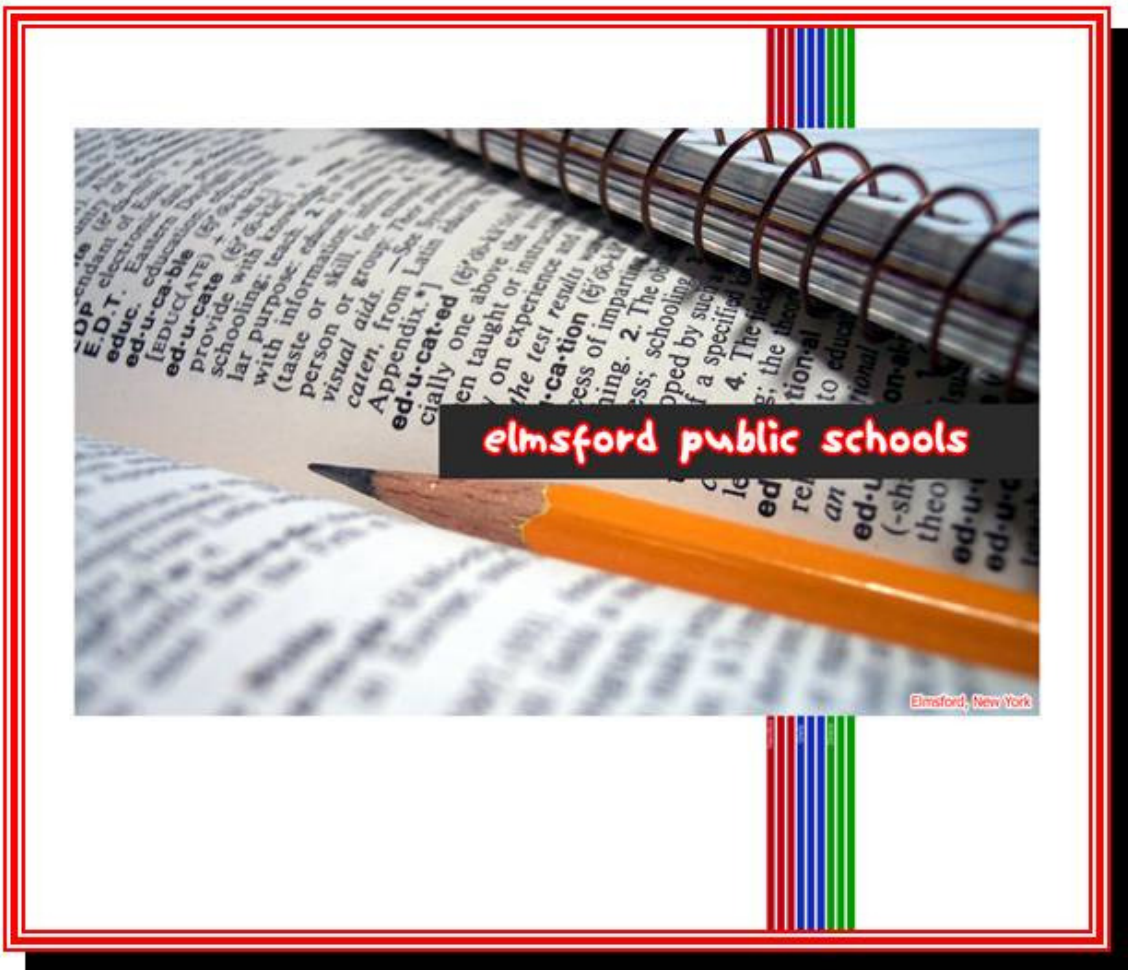


*Elmsford Union Free School District*

*Special Education District Plan  
2010 – 2012*



## **BOARD OF EDUCATION**

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*Mrs. Debra B. Lawrence, Vice-President*

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## **DISTRICT ADMINISTRATION**

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*Mr. Robert Celente*  
*Interim Business Official*

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*Mrs. Ellen Borenstein*  
*Assistant Principal, Dixson Primary School & Grady Elementary School*

*Mr. Marc P. Baiocco*  
*Principal, Alexander Hamilton High School*

*Ms. Andrea Hamilton*  
*Assistant Principal, Alexander Hamilton High School*

## **INTRODUCTION**

In accordance with the Federal Legislation (PL 94.142, IDEA Amendment 2004), New York State Education Law (Part 200) and New York State Law (Article 89), the Elmsford Union Free School District provides special education services that offer a free appropriate public education (FAPE) for student with disabilities.

Special education services are varied. The District is committed to providing these services to students in the least restrictive environment (LRE). In other words, to the greatest extent possible, students with disabilities are educated in their own District and in general education classes. Special education is an integrated component of the District's practices, procedures and graduation goals.

Programs are based on the individual needs of the students. These programs are under continual review by the staff and administration. The Elmsford Union Free School District staff is deeply committed to providing educational experiences that maximize the potential of the students it serves.

**ELMSFORD UNION FREE SCHOOL DISTRICT**  
**SPECIAL EDUCATION PROGRAM**

1. The District will attempt to provide general education support services, instructional modifications, and alternative instructional approaches in order to address the student's performance prior to a referral to the Committee on Special Education (CSE).
2. No student may be determined eligible for special education services due to lack of instruction in reading and math or due to limited English proficiency.
3. The individual evaluation includes technically sound instruments that assess the relative contribution of cognitive, behavioral, physical and developmental factors.
4. Selected evaluation materials will not be discriminatory with regards to a student's race, language or culture.
5. Assessment tools are used to provide information that directly assists the evaluator with determining the educational needs of students.
6. A process is developed to ensure that all appropriate special education services, related services and program modifications will support the student's progress in the general curriculum.

## **DESCRIPTION OF SPECIAL EDUCATION PROGRAMS AND SERVICES**

The District recognizes the right of every student with disabilities to receive a free appropriate public education in the least restrictive environment. Special Education services are recommended by a multi-disciplinary team which, after consideration of the students' needs, develops an Individual Education Program (IEP). All students with disabilities have their programs reviewed at least annually and are provided with a comprehensive review of their needs every three years.

Students with disabilities are educated within the general education environment to the maximum extent possible and are entitled to participate in all appropriate general education activities.

The Instructional Services Department works with the Superintendent of Schools and the Board of Education to develop programs and service options that meet the various needs of students with disabilities. The District will continue in its efforts to educate as many of its students as possible in District-operated programs, ensuring that all pupils with disabilities have complete access to all educational programs. Programs are developed only in response to the needs of students and reflect the current population served.

