissioner or designee of a public agency with responsibility for the welfare, health or education of children.
- The student 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.

If the building administrator receives a referral or request for referral first, it shall be forwarded immediately to the Committee Chairperson. The referral must be written, dated and must state the basis for the suspicion that the student may be disabled. It must also include any test results, records or reports upon which the referral is based and describe attempts to remediate the student's performance prior to referral, including supplementary aids or support services provided. If no such interventions were implemented, the referring party must state the reasons why. The extent of parental contact or involvement prior to the referral must be indicated. If the CSE Chairperson receives the referral first, a copy shall be forwarded to the building administrator within five (5) days of its receipt. The date of receipt of referral means the date on which either the CSE chairperson or the building administrator receives the referral, whichever is earlier.

The Chairperson of the Committee on Special Education shall provide prior notice to the parent or guardian of the referral in language that is understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. Notice of all applicable due process rights as well as a request for consent to perform the evaluation shall be included information which, if submitted, shall be considered by the CSE as part of its evaluation or review.

The building administrator and/or Special Education Administrator, within ten days of receipt of a

referral or copy of the referral, may request a meeting with the parent/guardian, staff and the student, if appropriate, to determine if the student would benefit from additional general support services as an alternative to special education which may include reasonable accommodations within general education, educationally related support services, speech and language improvement services, counseling support, guidance intervention or further attempts at remediation including academic intervention services, short term skills training or ESL/bilingual services. This meeting shall not impede the CSE from continuing its duties and functions. The person who requested the referral, if other than the principal or parent should also attend the meeting. The principal shall ensure that the parent understands the proceedings of the meeting and shall arrange for an interpreter, if necessary. Should the principal, parent and referring party agree that with the provision of additional general support services the referral is unwarranted, the referral shall be deemed withdrawn. This agreement must be in writing and must be sent to the CSE chairperson with copies to the referring person, if a professional staff member of the District, the parent or person in parental relationship to the student, and the student, if appropriate. The parental copy of the agreement shall be in the native language of the parent. The agreement must contain a description of the additional general education support services to be provided and establish a time frame for the duration of these services. This agreement becomes part of the student's cumulative educational record.

In the absence of a written agreement to withdraw the referral to the CSE, and in the event that parent/guardian does not consent to the evaluation within thirty (30) days of receipt of the referral, the chairperson of the CSE will document attempts made by the District to obtain parental consent for the referral.

If the CSE receives a request for an evaluation from a Family Court judge, a probation department, a social services District, the Office of Child and Family Services, or a preadmission certification committee established as part of the Mental Hygiene Law, the CSE shall proceed with the evaluation and provide a recommendation to the requesting agency within 60 days of receipt of the request provided that parental permission is obtained.

### ***CSE EVALUATIONS***

The student who has been referred to the CSE receives, at no cost to the parents, a comprehensive, racially and culturally nonbiased, individual evaluation in the student's dominant language or other mode of communication to determine his/her educational needs. The evaluation is conducted by trained and knowledgeable District personnel in accordance with established test procedures and incorporates a variety of assessment tools and strategies that have been validated for the specific purpose for which they are used and provide relevant information that directly assists the CSE in determining the educational needs of the student. Technically sound instruments are used that assess the relative contribution of cognitive, behavioral, physical, or developmental factors. A psychologist performs an individual evaluation of cognitive ability and other relevant evaluations. The special education teacher evaluates reading, mathematics, and written language proficiency. A guidance counselor or other trained personnel compiles a comprehensive history of the child through parent information and records. The speech teacher assesses receptive and expressive language, fluency, articulation, and vocabulary abilities as needed. Regular education classroom teachers provide

written statements about the child's functioning in their classes. The CSE utilizes any private evaluations offered by the parent, but requires its own testing. If the primary language of the child is not English, a bilingual evaluation is arranged. The evaluation also includes a functional behavioral assessment if the student's behavior impedes his or her learning or that of others. The CSE assessment is sufficiently comprehensive to identify all of the student's special education needs whether or not commonly linked to a particular disability category. No single procedure is used as the sole criterion for determining whether the student has a disability and for determining an appropriate educational program. The procedures for evaluating a student suspected of having a learning disability are in accordance with sections 300.540 –300.543 of title 34 of the Code of Federal Regulations. A copy of the evaluation report and the documentation of eligibility are provided to the parents.

### ***CSE MEETINGS***

Whenever the CSE proposes to conduct a meeting related to the development or review of a student's IEP, or the provision of a free appropriate public education to the student, the parent receives notification in writing at least five days prior to the meeting. The meeting notice may be provided in less than five days prior to the meeting to meet the mandated timelines and in situations in which the parent and the District agree to a meeting that will occur within five days. The notice is in the native language of the parent and is mailed with a copy of the due process rights. This invitation states the purpose, date, time, and location of the meeting and the name and title of those persons expected to attend the meeting, indicates that the parent has a right to participate as a member of the CSE with respect to the identification, evaluation, and educational placement of the child and has a right to be accompanied by individuals with knowledge or special expertise about the child including related service personnel, as appropriate, as determined by the parent, and informs the parent of the right to decline, in writing, the additional parent member at any meeting of the CSE.