### **IN-DISTRICT PROGRAMS**

The District provides a continuum of programs and services as follows:

1. Transitional Support Services – staff who work with students moving into less restrictive environments may receive consultation from speech therapists, psychologists, social workers, special education teachers, etc., to assist in transitioning to less restrictive settings.
2. Related Services – students receive all their instruction in the general education classroom but are provided with related services (i.e., speech, physical therapy, occupational therapy, and counseling). Students may receive related services only or may receive related services in addition to another program.
3. Consultant Teacher Services – classified students may receive a minimum of two hours per week of either direct or indirect teacher consultation services. Direct service provides special education teacher support within the mainstream classroom or with a small group on a pull-out/push-in basis. Indirect service provides consultation services between special education and mainstream teacher for a specific student's needs.
4. Resource Room / Study Skills – students may assigned to a resource room or study skills class in order to work with a special education teacher on organizing skills, study skills and learning strategies that address individual needs.

5. Resource Room/Consultant Teacher Combined – A combination of both services may be recommended, must be a minimum of 180 minutes per week.
6. Self-contained Special Education Classes - classified students in grades K–12 who require specialized learning techniques, individualized instruction and small class placement as identified on their IEP are placed in self-contained special education classes. Students remain in special education classes for part of the day and receive primary instruction in the special education classroom. Students may be mainstreamed in general education as appropriate.
7. Program for Students with Pervasive Developmental Disorders (PDD) (8:1:1) – this program serves classified students with some form PDD (Autism, Asperger’s Syndrome, Tourette Syndrome, Child Disintegrative Disorder, or Pervasive Developmental Disorder Not Otherwise Specified). This group of disorders share several characteristics including impairments in social interaction, delays or lack of receptive and expressive language skills, impaired nonverbal communication skills, and a limited number of interests and activities that tend to be repetitive.
8. Out-of-District Programs – classified students whose needs cannot appropriately be met within the Elmsford School District program offerings are recommended by the Committee on Special Education to either a BOCES placement, neighboring school District programs or private schools.
9. Hospital/Home Program – students who are referred by the CSE to hospital or home programs receive their educational instruction through contact between the hospital education unit or home tutors and the Elmsford Union Free School District.
10. Residential Placement – students who require a residential placement in order to benefit from educational programs are recommended to such schools. These placements are reserved for the District’s most severely disabled students.

## COMMITTEE ON SPECIAL EDUCATION

The Committee on Special Education (CSE) is a multidisciplinary team who considers a student's eligibility for special education services, designs and recommends an Individualized Educational Program (IEP) for each student determined to have a disability, and reviews annually the placements of all students with disabilities residing in the Elmsford Union Free School District.

### Membership

The Board of Education annually appoints members of the CSE. The membership of the CSE includes, but is not limited to: a school psychologist; a representative of the school District who is qualified to provide, administer, or supervise special education; the child's teacher; a parent of a child receiving special education (may be declined by parent); a regular education teacher of the child if the child is or may be participating in the general education setting; and a physician (if requested within 72 hours of the meeting by the parent). Parents are included as decision makers in any Committee meeting. The Board of Education annually appoints one or more persons to serve as Chairpersons.

### Referral Procedures

School-aged students who are suspected of having an educational disability are referred in writing to the Coordinator of the CSE. Such referrals can be made by a student's parent or person in parental relationship; by a professional staff member of the school District; a licensed physician; a judicial officer; the Commissioner or designee of a public agency with responsibility for welfare, health or education of children; or the student, if over the age of 18 or an emancipated minor.

When a referral is made by a staff member, the written referral must:

- State the reasons for the referral and include any test results, records or reports upon which the referral is based;
- Describe attempts to remediate the student's performance prior to the referral, including any supplementary aids or support services provided (or state the reason why no such attempts were made);
- Describe the extent of parental contact or involvement prior to the referral.

A referral made by a staff member must be submitted to and signed by the Building Principal or designee before it is forwarded to the Coordinator of the CSE. Before making a referral to the CSE, the staff member presents the student's situation to the Instructional Support Team. Such a presentation may result in the implementation of other interventions and strategies designed to meet the student's needs.

### Evaluation

Upon receipt of a referral, the Coordinator of the CSE notifies the Building Principal and the parent in writing that a referral has been made. The parent is also sent written information regarding the evaluation process, notification of the parent's due process

rights handbook, and a request for consent for the evaluation to begin. No evaluation can begin until written receipt of parental consent is received.

Once parental consent is received, the Coordinator of the CSE notifies evaluators and sets a date for the CSE to discuss the evaluation results. If the parent refuses consent for evaluation, the District may continue to pursue an evaluation by utilizing the mediation and due process procedures. The meeting date is set so that any recommended program could begin within 60 school days of the receipt of consent.

A multidisciplinary individual evaluation is conducted at no cost to the parent and must consist of:

- A physical examination;
- An individual psychological evaluation, except when a school psychologist determines after an assessment, that further evaluation is unnecessary (in such cases the school psychologist must prepare a written report which includes a statement of the reasons and evaluation is unnecessary);
- A social history;
- An educational evaluation;
- A classroom observation; and
- Other appropriate assessments or evaluations as necessary to ascertain the psychological, mental and emotional factors which contribute to the suspected disability (e.g., speech, physical or occupational therapy), and for students who are 14 and older, a review of records, interviews, and other means to determine vocational skills, aptitudes, and interests.

The evaluation is conducted in a manner that meets the individual child's needs must assess all areas related to the suspected disability. The tests and assessments must be (a) administered in the child's dominant language or other mode of communication, (b) administered by trained personnel and have been validated for the purpose for which they are being used, and (c) presented to the CSE in writing and to the parent in the dominant language or other mode of communication. The evaluation information must include information related to enabling the student to be involved in and progress in the general curriculum.

#### Eligibility

At the CSE meeting the Committee reviews all referral and evaluation information and makes a determination of whether the student meets the eligibility requirements for special education as detailed in Part 200 of the Regulations of the Commissioner of Education.

In addition, under 2004 IDEA Amendments, a student's prior instruction in reading, math and English proficiency is reviewed.

The terms used in the definition are defined as follows:

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

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

5. *Hearing impairment* means impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of deafness in this section.
6. *Learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes but is not limited to

- such conditions as perceptual disabilities, brain injury, minimal brain dysfunction dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage.
7. *Mental retardation* means significantly sub average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a student's educational performance.
  8. *Multiple disabilities* means concomitant impairments, the combination of which causes educational needs that cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
  9. *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by a congenital anomaly (e.g. clubfoot, absence of some member, etc.), impairments caused by disease (e.g. poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g. cerebral palsy, amputation, and fractures or burns which cause contractures).
  10. *Other Health Impairment (OHI)* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment. A classification of OHI is due to chronic or acute health problems, including, but not limited to a heart condition; tuberculosis; rheumatic fever; nephritis; asthma; sickle cell anemia; hemophilia; epilepsy; lead poisoning; leukemia; diabetes; Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD); or Tourette Syndrome which adversely affects a student's educational performance.
  11. *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulation, language impairment or a voice impairment, which adversely affects a student's educational performance.
  12. *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm and anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, sensory, perceptual and motor abilities, psychological behavior, physical functions, information processing and speech. The term does not include injuries that are congenital or caused by brain trauma.

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

### Recommendations

If the CSE finds that the student does not meet the eligibility guidelines for special education, the Coordinator of the CSE sends written notification to the parent and the Building Principal indicating the reasons for the decision. Alternatively, an Individualized Education Program (IEP) is developed for any student who is deemed eligible for services.

The Coordinator of the CSE forwards a copy of the recommended IEP to the Board of Education. The Board reviews each case and arranges for the initiation of services. If the Board disagrees with a recommended IEP, it may return the case to the CSE along with a statement detailing the Board's concerns. The CSE must then reconvene to reconsider the Board's concerns and resubmit an appropriate recommendation to the Board. The Board may appoint a second CSE to review the case if it is dissatisfied with the original CSE's recommendation. The entire evaluation and placement process must be completed within 60 days from the receipt of consent to evaluate. Once the Board has agreed to arrange for services, copies of the IEP are provided to the parent and a request for parental consent to initiate the program is made. Upon parental consent, copies of the IEP are provided to all pertinent staff under Chapter 408 of the Regulations of the Commissioner.

## **THE INDIVIDUALIZED EDUCATION PROGRAM**

The IEP must include:

1. Present levels of performance and the individual needs of the student according to each of the four need areas, namely social and physical development and academic and management needs.
  - Include how the disability affects involvement and progress in the general curriculum; or for preschool students, how the disability affects the student's participation in appropriate activities.
  - If appropriate, include information on how a student's behavior impedes his/her learning or that of others.
  - For a student with limited English proficiency, include information on the language needs of the student.
  - For a student who is blind or visually impaired, the IEP must include information on the student's need for instruction and the use of Braille.
  - For a student who is deaf or hard of hearing, include information on the student's language and communication needs and opportunities for direct communication with peers and professional personnel in the student's language and communication mode.

2. Classification of the disability.
3. Annual goals, including benchmarks which are measurable, intermediate steps between present levels of educational performance and the annual goals.
  - Include evaluative criteria, evaluation procedures and schedules to be used to measure progress toward the annual goals.
  - Ensure annual goals, benchmarks and short-term objectives related to meeting the student's needs that result from the student's disability enable them to be involved in and progress in the general curriculum.
  - Ensure annual goals, benchmarks and short-term objectives related to meeting each of the student's other educational needs that result from the student's disability are defined.
4. The recommended special education program and services from the options set forth in section 200.6 of the Regulations of the Commissioner:
  - Include class size, if appropriate.
  - Include supplementary aids and services to be provided to the student or on behalf of the student.
  - Include, as appropriate, strategies, including positive behavioral interventions and supports to address behaviors that may impede a student's learning or that of others.
  - Include, as appropriate, strategies or services to address the language needs of a student with limited English proficiency as such needs relate to implementation of the IEP.
  - Include, as appropriate, instruction in Braille and the use of Braille for a student who is blind or visually impaired.
  - Include, as appropriate, opportunities for direct instruction in the student's language and communication mode for students who are deaf or hard of hearing.
5. An explanation of the extent, if any, to which the student will not participate in regular education programs including:
  - Physical education or adaptive physical education.
  - Extracurricular or nonacademic activities.
  - The student's requirement to take a Language other than English.
  - For preschool students, an explanation of the extent, if any to which the student will not participate in extra curricular or nonacademic activities.
  - Special transportation if appropriate.
6. If the student will not participate in the State or local assessments, why the assessment is not appropriate and how the student will be assessed.

7. A statement of the program modifications or supports for school personnel that will be provided for the student to:
  - Advance appropriately toward attaining the annual goals listed on the IEP;
  - Be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
  - To be educated and participate with other students in physical education or adaptive physical education, occupational education if appropriate, the regular education classes, State or local assessments and regular education.
8. A description of any specialized equipment and adaptive devices needed.
9. Testing modifications to be used consistently by the student in the recommended educational program.
10. For students age 14 and above, a statement of the transition service needs of the student under applicable components of the student's IEP that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program).
11. For students age 14 and above (and at a younger age if determined appropriate), a statement of the needed transition services including, if applicable:
  - A statement of the responsibilities of the school District and participating agency for the provision of such services and activities that promote movement from school to post school opportunities, or both, before the student leaves the school setting.
  - Activities in each of the following areas or the reasons why activities are not needed in each area:
    - Instruction
    - Related services
    - Community experiences
    - The development of employment and other post-school adult living objectives.
    - Acquisition of daily living skills and functional vocational evaluation.
12. The projected date for initiation of special education, related services and supplementary aids and services.
13. The frequency, location and duration of special education and related services and supplementary aids and services.

14. Eligibility for 12-month special service or program and the identity of the provider of services during the months of July and August.
15. The projected date of the review of the student's need for special education, related services and supplementary aids and services and, if appropriate, 12 month special services or programs.
16. Recommended placement.
17. A statement of how the student's parents will be regularly informed of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

#### Annual and Triennial Reviews

Each student who has been classified as having a disability and requiring special education services has his/her program and placement reviewed annually. An earlier review can be schedule at the written request of either the parent, teacher or administrator.

Each student who has been classified as having a disability and requiring special education services will participate in updated individual evaluations every three years. If the Committee determines that additional data is needed, the school District must notify the child's parents and the reasons for the determination and the right of such parents to request an assessment to determine whether the child continues to be a child with a disability. The school District is required to conduct such assessment if requested by the child's parents. Such evaluations must focus on the appropriateness of the program for that child. Before a student is declassified, an evaluation must be conducted.

#### CSE Subcommittees

Annual reviews or other program reviews may be held by a Subcommittee of the Committee on Special Education. Subcommittee members are appointed by the Board of Education. The CSE Subcommittee is composed of the same membership as the CSE with the exception of the parent representative and school psychologists (except when a new psychological is reviewed). Each Subcommittee is authorized to perform the functions of the CSE except when a student is considered for initial placement in (1) a special class, (2) a special class outside of the student's school of attendance, or (3) a class primarily serving students with disabilities in a school outside the student's District. The CSE is responsible for the oversight and monitoring of the Subcommittee and will review any decision made by the Subcommittee when a written request from the parent is received.

## **COMMITTEE ON PRESCHOOL SPECIAL EDUCATION**

The District ensures that preschool students with disabilities (ages 3-5) are provided with appropriate educational opportunities through special education programs and services. A preschooler with a disability is one who, as determined by an individual evaluation, exhibits a significant delay or disorder in one or more functional areas related to cognitive, language and communication, adaptive, social-emotional, or motor development which adversely affects the student's ability to learn.