If the meeting is being conducted by a SubCSE the notice shall inform the parent that upon receipt of a written request from the parent, the SubCSE shall refer to the CSE any matter on which the parent disagrees with the SubCSE's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate public education to the student. If the purpose of the meeting is to consider transition services, the notice shall indicate this purpose, indicate that the District shall invite the student, and identify any other agency that will be invited to send a representative. Students, as appropriate, are also requested to participate, but the decision to include a student under 18 shall be made in collaboration with the parent.

### ***CSE RECOMMENDATION PROCESS***

The Committee must first determine if the child meets the criteria of the Commissioner's Regulations to be declared a student with a disability who requires special education services. The CSE must ensure that all general education resources have been considered including academic intervention services. If a child has not advanced educationally due to a lack of instruction in reading or mathematics or due to limited English proficiency, the child may not be classified. If the student is found ineligible for classification, the principal of the building is sent the recommendation for consideration of general education support services and the guidance counselor is responsible for monitoring the child's progress. If a pattern of failure persists despite preventative measures, a re-referral should be made to the CSE for reconsideration of the student's needs. Prior to placement in a

recommended special education program for the first time, the parent must provide signed consent.

When the CSE review is completed, the Chairperson of the Committee on Special Education will provide the parent with the recommendation of the CSE. If the parent is not present, the recommendation is mailed. This recommendation is also forwarded to the Board of Education. Subsequent to the Board meeting, the parent receives notification of the Board action as well as the IEP. A copy of the IEP is sent to the building staff in charge of its implementations. If it is thought that the IEP is no longer appropriate, the parent or building staff may refer the student to the appropriate CSE team for review.

If the Committee finds no disability, written notification is sent to the parent/guardian and to the principal, indicating ineligibility for special education and reasons for the finding. If the Committee determines that a child has a disability, an Individualized Education Program (IEP) is prepared which specifies the nature of the disability, the child's current level of functioning, the type of special education program and/or services recommended, other placement options not selected, the extent to which the student will not participate in general education and annual goals and short-term instructional objectives for the school year. The IEP shall also include statements about how the student's disability affects involvement and progress in the general curriculum as well as a statement of the program modifications or supports for school personnel that will be provided for the student in order to advance appropriately toward attaining the annual goals, be involved and make progress in the general curriculum, participate in extracurricular and nonacademic activities, and be educated and participate with other students, with or without disabilities, in these activities. Measurable annual goals must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and to meeting each of the student's other educational needs that result from the disability. The IEP shall also indicate the regular education classes, if any, where the student will receive integrated co-teaching services. It will also describe all assistive technology devices or services including any intervention, accommodation or other program needed to benefit from education. The IEP shall list individual testing accommodations to be used consistently in the administration of District-wide assessments and State assessments in order for the student to participate in the assessment. If the student is to be exempt from a particular State or local assessment or part of an assessment the IEP will indicate why this assessment is not appropriate for the student. If the student will not be participating in the regular physical education program the IEP will indicate the extent to which the student will participate in specially designed instruction including adapted physical education.

The CSE recommendation for placement shall conform with the least restrictive environment provisions and shall be based on the student's IEP, be as close as possible to the student's home, and shall be in the school he or she would have attended if there were no disability unless the student's IEP indicates otherwise. The student shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general classroom. IDEA requires that the IEP include a statement of the needed transition services for students no later than the age of 15, which includes a statement of the responsibilities of the school District and, when applicable, participating agencies for the provision of services and activities that promote movement from school to post school opportunities. Each general and special education teacher, related service provider, and other service provider who is responsible for the implementation of the IEP shall have

access to a copy of the IEP. In addition, each teacher and provider shall be informed by the CSE Chairperson or his/her designee of the staff member's specific responsibilities related to implementing the student's IEP as well as the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

### ***CSE PLACEMENT***

Upon review of the Committee's recommendation for special education services, the Board of Education shall arrange for the appropriate special education programs and services within sixty (60) school days of the receipt of consent to evaluate unless the recommendation is for placement in an approved in-state or out-of-state private school. In this case, the Board shall arrange for this program within 30 school days of the Board's receipt of the CSE recommendation. For a student already identified with an educational disability, a recommendation shall be provided to the Board of Education, which shall arrange for the appropriate special education programs and services within sixty (60) days of the referral for review of the student with a disability. If the recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for programs and services within thirty (30) days of the Board's receipt of the recommendation of the Committee.

Initial placements require the written consent of the student's parent/guardian. The CSE sends a copy of the IEP to the parent, receiving teacher and other direct providers of service.

### ***CSE ANNUAL REVIEW***

Annual review means a review, conducted at least annually by the committee on special education, of the status of each student with a disability and each student thought to have a disability who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.

The individualized education program (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. Any meeting to develop, review or revise the IEP of each student with a disability to be conducted by the committee on special education or subcommittee thereof, pursuant to section 4402(1)(b)(2) of the Education Law, shall be based upon review of a student's IEP and other current information pertaining to the student's performance.