### **Membership**

The Board of Education annually appoints members of the CPSE. The membership of the CPSE includes, but is not limited to: an appropriate professional employed by the school District who is qualified to provide or supervise the provision of special education (this person acts as the Chairperson), and a parent of a child receiving special education preschool or elementary services (may be declined by the parent). In addition, all initial CPSE meetings may include a representative of Westchester County, and must include a representative from the evaluation site and the child's teacher if the child has one and a regular education teacher if the child is or may be participating in the regular education program. Parents are participants in any team that makes evaluation, program, and placement recommendations.

### **Referral Procedures**

Preschool students who are suspected of having a disability are referred, in writing, to the Coordinator of the CPSE. Such referrals can be made by (a) a student's parent or person in parental relationship, (b) a professional staff member of the school District, (c) a licensed physician, (d) a judicial officer, (e) the Commissioner or his/her designee of a public agency with responsibility for welfare, health or education of children, (f) an Early Childhood Direction Center (ECDC), (g) approved preschool programs, or (h) approved programs providing special instruction to children from birth to three years of age.

### **Evaluation**

Upon receipt of referral, the Coordinator of the CPSE notifies the parent and requests written consent for an evaluation. The parent is provided with a list of approved evaluation sites within Westchester County from which the parent may select. An individual evaluation must consist of a psychological evaluation, social and developmental histories, a medical evaluation, and an observation of the child. Other evaluation (e.g., speech, occupational therapy) may be requested based on the nature of the suspected disability. Documentation of the completed individual evaluation must be sent to the Coordinator of the CPSE. The report must include the preschool child's individual needs and must be provided in English or in the parent's dominant language or other mode of communication, unless it is clearly not feasible to do so.

### **Recommendations**

The Coordinator of the CPSE schedules a meeting within 30 school days of receipt of the consent for evaluation and invites the student's parent, a representative from Westchester County, and a Board appointed parent representative (may be declined by the parent), and

a regular education teacher if the child is or may be participating in a general education program.

The CPSE makes a determination regarding whether the student has an educational disability. If such a disability is found, the CPSE develops an IEP which includes recommendations for appropriate special education services. Recommendations must take into account the least restrictive environment, the student's academic/educational needs, the student's social and physical development, and the student's management needs. This recommendation is then forwarded to the Board of Education and provided in writing to the parent. A parent is required to give written consent before the recommended program can be initiated. If a parent disagrees with the decision of the Committee, the parent may exercise due process rights and request Mediation or an Impartial Hearing.

### Service Options

The continuum of service options for preschoolers with disabilities includes:

- Related Services (e.g., speech therapy, physical therapy)
- Special Education Itinerant Services (SEIT) provided by a certified special education teacher for a minimum of two hours per week. SEIT services may be combined with related services.
- A half-day special education program (up to 2 ½ hours).
- A full day special education program (3 to 5 hours).

Related services and SEIT services are provided at a site initially determined by the Board of Education, including but not limited to (a) an approved or licensed pre-kindergarten, (b) the work site of the provider, (c) a Head Start program, (d) a child's home, (e) a hospital, (f) a state facility, (g) a child care location, or (h) a District public school.

If a student is found to be ineligible for preschool special education services, parents may be referred to the Early Childhood Direction Center (ECDC) for non classified services options.

## **EVALUATION OF PROGRAMS AND SERVICES**

Methods of evaluation include:

1. Yearly review of the PD Indicator State Education Department Reports.
2. On-going assessment of programs to reflect student needs.
3. The District utilizes several methods to evaluate the extent to which the objectives of their programs and services for special needs students have been achieved. Methods include the IEP process for individual students, District-wide and State standardized testing, and reevaluation individualized diagnostic testing, teacher-initiated procedures with regard to program planning and the awarding of IEP, local, or Regents diploma to classified students.

4. The Committee on Special Education and Committee on Pre-School Education are responsible for reviewing and evaluating, at least annually, the progress of each classified student. Students may be reviewed sooner and a new IEP is developed if the need arises.

### **TRAINING ACTIVITIES**

During each school year, members of the CSE, CPSE, instructional services staff, general education staff, and administrators are involved in a variety of training activities.

Training activities may include: (a) presentations at staff meeting regarding regulations and instructional practices, (b) half or full day workshops regarding instructional and assessment strategies and programs, (c) staff development regarding collaboration and curriculum modifications, and (d) attendance at conferences. Topics for training are determined through formal and informal needs assessments and evaluations of ongoing training. Parent workshops are held when appropriate by special education staff. Parent members of the CSE/CPSE Committees attend training at BOCES.

### **BUDGET**

The Coordinator of the CPSE/CSE prepares an annual budget based on the current needs of the District's students with disabilities. The budget includes projected costs of programs and services, evaluations, training and instructional materials.

Expenditures for teaching students with disabilities and for the District Committee on Special Education are included in this budget area. Expenses include tuition to out-of-District schools for the disabled, therapists as required, and BOCES services which consist primarily of tuitions for severely handicapped students and related services (PT, OT, speech, counseling, etc.)

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

It is the policy and practice of the Board of Education to ensure, to 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 Southern Westchester BOCES to work toward the 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. Educational services with grade-appropriate space for non-resident students will be provided if such space is available.

### **SPECIAL EDUCATION PROGRAMS BY SCHOOL**

Special education classes and programs are located in each of the following Elmsford Union Free School District buildings:

**Carl E. Dixon Primary**

Resource Room  
Consultant Teacher Direct  
Related Services

**Alice E. Grady School**

Special Class (12:1:1)  
Special Class PDD (8:1:1)  
Consultant Teacher  
Resource Room / Study Skills  
Related Services

**Alexander Hamilton H.S.**

Special Class (12:1)  
Consultant Teacher  
Resource Room / Study Skills  
Related Services

**NUMBER OF STUDENTS WITH DISABILITIES AS OF SEPTEMBER, 2010**

<b><u>Disability</u></b>	<b><u># of Students</u></b>
Learning Disabled	65
Other Health Impaired	21
Autism	14
Emotionally Disability	12
Multiply Disabled	5
Speech Impaired	9
Mental Retardation	4
Hearing Impaired	0
<u>Total Number of School-Age Students with Disabilities</u>	120
<u>Numbered of School-Age Students Served in District Operated Programs</u>	97
<u>Number of School-Age Students Served in BOCES Programs</u>	13
<u>Number of School-Age Students Served in a Special Act Districts</u>	1
<u>Number of School-Age Students Served in Other Public School Districts</u>	6
<u>Number of School-Age Students Served in Private Schools</u>	3
<u>Total Number of Pre-School Students with Disabilities</u>	35