Such review shall consider the following factors:

1. the strengths of the student;
  - the concerns of the parents for enhancing the education of their child;
  - the results of the initial or most recent evaluation of the student;
  - as appropriate, the results of the student's performance on any general State or district-wide assessment programs;
  - the academic, developmental and functional needs of the student;
  - the special factors described in paragraph (d)(3) of this section; and

- the educational progress and achievement of the student with a disability and the student's ability to participate in instructional programs in regular education and in the least restrictive environment.
2. If appropriate, the IEP must be revised to address:
    - any lack of expected progress toward the annual goals and in the general education curriculum or participation in appropriate activities for preschool students with disabilities, if appropriate;
    - the results of any reevaluation conducted pursuant to Part 200 and any information about the student provided to, or by, the parents;
    - the student's anticipated needs;
    - or other matters, including a student's need for test accommodations and/or modifications and the student's need for a particular device or service (including an intervention, accommodation or other program) in consideration of the special factors contained in paragraph (d)(3) of this section in order for the student to receive a free appropriate public education.
  3. Prior to the annual review, the committee on special education shall notify the parent of its intent to review the student's program and placement in accordance with section 200.5(c).
  4. Upon completion of the annual review, the committee on special education shall notify the parents of the committee's recommendation in accordance with section 200.5(a).

### ***CSE REEVALUATION***

At least once every three years, the district will reevaluate the child. A reevaluation may also occur if conditions warrant one or if either the parent/guardian or the child's teacher requests a reevaluation. If additional data are needed as part of this reevaluation, the school district will ask for the parent's/guardian's written consent prior to conducting these tests. A reevaluation will be sufficient to determine the child's individual needs, educational progress and achievement, the child's ability to participate in general education classes as well as the child's continuing eligibility for special education services.

### ***LEAST RESTRICTIVE ENVIRONMENT***

The term "Least Restrictive Environment" (LRE) means that the placement of students with disabilities in special classes, separate schools or other removal from the general educational environment occurs only when the nature or severity of the disabilities are such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved

To enable students with disabilities to be educated with non-disabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class.

The District is committed to the practice of placing students in the least restrictive environment consistent with their needs. The placement of an individual student with a disability in the least restrictive environment shall:

- provide the special education needed by the student
- provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and be as close as possible to the student's home

### ***CONTINUUM OF SERVICES***

In accordance with the Regulations of the Commissioner of Education, the District provides a continuum of services that supports placement of students in the least restrictive environment, consistent with their needs, and which provides for placement of children on the basis of similarity of individual needs. The District utilizes the following principles and assumptions to respond more effectively to the diverse needs of its students and families:

- Services and programs will be made available to students based on their individual needs, without regard to classification.
- A continuum of alternative placements will be available to meet the needs of students with disabilities.
- All students with disabilities will have equal access to a high quality program based on their individual needs and abilities and designed to enable them to achieve desired learning results established for all students.
- Educational placement decisions will be determined by a process that first considers a general education environment in the school the student would attend if he/she did not have a disability.
- The removal of a student with a disability from the general education environment occurs only when the needs of the student are such that, even with the use of supplementary aids and services, his/her needs cannot be met. However, consideration must be given to the impact of a student with a disability on the education of other students in the general or special education class when making placement decisions.
- Efforts will be made to access and coordinate with other available services within the District, BOCES or agency program before a student fails in his or her current educational placement.
- The responsibility for all students is shared among all staff of the school. Parents and guardians will have an opportunity for meaningful participation in the development of the Individualized Education Program (IEP), as equal partners with school personnel.
- Students with disabilities will be full participants in all aspects of the school program, including extra-curricular activities, to the maximum extent appropriate to their needs.
- Students in segregated placements will transition to general education, when appropriate.

The special education continuum can be visualized as a pyramid with a few children in highly restrictive settings and increasingly greater numbers of children benefiting from services at less restrictive levels. Below is a continuum which illustrated the least restrictive to the most restrictive service:

- General education classroom with adaptations and modifications
- Declassification Services
- Transitional Services
- Related Services
- Consultant Teacher
- Integrated Co-Teaching
- Resource Room
- Special Classes in integrated settings
- Special Classes in other public schools
- Special Classes in a BOCES setting
- Special Classes in 4201 schools
- Special Classes in approved private day schools
- Special Classes in approved residential schools
- Special Classes in out-of-state approved residential schools
- Home or hospital 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 educational program (IEP) that meets the student's unique educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual goals and short-term objectives.

In keeping with this policy, the CSE will consider mainstreaming or inclusion classes 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.

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

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

## **EXTENDED SCHOOL YEAR SERVICES**

Special education programs and services shall be provided to eligible preschool and school age students with disabilities consistent with their individual needs, as specified in their individualized education programs. A student with disabilities may be considered for such special services and/or programs in accordance with his or her need to prevent substantial regression if they are:

- Students whose management needs are highly intensive and require a high degree of individualized attention and intervention;
- students with severe multiple disabilities whose programs consist primarily of habilitation and treatment;
- students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habitation and treatment;
- students whose needs are so severe that they can be met only in a seven-day residential program; or
- students who are not in a program as described above but whose disabilities exhibit the need for a twelve month special service and/or program provided in a structured learning environment of up to twelve months duration in order to prevent substantial regression as determined by the Committee on Preschool Special Education or the Committee on Special Education.

Nothing shall prevent the Committee on Preschool Special Education or Committee on Special Education from recommending or the Board of Education from selecting, a special service or program for July and August, which is different in type, intensity, frequency, location or duration than the service or program that the child was provided between the months of September and June.

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

Students with disabilities residing in the District have the opportunity to participate in all programs and activities administered by the District and available to other students enrolled in District public schools, to the maximum extent appropriate, provided that the students seeking to participate are otherwise qualified to participate in such programs and activities. In the event that 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 the CSE. The CSE will meet with the child's parent to review the child's placement needs and, if appropriate, recommend special services.

In compliance with the Commissioner's Part 100 Regulations and to ensure full access to District programs, all students with disabilities will be provided:

- access to regular elementary and secondary school programs, services and activities which are prerequisite to earning a high school diploma to the extent that such programs and services are appropriate to the student's special education needs, and
- appropriate curricular and extracurricular opportunities to benefit from regular educational experiences and to achieve those learning standards which are held for all students in New York State.

It is the policy of the District to encourage students with special education needs to pursue a high school diploma. To achieve a diploma, students must earn the minimum number of credits and fulfill the requirements specified by the Regents of the State of New York and the Board of Education. To assure that students with disabilities achieve the credits and the skill levels necessary for attaining a diploma, the District has adopted the following procedures:

- The Committee on Special Education (CSE) will annually review the special education needs of each student with a disability. At each annual review after the student has entered grade 9, the CSE will make an initial determination as to whether or not the student is able to be successful in a course of study leading to a high school diploma, or whether his/her needs could be better met in an individualized education program designed to culminate in an SACC or CDOS Credential. Where appropriate, the student will participate in this decision-making process.
- At each annual review, the CSE will consider the student's current levels of achievement, learning rate, and the recommendations of the parent and the student.
- At each annual review, the CSE will consider whether the student's disability is likely to prevent accurate testing of competency required by the Regents. If applicable, the Committee will recommend appropriate testing accommodations as a component of the student's IEP. Testing accommodations will be individualized to meet the specific needs of the student's disability in accordance with standards established by the Regents.
- The District will offer appropriate remedial instruction.
- The CSE will consider and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
- The CSE will consider whether the student's special education needs will prevent completion

of the requisite number of units of credit within four (4) years of entry into high school. If so, a plan will be recommended for completion of the required units before June 30th of the school year in which the student reaches his/her twenty-first (21st) birthday.

- If the student requires placement in a special education class program, as indicated on the student's IEP, evaluation of student work shall be completed in accordance with the individual educational needs of the student. In all cases, credit will be awarded only upon demonstrated subject matter mastery, comparable to that required for achievement of credit in regular education classes.
- Receipt of a Credential shall not preclude subsequent granting of a regular diploma if appropriate assessments and necessary credits are achieved before the end of the school year in which a student reaches his/her twenty-first (21st) birthday.

## **PROCEDURES FOR AWARDING DIPLOMAS**

### ***HIGH SCHOOL DIPLOMA***

The Board of Education encourages all students with disabilities to graduate with a regular local or Regents high school diploma and provides highly specialized individual programs to assure that students may achieve this goal. In compliance with the Regulations of the Commissioner, prior to the student's graduation with a local high school or Regents diploma, a notice will be sent to the parent indicating that the student is no longer eligible to receive a free appropriate public education after graduation with the receipt of the local high school or Regents diploma.

### ***Career Development and Occupational Studies (CDOS) Commencement Credential***

### ***Skills and Achievement Commencement Credential (SACC)***

It is expected that students with disabilities will be guided toward a course of study that will lead to the achievement of a high school diploma. It is recognized, however, that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. In compliance with the Commissioner's Regulations, the District may award a high school credential to eligible students with disabilities. The provisions are applicable to:

- Students who are twenty one years old and who will age-out of the public school system and who have successfully completed the educational goals of their current Individualized Education Program.
- Upon application by the student or the student's parent, students who have successfully completed the educational goals in their current Individualized Education Program and who have attended at least 12 years of school beyond Kindergarten.

If the Credential is presented before the student is twenty-one years old, an accompanying statement shall be included assuring the recipient of his or her eligibility to receive a free, appropriate public education until the student has earned a high school diploma or until the end of the school year in which the student's twenty-first birthday occurs, whichever is earlier. In compliance with the Regulations of the Commissioner, prior to the student reaching 21 and graduating with a Credential, a notice will be sent to the parent indicating that the student is no longer eligible to receive a free appropriate public education after the school year in which the student reached 21 years of age.

Each high school Credential shall be identical in form to the local high school diploma except that there shall appear a clear annotation to indicate that the award is based on the student's successful achievement of the educational goals specified in his or her current Individualized Education Program.

- It shall be the responsibility of the special education teacher and the guidance counselor to alert the Committee on Special Education in a timely manner when a candidate for a High School Credential is demonstrating difficulty in meeting his or her Individualized Education Program. The Committee on Special Education then shall schedule a meeting with appropriate building staff, student and parent(s) to identify obstacles regarding goal

completion and to recommend steps to alleviate the problems.

- The Committee on Special Education shall certify successful completion of the student's Individualized Education Program and recommend to the principal of the high school that a High School Credential be issued to the student.
- Prior to the student's graduation with a Credential a notice will be sent to the parent that indicates that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns age 21 or until the receipt of a regular high school diploma.

### ***HIGH SCHOOL EQUIVALENCY PROGRAMS***

Students with disabilities may also receive diplomas through high school equivalency preparation programs. These programs are designed to instruct students who are over the compulsory school age so that they may successfully complete the TASC (Test Assessing Secondary Completion) that are required for a high school equivalency diploma.

A qualified individual who has received a high school equivalency diploma, but not a regular high school diploma, remains entitled to a free, appropriate public education, until the end of the school year in which he or she attains the age of twenty-one (21), or until he or she obtains a high school diploma.