**DISTRICT COMMITTEE ON SPECIAL EDUCATION**

Sandra Calvi, Ed.D.	Coordinator for CSE/CPSE
Rose Hoey	Elementary CSE Chairperson Elementary School Psychologist
Patricia Martucci	High School CSE Chairperson & High School Psychologist
Sonia Rosello	Social Worker
Dr. Shin Ae Yu	School Physician
Parent Representatives	As appointed by the Board of Education
All Special Education Teachers	
All General Education Teachers	
All Related Service Providers	

**DISTRICT COMMITTEE ON PRESCHOOL SPECIAL EDUCATION**

Sandra Calvi, Ed.D.	Coordinator for CSE/CPSE
Rose Hoey	Elementary CSE Chairperson Elementary School Psychologist
Patricia Martucci	High School CSE Chairperson High School Psychologist
Sonia Rosello	Social Worker
Dr. Shin Ae Yu	School Physician
Parent Representatives	As appointed by the Board of Education
All Special Education Teachers	
All General Education Teachers	
All Related Service Providers	

## **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. Therefore, 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 including evaluations provided by the parents or guardians; current class assessments; observations by teachers; and 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 general education instructional programs, the student's benefits 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 an IEP 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 STUDENT 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; whose conduct, or physical or mental condition endangers the safety, morals, health or welfare of themselves 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 up to five (5) days. 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 ½ inches long; knowingly possesses or uses illegal drugs; sells or solicits the sale of a controlled substance; or gives a controlled substance to someone else while at school or at school function. 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. During the course of a suspension for less than ten (10) days, a student with a disability of compulsory attendance age shall be provided with educational services as required. However, if the student exceeds the compulsory attendance age, educational services are not required because non-disabled students in this District do not receive homebound services. In subsequent suspensions of 10 days or less, educational services will be provided to students with disabilities, as necessary, to enable the students to appropriately progress in the general curriculum and to advance toward achieving IEP goals and objectives. The Superintendent or Principal, in consultation with the student's special education teacher, shall determine the extent of these services. The CSE shall determine the extent of educational services for suspensions that exceed 10 days.

When a student with a disability is to be removed from the building through a Superintendent's request for a Hearing, the CSE must make special education records available to the Hearing Officer that will be reviewed along with the student's disciplinary records.

The Manifestation Team consists of a representative of the school District knowledgeable about the student and information about the child's behavior, the parent, and relevant members as determined by the parent and school District. The Manifestation Team shall also meet within ten school days to make a manifestation determination to review the

relationship between the student's disability and the behavior subject to disciplinary action. The team will:

1. Determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or;
2. Determine if the conduct in question was the direct result of the school District's failure to implement the IEP.

If the response is "yes" to any of the aforementioned items, the manifestation team must find a nexus between the child's behavior and the disability. The suspension will be terminated and the child will be returned to the placement unless the parent and the school District agree to an alternative setting or unless the offense is due to a weapon or carrying, selling or soliciting illegal drugs.

The CSE shall develop a plan for a Functional Behavioral Assessment (FBA) when a student with a disability is at risk of further suspension 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 these behaviors. It will also determine the reasons why the student engages in problem behaviors and indicate how the continuation of the FBA be incorporated into the student's IEP. This plan shall be reviewed and revised by the CSE upon subsequent suspensions or as needed.

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 students. 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. 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 placement 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 expressed concerns in writing (unless the parent is not able to write and presents this concern orally) to school personnel that the child is in need of special education and related services.
- The behavior of the child demonstrated the need for special education.
- The parent requested an evaluation of the child prior to the event that caused the suspension.
- The teacher or other staff members expressed concern about the child to the Coordinator of the CSE or other District or Building Administrator in accordance with the District's established child find or special education referral program.

When the Superintendent or Building Principal determines that the student is presumed to have a disability, 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. The CSE will convene within 5 days of its completion. The District will determine the placement of the child during the completion of this expedited evaluation.

### **ACCESS TO AND CONFIDENTIALITY OF 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 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/her 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 in order to ensure that they are not inaccurate, misleading or contain otherwise inappropriate data. The parent of a student shall notify the Principal or the Coordinator of the CSE of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such a statement, the Principal or the Coordinator of the CSE 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 Coordinator of the CSE 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 Coordinator of the CSE 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, as part of the education record, 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 of the hearing. 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 Coordinator of the CSE 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 New York 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. There after, 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 from a hearing 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 decision 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/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 District which related 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 District.

The term “personality 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.

Maintenance of Student Records

Student records and other material contained therein, which are personally identifiable, are confidential and may not be released or made available to persons other than those authorized in this policy. All records are made available only to authorized individuals and kept in locked files in the following locations:

<u>Record</u>	<u>Responsibility</u>	<u>Location</u>
Cumulative Student Record	Building Administrator	Building Administrator's Office or Counselor's Office
Health Records	School Nurse	Health Office
Building Level Team Records	Building Administrator	Building Administrator's Office
Psychological	School Psychologist	School Psychologist's Office
Special Education Records	Coordinator of CPSE/CSE	Instructional Services Office
Related Service Records	Related Service Provider	Related Service Provider's Office

Persons Entitled to Records

The following persons are entitled to inspect and request a copy of records of particular students:

- The parent(s) or legal guardian(s) of such students.
- The student, if over eighteen (18) years of age, unless the parent has legal guardianship of the student.
- The student, if in attendance at an institution of post-secondary education, may authorize his/her parent(s) in writing to exercise his/her rights.

A request to inspect or copy records may be directed to the Building Principal or the Instructional Services Department for social, psychological or special education records.

- Within five (5) school days of receipt of a written request for a record, the District will either schedule access promptly, which in no case will be more than forty-five (45) days from the date of that receipt, or deny such request in writing.
- Records shall be made available for review during regular District business hours (9:00 A.M. - 4:00 P.M.)

- Any person denied access to a record, within thirty (30) days from receipt of notice of such denial may appeal the denial, in writing, to the Superintendent of Schools or his/her designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.
- For records that may contain information on more than one student, parent access will be limited to information that pertains only to his or her own child.
- Appropriate school District personnel will be present during record inspection to interpret and explain records.
- Records may be inspected and/or copied only at the place where they are regularly maintained by the District and the District shall utilize such procedures as it deems necessary to ensure that such records are not destroyed or altered in any way.
- The District maintains the right to charge a reasonable fee (\$.25 per page) for the reproduction of the student's records.
- The District shall maintain a log of requests for and disclosures made from, or permission for access to, the education records of a student and will permit authorized persons to inspect this log. The log will not include request for access by the parents who have responsibility for the student, the student, persons whose request is accompanied by prior written consent or a party seeking directory information. The access log will be kept with the cumulative record, or, in the case of special education records, with those records. The log will be maintained as long as the student's education record is maintained. The log will include the date of access or request, the name of the person or agency who had access to the records and the purpose for accessing the record.

#### Challenge of Records

Any authorized person, as defined in these regulations, shall have the opportunity to challenge the content of such student records to insure such records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of such student, and to seek the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data.