## **DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The recommendation to declassify students with disabilities is the responsibility of the Committee on Special Education (CSE). As declassification constitutes a significant change of identification and placement, the CSE shall reevaluate the child prior to making this recommendation. The 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 CSE shall reevaluate the child without consent

In order to determine the nature of this reevaluation, the school staff including members of the 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 CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the 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 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 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 CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CSE shall identify any declassification support services including the projected date of initiation of such services and the duration of these services. Declassification services shall be provided for no more than a year following the declassification date. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional educationally related support services, academic intervention services, or other services that may be appropriate for the child.

According to State and Federal regulations, the District is not required to conduct a reevaluation of a student who is graduating with a local or Regent's diploma or exceeds the age eligibility requirement for a free appropriate public education (FAPE) even though this is a significant change of placement.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education, the Superintendent of Schools and/or the principal of each school in the District are authorized by Section 3214 of the Education Law to remove from the building any student, including any student identified as having disabilities by the Committee on Special Education (CSE), who is insubordinate or disorderly or whose conduct, physical, or mental condition endangers the safety, health or welfare of self or others or who violates school rules, as long as the suspension does not result in a change of placement under federal law. The principal may suspend the student for no longer than five consecutive school days while the Superintendent may remove the child for longer periods of time, based upon a Superintendent's hearing. The student's parent or guardian shall be notified on the date of the decision to make a disciplinary change in placement and shall be given a copy of the procedural safeguards notice. If the suspension is to be for 5 consecutive school days or less, the parents or guardians shall be provided with an opportunity for an informal conference.

The Superintendent may suspend a student identified as having a disability for up to ten consecutive school days, even if the violation is due to the student's disability. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct; however longer suspensions or a pattern of suspensions may be considered a change of placement. The Superintendent may also order a change of placement for up to 45 calendar days (including weekends and holidays) to an interim alternative educational setting (IAES) if a student with a disability carries or possesses a weapon, including a pocket knife over 2 and one half inches, knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance.

When a student with a disability is to be removed from the building through a Superintendent's suspension, the CSE must make special education records available to the hearing officer that will be reviewed along with the student's disciplinary records. The CSE shall also meet to make a manifestation determination as to whether the behavior was related to the child's disability. In making this determination the CSE shall consider all relevant diagnostic and evaluative information, including reports provided by the parents, observations of the child, the child's IEP and placement. The CSE shall also consider whether, in relationship to the behavior:

- the IEP and placement were appropriate
- the supplementary aids and services and behavior intervention strategies were provided consistent with the student's IEP and placement.
- the disability did not impair the child from understanding the impact and consequences of the behavior that led to the disciplinary action.
- the disability did not impair the ability of the child to control the behavior subject to disciplinary action.

If the response to this analysis is "no" to any of the aforementioned items, the CSE must find a nexus between the child's behavior and the disability. If the behavior is deemed to be a manifestation of the

student's disability, the suspension will be terminated and the child will be returned to the placement unless the CSE recommends an alternative setting or unless the offense is due to a weapon or carrying, selling or soliciting illegal drugs. In the latter case a 45- day suspension may be ordered.

If the response to this analysis is "yes" and the consensus is that the behavior was unrelated to the student's disability, the student may be disciplined in the same manner as a non-disabled student; however the student shall continue to receive services as required under federal law and regulations.

The CSE shall develop a plan for a functional behavioral assessment (FBA) when a student with a disability is at risk of further suspension or after a suspension for over 10 days within the school year, or after a change in placement to an interim alternative educational setting (IAES). This assessment will identify the problem behaviors and the contextual factors that contribute to the behaviors. It will also determine the reasons why the student engages in problem behaviors and indicate how the continuation of the behaviors is related to the environment. A behavior intervention plan (BIP) based on the FBA shall be individually designed by the CSE, soon after the receipt of the FBA, to prevent re-occurrence of the behavior and shall be incorporated into the student's IEP. This plan shall be reviewed and revised by the CSE upon subsequent suspensions or as needed. A student who has been identified as having behavioral problems and who has been referred to the CSE for the first time shall have a FBA as part of the initial assessment.

The CSE shall be responsible for determining the nature of the 45-day interim alternative educational setting (IAES) as well as the services to be provided to the suspended student. This setting shall enable the child to continue to make progress in the general curriculum and to receive services and modifications included in the current IEP. This setting shall also be designed to enable the child to meet IEP goals and objectives and shall include services and modifications to address the behavior and prevent its recurrence. In cases where there is substantial evidence that maintaining the current placement of the student is likely to result in injury to the student or to others, the Board of Education may request an expedited impartial hearing which shall be conducted within 15 school days, unless a time extension is requested by either the parent or the District. If the hearing officer determines that the District has substantial evidence that maintaining the placement, even with efforts to minimize the risk of harm, is likely to result in injury to the student or to others, the hearing officer may order a change of placement to an IAES proposed by school personnel, in consultation with the child's special education teacher, for 45 calendar days. When this period of time has lapsed, the school officials may request another 45 days if they believe that return to the school setting may result in injury to self or others. Subsequent 45-day periods may also be requested. If the hearing officer decides that the potential risk of harm can be minimized by behavioral supports, aids or services provided within the school setting and makes the decision to return the student, the suspension shall be terminated. A parent may also request an impartial hearing when in disagreement with the manifestation determination or the placement decision. If the student has been placed in an IAES, this will remain the placement during the course of the hearing until expiration of the time period. If the District and the parent agree, the student may remain in the IAES longer than the 45 days but will return to the prior setting if the parent challenges a subsequent proposed change of placement. The hearing officer, however, may return the child to the IAES if the District maintains that it is dangerous for the student to remain in the current placement.

A student who is presumed to have a disability under 34 C.F.R. Part 300 (Code of Federal Regulations, 1999) is entitled to the same rights and privileges in regard to discipline as a student previously identified as having a disability. This determination shall be made if the District had knowledge that the student had a disability before the behavior occurred. The District will be deemed to have had this knowledge if:

- The parent had expressed concerns in writing to school personnel that the child is in need of special education and related services.
- The behavior of the child has demonstrated the need for special education.
- The parent had requested an evaluation of the child prior to the event that caused the suspension.

When the Superintendent or building principal determines that the student is presumed to have a disability the 504 team members shall convene to make the manifestation determination and shall formulate an appropriate accommodation plan to address the child's behavior. Where appropriate, the 504 team shall refer the child to the CSE. In cases where the District has already conducted an individual evaluation and found the student not to have a disability or determined that an evaluation is not necessary and provided notice of this determination to the parents, the child shall not be presumed to have a disability. If the parent requests an expedited evaluation after the misbehavior has occurred, this evaluation will be performed within 15 school days after receipt of the request for evaluation and the CSE will convene within 5 school days of its completion. The District will determine the placement of the child during the completion of this expedited evaluation.

## **CONFIDENTIAL SPECIAL EDUCATION RECORDS**

It is the policy of the District, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, to assure parental access to student records and to protect the confidentiality of such records. Procedures established by the District are fully consistent with FERPA, Section 615 of the Individuals with Disabilities Act (IDEA), and the Regulations of the Commissioner of Education. The following section describes practices and procedures for assuring access to and protecting confidentiality of records:

Parents of a student under 18 years of age, or a student 18 years of age or older, have a right to inspect and review any and all official records, files and data directly related to the student. This includes 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, scores 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. Parents of a student under 18 years of age, or a student 18 years of age or older shall make a request for access to the student's school records, in writing, to the Superintendent or his designee. Upon receipt of this request, arrangements shall be made to provide access to such records in a reasonable period of time but no more than forty-five (45) days after the request has been received.

Parents and students over 18 are entitled to an opportunity to challenge the content of such records, to ensure that they are not inaccurate, misleading or contain otherwise inappropriate data. The parent or student shall notify the principal or the Superintendent of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for such challenge. Upon receipt of such statement, the principal or the Superintendent will hold an information conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the principal or the Superintendent finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing. The principal or Superintendent will also advise the student or parent of the right to place in the education record a statement commenting on the challenged information and/or setting forth any reason for disagreeing with this decision. The District shall maintain the explanation placed in an education record under this paragraph as long as the District maintains the record. The education record will be released whenever the provisions of this policy authorize such release.

A hearing will be held upon request and the parents will receive timely notice of the place, date and time. The hearing officer may be the Superintendent of Schools or a designated school official having no interest in the hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence. After taking evidence, the hearing officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the

hearing officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the principal or Director of Special Education to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commenting on challenged information as described above.

A review of the decision of a hearing officer may be obtained by either the parent or the Board of Education by appeal to a State review officer of the State Education Department. The written decision of the State review officer, a copy of which will be mailed to the parent and the Board of Education, shall be final. Thereafter, special education records or entries in the cumulative record may be reviewed, at the federal level, by the Family Policy and Regulations Office, U.S. Department of Education, Room 1087 FB 6, 400 Maryland Avenue, SW, Washington, D.C., 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office find the District to be out of compliance with applicable law, and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U.S. Department of Education for a formal resolution of the conflict before an administrative law judge.

An appeal concerning the educational records of a general education student may be made to the FERPA Office of the U.S. Department of Education.

## ***DEFINITIONS***

The term "Student" means any person between the ages of three (3) and twenty-one (21) who is receiving educational services or instruction through the District. This includes students who receive preschool services from the District CPSE.

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

The term "Parent" refers to either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the District has received notice of such court order or document. The term "parent" also includes a guardian who has been appointed by a court or who has demonstrated, to the satisfaction of the District, that he or she is the actual and only person responsible for the child and for making decisions on the student's behalf. Non-custodial parents have the same rights concerning access to their children's educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him or her the opportunity to present a court order or other binding instrument barring the release of the data requested.

The term "Education Record" refers to a record which is maintained within the school District

which relates to the preschool, elementary, or secondary school education of a student within the District and which is accessible to more than one educator or other professional within the school District.

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

### ***RELEASE WITH CONSENT***

Except under certain limited circumstances set forth in this policy and permitted by the Family Education Rights and Privacy Act, education records will be released to third parties only with prior written consent of the parent or eligible student.

- The written consent must be signed and dated by the eligible parent or eligible student and shall include the specific record(s) to be disclosed and the person(s) to whom the disclosure is to be made.
- When a disclosure is made with the written consent of the eligible parent or eligible student, the District shall, upon request, provide a copy of the record disclosed to the eligible parent or eligible student.