Such person may request deletion or correction of allegedly inappropriate material by submitting such request in writing to the appropriate person. The request should delineate the records challenged and the reason for the request. The appropriate designee shall respond to such request for deletion or correction in writing within a reasonable time, but not more than forty-five (45) days after receipt of such request. The response shall state either that:

- The challenged record has been found to be inaccurate, misleading, or otherwise inappropriate, and that it shall be corrected, amended, and/or deleted; or
- There is no basis for correcting, amending and/or deleting the record in question, but that the requester may appeal such a decision.

### Appeal Process

A hearing will be held upon the written request of an authorized party. The authorized party will receive timely notice of the place, date and time, which shall not be later than thirty days following the receipt of the request. The Hearing Officer may be the Superintendent of Schools or a designated school officer having no interest in the hearing outcome.

- At the hearing, the authorized party will be afforded the full and fair opportunity to present his/her belief that the record is erroneous and to rebut any evidence submitted in support of the record. The authorized party may, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney.
- Within ten (10) days after taking the evidence, the Appeals Officer shall render a decision in writing, setting forth the disposition to the challenge and the reasons for the determination. A copy of such written decision shall be mailed to the authorized petitioner.
- If the Appeals Officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he/she shall direct that appropriate changes be made to the record.
- Whether the petitioner's request is accepted or rejected, the petitioner shall have the right to enter into the records a written statement pertaining to the record in question. This written statement shall become part of the student's record.
- A parent who disagrees with the findings of the Appeals Officer may request review by the Board of Education and in the case of special education records, by the Office of Education of Children with Disabilities.

### Release with Consent

Except under certain limited circumstance 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 to whom the disclosure is made.
- When a disclosure is made with 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:

- Directory information may be disclosed, where appropriate, without consent. Directory information may include: the student's name; address; telephone number; date of birth; parent's names; participation in officially recognized activities and sports; dates of attendance; diplomas and awards received; and most recent previous educational institutions attended. A parent or eligible student may

refuse to permit the designation of any and all of the categories set forth above with respect to that student as directory information. The Superintendent of Schools must be informed in writing by October 1<sup>st</sup> of each school year by a parent of eligible student that such directory information, or some part of it, may not be used as directory information with respect to that student. Such notice shall be effective only during the academic year in which it is given.

- 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 Instructional Services Department will be released to school officials and members of the CSE or CPSE only for purposes set out in the Individuals with Disabilities Education Act, including, but not limited to, the 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 Coordinator of the CPSE/CSE 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 school. Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Coordinator of the CPSE/CSE 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 the reason for interest in the records.
- With the approval of the Superintendent of Schools, records may be released without consent to organizations, public or private, conducting studies for or on behalf of educational agencies for institutions. The District will require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.
- Records may be released without consent to accrediting organizations in order to carry out their accrediting functions.

- 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.
- Records may be released without consent in connection with financial aid for which a student has applied or which a student has received.

### 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 twenty one (21), or is declassified from special education, whichever is shorter. The file consists of directory information including the most recent attendance; all IEP's of the last two years; the high school transcript; all student progress reports of the last two years; the most recent CSE or CPSE referral form; the most recent social history and psychological report; the most recent special reports (career assessment, occupational and physical therapy, etc.) and health reports.
- 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; students 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.
- Federal assistance records are retained for six (6) years from the creation of the record.
- Referral service records on a preschool child with a disability are retained for six (6) years from the creation of the record.

When the schedule's minimum retention periods are satisfied and the District has determined that personally identifiable information will not be needed in the future to provide special education services to a student, the District will notify parents that they

may request destruction of the special education files. Parents will be reminded that the records may later be useful to establish eligibility for benefits or other purposes.

If the parent requests destruction of special education records, arrangements will be made for removal of the records which are not subject to mandatory retention under the schedule.

The District may retain a permanent record of the student's name, address, telephone number, classes attended, grades, attendance record, grade level completed and year of exit.

#### Provision Relating to Alcohol or Drug Abuse Services

Services provided within the District to diagnose drug or alcohol abuse or to provide treatment or direct referral for treatment will be subject to Federal Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records. Information in verbal or written form, indicating participation in such program will not be released without the student's written consent.

#### Provisions Regarding Acquired Immune Deficiency Syndrome

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

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

Information covered by the provision of educational services and appropriate care shall, to the greatest extent possible, be recorded separately from other information, if authorized, without release of AIDS-related information.

#### Records Not Subject to this Policy

The following records not subject to this policy.

- Records kept by a school staff member which are made as personal notes and which are not available to any other person.
- Employment records which are kept in connection with student employment by the District and which are not available for use for any other purpose.

### **SCREENING POLICY PROCEDURES**

Chapter 53 of the Laws of 1980 requires local school Districts to locate, identify and provide programs to those students who need special services, including students who are gifted. The District has developed a comprehensive and diagnostic screening program for

all kindergarten students, new entrants into the District and students scoring below reference points on State Examinations.

Screening programs are designed to obtain preliminary information regarding a child's development in the areas of physical development; cognitive development; receptive and expressive language development; articulation skills; and motor development.

Members of the professional staff administer screenings. Information collected as a result of these screenings become part of the student's school records. Therefore, the District ensures that policies regarding confidentiality are established and that parents and children are informed of their rights of privacy.

An informative notice of screening will be sent to parents of each child to be screened in advance of the screening date. Upon request, parents will be notified of the screening results. Screenings are conducted in a child's primary language in order to assure fair and accurate results.

### **INDEPENDENT EDUCATIONAL EVALUATIONS**

The due process notice is provided to parents at the time of the initial referral. The due process notice informs parents of their right to an Independent Educational Evaluation (IEE) and the circumstances under which such evaluation will be at the District's expense. An IEE is an individual evaluation of a student who has or who is thought to have a disability that is conducted by a person who is not employed by the District.

The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where an IEE may be obtained will be provided upon request. Parents may select professionals to conduct evaluations from the list provided by the District or may select others who meet District criteria. However, the District will not be responsible for the quality of the IEE. In addition, the District will not be responsible for the cost of an IEE that does not meet the criteria listed below.

Any independent evaluation, whether paid for by the parent or by the District, will be reviewed by the CSE/CPSE and taken into consideration in its final determinations. The District has adopted the following policy and procedures when an IEE is being sought:

It shall be the policy of the District that whenever an IEE is completed at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner shall be the same as the criteria that the school District uses when it initiates an evaluation. The criteria shall be as follows:

- **Location** – Geographic location is defined as an evaluation that takes within a 50 mile radius of the District.