### ***RELEASE WITHOUT CONSENT***

Records may be released without consent only under the following circumstances:

- Education records concerning a particular student may be released to staff members who have responsibility for the student, and then only if it is educationally necessary.
- Records in the custody of the Department of Student Services will be released to school officials and members of the Committee on Special Education or Committee on Preschool Special Education only for purposes set forth in the Individuals with Disabilities Education Act, including, but not limited to, identification of a child's disability and development of an Individualized Education Program.
- Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school where the student is also enrolled or receives services. Records disclosed pursuant to this provision, without express written consent, will be only those deemed by the Director of Student Services to be essential for the provision of educational services or educational planning. The parents or eligible students may request and receive a copy of any records released under this

provision.

- Portions of the cumulative record or current evaluations and the IEP from special education records may be released without consent to another school, if the principal of the school maintaining the record has received written notification of the student's intent or attempt to enroll there or if the CSE has recommended placement in such school. Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Director of Student Services to be essential for the provision of educational services or educational planning. The parents or eligible students may request and receive copies of records transferred under this provision. Transcripts will not identify courses as "special education" courses.
- Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs, or enforcement of federal legal requirements. Persons reviewing records under this provision must sign an access log, to be kept in the student's folder, indicating their interest in the records.
- Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be "lawfully issued" when it is issued by a court, or when counsel for the District has reviewed it and found it to be lawfully issued. Before making such a disclosure the District must send written notice to the parent or eligible student.
- Records may be released without consent in health or safety emergencies, if such disclosure is deemed by the official making the disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons, and if the information is necessary to meet the emergency. Such records will be released without written consent only in the event that the person to whom the information is disclosed is qualified to deal with the emergency.

### ***RETENTION OF RECORDS***

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

- The special education file is retained for six (6) years after the student receives a diploma, attains age 21, or is declassified from special education, whichever is shorter.
- The following special education records are retained for six (6) years after they are created: psychological reports, social history reports, the IEP, communication with parents and with other concerned agencies, student writing samples, attendance and discipline records, and staff reports. These reports are retained in the special education file.

- Placement approval forms (STAC 200 or 201 forms or their equivalents) are kept for six (6) years from the end of the year covered by the form, or from the end of the school year in which the student reaches 21, whichever is shorter.
- STAC 3 forms or equivalents are retained for six (6) years after receipt by the school.
- Referral service records on a preschool child with a disability are retained for six (6) years from the creation of the record.

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

It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that students with disabilities residing in the District shall be educated within the District and whenever appropriate, students with disabilities will be placed in their home school.

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

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

The District will continue to meet with Sullivan BOCES to work toward N. Y. State Education Department's requirement in developing the regional plan that reduces the number of special education students in center based non-integrated settings. In addition, in an attempt to provide the least restrictive environment for all students, the District will continue to provide space, to the extent available, for school-age students from other school Districts who need special programs not available in their home schools. The District will also attempt to provide the Board of Cooperative Educational Services with grade appropriate space for resident and non-resident students if such space is available.

**SPECIAL EDUCATION BUDGET**

Professional Salaries	\$1,661,119
TA and Aides Salaries	\$636,560
Instructional Supplies	\$15,160
Contractual Expenses	\$403,000
Private School Tuition	\$505,000
Conferences/staff travel	\$3,500
BOCES Tuition	\$1,035,216
BOCES Other	\$10,800

**The District's total special education budget for the 2016-17 school year is**

**\$4,001,625.00 -General Fund**

**\$269,281.00-Grants**

**IDENTIFICATION OF THE NUMBER AND AGE SPAN OF DISTRICT  
RESIDENTS BEING SERVED**

(As of July 1, 2016)

**By Disability**

<b>DISABILITY</b>	<b>4-5</b>	<b>6-11</b>	<b>12-13</b>	<b>14-17</b>	<b>18-21</b>	<b>TOTALS</b>
Autism	1	8	6	0	0	<b>15</b>
Deafness	0	1	0	0	0	<b>1</b>
Deaf-Blindness	0	0	0	0	0	<b>0</b>
Emotional Disturbance	1	1	1	8	2	<b>13</b>
Hearing Impairment	0	0	0	0	0	<b>0</b>
Learning Disability.	0	16	19	26	4	<b>65</b>
Intellectual Disability	0	0	3	1	1	<b>5</b>
Multiple Disabilities.	2	1	0	1	0	<b>4</b>
Orthopedic Impairment	1	0	0	0	0	<b>1</b>
Other Health Impairment	2	8	11	16	2	<b>39</b>
Speech or Language Impairment	3	10	1	0	0	<b>14</b>
Traumatic Brain Injury	0	0	0	0	0	<b>0</b>
Visual Impairment	0	1	0	0	0	<b>1</b>
<b>TOTALS</b>	<b>10</b>	<b>46</b>	<b>41</b>	<b>52</b>	<b>9</b>	<b>158</b>

**By Setting**

<b>SETTING</b>	<b>TOTALS</b>
District Operated Programs	139
Other Public School District Programs	0
BOCES	15
Private Schools	4
<b>TOTALS</b>	<b>158</b>

**PRESCHOOL STUDENTS WITH DISABILITIES, AGES 3-5: TOTAL**

<b>Preschool Students with Disabilities</b>	<b>TOTAL</b>
Ages 3-5	15

## SPECIAL EDUCATION PROGRAMS AND SERVICES

### **-COMMITTEE ON PRESCHOOL SPECIAL EDUCATION-**

#### *PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES*

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

- related services only
- special education itinerant services only
- related services in combination with special education itinerant services
- an integrated special education preschool program
- a half-day preschool program
- 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.