- **Minimal Qualifications** – Minimal qualifications are defined by the District in conjunction with the New York State Education Department’s Certification of Licensure within the specific are of evaluation.
- **Timeline for IEE & Reimbursement** – Timeline of IEE used to contest an evaluation performed by the District, is defined as being within one year of the District’s evaluation. The request of IEE reimbursement must be made within one year of the date of the IEE.
- **Reasonable Costs of an IEE** – Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid. In the absence of unusual circumstances, costs will be deemed reasonable if they are within 10% of the evaluation costs of any recognized non-profit agency within a 50 mile radius of the District.

**Available Agencies**  
**Psychological/Educational Evaluations**

<b><u>Name</u></b>	<b><u>Location</u></b>	<b><u>Phone Number</u></b>
Albert Einstein College of Medicine	Bronx, NY	718-430-8500
Blythedale Children’s Hospital	Valhalla, NY	914-592-7555
Burke Rehabilitation Center (Speech & Hearing)	White Plains, NY	914-948-0050
Center for Preventive Psychiatric	White Plains, NY	914-949-7680
Columbia Presbyterian Medical Center Pediatric Language Disorder Clinic	New York, NY	212-305-2961
The New York Presbyterian Hospital (Children’s Services)	White Plains, NY	914-682-9100
The Therapy Center	Mt. Kisco, NY	914-682-9100
Westchester Institute for Human Development (WIHD)	Valhalla, NY	914-242-0725 914-285-8150
Westchester Jewish Community Services	Bedford, NY Yorktown Heights, NY	914-241-8550 914-962-5593

The school District will provide public funding of an IEE only under the following conditions:

- The parents disagree with the evaluation conducted by the school District, and the resulting IEE provides information that shows that the District evaluation was inappropriate.
- The District was unable to comply with mandated timelines for conducting its own evaluation.
- If such IEE is made at the request of an Impartial Hearing Officer as part of a duly convened impartial hearing.

The school District may deny reimbursement for an IEE under the following conditions:

- The District either had initiated, or shortly intends to initiate, a due process hearing to show that its evaluation of the child is appropriate or that the parents have not complied with other District criteria, such as:
  - The criteria under which the IEE was conducted, including the location of the evaluation, does not meet District or other legal criteria.
  - The independent evaluator selected by the parents does not meet stated minimum District qualifications.
  - The parents' request for reimbursement exceeded stated District timelines for such requests.
  - The parents' request for reimbursement exceeded stated District guidelines for such requests.
  - The IEE was not obtained because of a disagreement with the District's evaluation.
  - The District has already funded an IEE and has conducted no subsequent evaluation.

Reports or evaluations performed by private agencies are always considered at the CSE meeting if they have met the District's Board Policy criteria for independent evaluation.

If the District concludes that it is not required to reimburse the parents for the IEE, it will notify the parents in writing of the receipt of the request, the basis for the denial and whether the District intends to initiate an impartial hearing.

Parents or guardians have a right to seek a private evaluation and to request this independent evaluation at the public's expense if they disagree with the evaluation provided by the District. The District may then request an impartial hearing to determine if its evaluation was appropriate and, if the decision is favorable to the District, the parents would still have a right to an independent evaluation at their own expense.

## UNILATERAL PRIVATE SCHOOL PLACEMENTS

The District is not required to pay for the tuition of a student with a disability who has been placed in a private school or facility by a parent, including special education and related services, if the District has made available a free appropriate public educational placement. A court or Hearing Officer may reduce or deny requests for reimbursement of the private school if the parents have not notified the CSE at the IEP meeting, or within ten school days of that meeting have not given written notice that they intend to remove their child from the public school because they are rejecting the recommended placement of the CSE. This notification must state their concerns and their intent to enroll their child at public expense. The cost of the reimbursement may not be reduced or denied for the parent's failure to provide written notice if:

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

In addition, if the District informs the parents that it intends to evaluate the child prior to the child's removal from the District and the parents do not make their child available for this evaluation, a judicial finding of unreasonableness may be determined leading to reduction or denial of reimbursement. A court or Hearing Officer may require the District to reimburse the parents for the cost of that enrollment if the court or Hearing Officer finds that the District had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

### Transportation

Access to appropriate transportation is provided to students with disabilities per District policy. Curb-to-curb transportation is provided to some students enrolled in District special education programs and to students who attend special education programs in other public school Districts, BOCES and non-public or residential placements.

Whenever possible and appropriate, transportation is provided with non-disabled peers. Curb-to-curb bus service may be provided for students with documented needs which preclude them from walking to school or using other forms of transportation. Special transportation for these students is specified on the IEP.

Students with disabilities attending non-public schools at the parent's expense are provided with suitable transportation to and from the nonpublic school if the status of the child was first identified by the CSE prior to September 1<sup>st</sup>, and such child attends such school for purposes of receiving services or programs similar to special education programs recommended by the CSE. Transportation for these students with disabilities to nonpublic schools chosen by the parents and provided consistent with NYS Education Law 4402 is subject to legislative reauthorization on a yearly basis.

Transportation to all special education programs outside of the District are recommended by the CSE or CPSE. Arrangements for transportation are implemented through the District Transportation Office.

### **CRITERIA FOR ALTERNATIVE TESTING MODIFICATIONS**

Students with disabilities may utilize alternative testing techniques in order to participate in testing programs with their peers. Such techniques provide the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by the existence of a disability.

Educational planning, both short and long term, is facilitated by the appropriate use of test results. All students must have equal opportunity through testing to demonstrate their competence and have their deficits acknowledged by teachers, parents and others. Procedures which allow students with disabilities a different method of responding in testing situations, or which change the means by which information on a test is presented, are designed to equalize opportunity. The intended outcomes are test results that reflect an accurate description of student strengths and weaknesses.

Parts 100 and 200 of the Regulations of the Commissioner of Education provide for the use of alternative testing techniques for students with disabilities. Part 100 Regulations stress equal access to curricular activities with appropriate modifications for a student with a disability. As stated in Section 100.2(s) (2), “each student with a disability...shall have access to the full range of programs and services,” and “instructional techniques and materials used by schools shall be modified to the extent appropriate to provide the opportunity for students with disabilities to meet diploma requirements”.

Section 100.2(g), in reference to the State Education Department’s Examinations, indicates that “students identified by the Committee on Special Education as having a disability” qualify for the use of alternative testing procedures and “alternative testing procedures employed shall be based upon students’ individual needs and the type of test administered.” Under this section, students whose native language is not English also qualify for use of alternative testing techniques.

In addition, Part 200 Regulations give the Committee on Special Education responsibility for determining a student’s need for alternative testing techniques. Section 200.4 (c) (2) directs the Committee on Special Education to include in the student’s IEP a listing of test accommodations to be used by the student. It also requires that these modifications be used consistently throughout the student’s recommended educational program.

With these purposes and guidelines in mind, the Committee on Special Education has the responsibility to review a student’s needs in order to make meaningful recommendations to the Board of Education regarding the use of alternative testing techniques.