**Related Services** as defined in Section 4401 of Education Law are the same as those cited for a school age student. Related services may be provided at a site determined by the BOE including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start Program
- The work site of the provider
- The student's home
- A hospital
- A state facility
- A child care location as defined in section 4410

**Special Education Itinerant Services (SEIT)** is provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the BOE, including, but not limited to:

- An approved or licensed pre-kindergarten or Head Start program
- A student's home if the Board has determined that documented medical or special needs of the preschool student indicate that the student should not be transported to another site.
- A hospital
- A state facility
- A student care location

The purpose of Special Education Itinerant Services is to provide:

- **Direct Service:** Specialized individual or group instruction to a preschool student to aid such 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 and/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 not less than two hours per week and total number of students with disabilities assigned to the special education teacher will not exceed 20. Related services shall be provided in addition to SEIT services in accordance with the student's IEP. Changes of location for the provision of services may occur without the review of the CPSE.

A **special class in an integrated setting** is defined as a class consisting of students with disabilities educated within the same classroom with age appropriate peers without disabilities. A special class in an integrated setting can be provided:

- In a class of preschool children which includes both children without disabilities and children with disabilities.
- In a class of preschool children with disabilities staffed by a special education teacher and a paraprofessional, which is housed with a preschool class with nondisabled children taught by regular education teacher.

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 in a special class.

- Chronological age range shall not exceed 36 months.
- Services are provided not less than 2-1/2 hours per day, 2 days per week.

## SPECIAL EDUCATION PROGRAMS AND SERVICES

### **-COMMITTEE ON SPECIAL EDUCATION-**

#### ***INTERIM PLACEMENT PROCEDURES***

When a student who previously received special education services in another District, transfers into the District, the CSE Chairperson will meet with the student and parents to review the current IEP and the need for interim special education services. Interim special education placements will be arranged pending receipt of updated assessments and information. The Committee on Special Education will schedule a review within thirty (30) school days to develop a new IEP.

#### ***CRITERIA FOR PLACEMENT***

The CSE is charged with making placement recommendations to the Board of Education for all of the above programs. In order to select appropriate programs, specific criteria have been developed to ensure that students are grouped by similarity of needs. These criteria that follow were adapted from the New York State Part 200 Regulations.

- **Range of academic or educational achievement:** The range of achievement within the classroom must be such that classroom instruction can provide each student with appropriate opportunities to achieve annual goals. The learning rates of students must also be sufficiently similar to assure that an acceptable range of academic or educational achievement is maintained.
- **Social Development:** Social development must be considered to ensure that the social interaction within the group is beneficial to each student and does not consistently interfere with the instruction being provided. However, the social needs of a student will not be the sole determinant of placement.
- **Physical Development:** Physical development may vary, provided that each student is provided appropriate opportunities to benefit from instruction. Physical needs must be considered to ensure access to appropriate programs, but physical needs will not be the sole basis for determining placement.
- **Management Needs:** Management needs may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

In certain instances students may be different in terms of learning characteristics, social development, physical development or management needs. However, these differences can be addressed within the program placement because of the size of the class, the teacher expertise in development of compensatory strategies, and/or the availability of a teaching assistant or aide. Special education students will be served within the District in most cases unless their individual needs, as described by the IEP, dictate otherwise.

All staff involved in the in-District programs is appropriately certified and are supervised by building principals and special education administrators.

### ***CRITERIA FOR RELATED SERVICES***

Related services are provided to students when the identified needs cannot be met in the primary program to assist students to benefit from instruction. Due to the extent of their disability, some students in special education programs need additional support to achieve success in the special education classroom. Related services are provided by appropriate specialists and include, but are not limited to, speech-language pathology, audiology services, psychological services, physical therapy, occupational therapy, counseling services including rehabilitation counseling services, orientation and mobility services, medical services for evaluative and diagnostic purposes, parent counseling and training, school health services, social work services, assistive technology services, other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services.

### ***ASSISTIVE TECHNOLOGY***

Assistive technology or specialized equipment will be recommended by the Committee on Special Education and the Committee on Preschool Special Education to meet the student's individualized needs based upon documentation that the student requires the specialized equipment in order to benefit from the recommended program.

IDEA requires the District to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education, related services or supplementary aids or services as described in the IEP. IDEA defines assistive technology devices and assistive technology services, as follows:

- ***“Assistive technology devices”*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability.
- ***“Assistive technology service”*** means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
  - Evaluation of the needs of a student 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 students 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 student with a disability, or if appropriate, that student's family; and
- Training or other 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 service and/or other supplementary aids and services, they must be provided by an appropriately licensed or certified teacher or related service provider.

## **PROGRAM EVALUATION**

The goal of the special education program in the District is to provide each student with individualized instruction designed to help the student compensate for his or her disability in order to access and make progress in the curriculum. The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

- ongoing evaluation of pupil achievement using various standardized diagnostic tests and other teacher made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries;
- reevaluation of each pupil with a disability as outlined in Regulations of the Commissioner; and
- two year review of the District Plan for Special Education.