All special education students do not receive testing modifications. The CSE mandates testing modifications based on student’s unique needs. Criteria for CSE decisions are

determined by both the State Education Department and District Policy. The different perspectives that various CSE members bring to the multi-disciplinary setting help to ensure that each student receives comprehensive assessment of the need for alternative testing techniques. In making this decision, CSE members should utilize evaluative information that is norm-referenced as well as professional observation. Testing modifications should be reviewed at all CSE meetings in order to ensure that the evolving needs of students are being considered.

Principals have direct responsibility for ensuring that test modifications included in a student’s IEP or 504 Accommodation Plan are fully and consistently implemented during the administration of local quizzes and tests and required state examinations. In addition, on an emergency basis, pursuant to Section 102.3 of the Commissioner’s Regulations, Principals may allow test modifications for a student who acquires a disability shortly before the administration of a State Examination where there is not sufficient time to develop an IEP or 504 Accommodation Plan.

### **SPECIFIC TESTIG MODIFICATIONS**

#### **MANNER OF PRESENTATION**

<b>MODIFICATION</b>	<b>CRITERIA</b>
<p><b>Time Limit Extended</b></p> <ol style="list-style-type: none"> <li>1. May be extended over several periods of one day</li> <li>2. May be extended over several non-contiguous periods of one day.</li> <li>3. May be extended over several days (application must be made to the Office of State Assessment Education Building Annex Room 771, Albany, NY 12234)</li> </ol>	<p>Slow rate of processing periods of information</p> <p>Easily distracted</p> <p>Difficulty remaining on task Health Impairment Short attention span</p>

#### **FLEXIBLE SETTING**

<ol style="list-style-type: none"> <li>1. Student needs to take his/her tests in separate location) (Testing room)</li> <li>2. Location with minimal distractions</li> </ol>	<p>Distracted by others Need to verbalize thoughts or aloud</p> <p>Health impairment</p>
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**REVISED TEST FORMAT**

<ol style="list-style-type: none"><li>1. Braille edition</li><li>2. Large legible print</li><li>3. Increase space for answers</li><li>4. Reduce number of items per page</li><li>5. Vertically arrange multiple choice answers</li><li>6. Questions omitted and credit prorated</li></ol>	<p>Blind, severe visual impairment</p> <p>Visual impairment Difficulty focusing or visual tracking with standard print and/or spacing</p> <p>Perceptual, visual, or motor impairments which interfere with a student's ability to maintain or read items with standard print and spacing.</p> <p>Visual motor and/or perceptual difficulties requiring enlargement, thus limiting items per page</p> <p>Anxiety</p> <p>Perceptual and/or motor skills which interfere with the student's ability to fill in a scantron sheet</p> <p>Inability to complete questions due to a physical disability</p> <p>Inability to process information in an auditory manner, i.e. dictation, spelling tests, etc.</p>
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**REVISED TEST DIRECTIONS**

<ol style="list-style-type: none"><li>1. Read or reread directions to student</li>          <li>2. Simply language and rephrase directions</li></ol>	<p>Students may require auditory input for comprehension; auditory cues for maintaining on-task behavior</p> <p>Repetition for comprehension; monitoring for understanding; oral presentation due to reading disability</p> <p>Student may require directions interpreted, directions simplified, key words highlighted, reorganization of format</p>
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**USE OF AIDS**

<ol style="list-style-type: none"><li>1. Visual magnification devices</li>          <li>2. Auditory amplification</li>          <li>3. Auditory tape questions</li>          <li>4. Questions read to students</li>          <li>5. Questions signed to students</li>          <li>6. Masks or markers to maintain place</li>          <li>7. Written test in lieu of oral test</li></ol>	<p>Visual impairment or processing deficit</p> <p>Auditory impairment or processing deficit</p> <p>Limited word recognition</p> <p>Difficulty maintaining attention that may require refocusing and/or sensory approach</p> <p>Deaf with limited reading ability</p> <p>Visual processing deficits, impulsivity; visual tracking and/or attention problems</p> <p>Auditory impairment or processing deficits</p>
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**MANNER OF RESPONSE**

<ol style="list-style-type: none"><li>1. Scribe</li> <li>2. Tape recorder Word processor Communication device</li></ol>	<p>Perceptual, visual, auditory motor or behavioral impairments</p> <p>Requiring modification in method of response</p>
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Students utilizing above modifications must provide all information to be graded (i.e., spelling, punctuation, etc.). Only those students whose disability affects performance in spelling and punctuation may be exempted from providing such information when dictating responses.

**REVISED FORMAT**

<ol style="list-style-type: none"><li>1. Record answers directly on test or in test booklet</li> <li>2. Increase sizing or size of answer block</li> <li>3. Provides cues (arrows, stop signs, etc.)</li></ol>	<p>Perceptual and/or motor problems that interfere with student's ability to fill in bubble Sheets</p> <p>Short attention span, impulsivity and/or limited skills in organization requiring answers to be recorded directly on the test.</p> <p>Perceptual or motor impairments, eye-hand coordination difficulties and/or attention deficits that require larger print or more space to record answer</p> <p>Short term memory deficits or impulsivity requiring redirection</p>
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## PROCESS TO DERIVE RESPONSES

### USE OF AIDS

1. Calculator	Visual or motor impairments affecting ability to use paper and pencil for solving computation
2. Arithmetic tables	Memory deficits which affect amortization of math facts

### IMPLEMENTATION OF ALTERNATIVE TECHNIQUES

In certain cases, tests will need to be made available to resource room teacher prior to the date of testing. The resource room teacher will inform the mainstream teacher which students require these modifications and how they will be implemented. The following modifications would require this procedure:

- a) large print
- b) increased spacing
- c) reduction of items per page
- d) changing size, shape or location of space for answer
- e) requiring directions in simplified language
- f) underlining key words
- g) providing additional examples
- h) providing cues on answer form (arrow – stop sign)

It is important that the test modifications to which the student is entitled not be discussed or made apparent publicly, but be arranged among teachers, students and parents.

### EXEMPTION FROM SECOND LANGUAGE REQUIREMENT

Students are required to complete two units of study in a language other than English before completing the ninth grade. The requirement may be met with more than one language, but at least one-half of the required units must be in a single language. This requirement is established for all schools in the state by Section 100.2(d) of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their IEP indicates that such requirement is appropriate. Therefore, the CSE will take the following steps for all children who are completing sixth, seventh, or eighth grade:

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

- If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics and emotional factors that may be relevant to the student's ability to benefit from second language instruction.
- In determining whether or not exemption from language is 'appropriate', particular attention will be paid to severity of the speech/language impairment. Exemption may be granted if a child is severely speech/language impaired or if other factors justify the exemption. Emotional or learning factors may also be considered if well documented.

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

District and State Education Department policies strongly favor fulfillment of the second language requirement by all students prior to the completion of the ninth grade. Unless there are other specific factors which make exemption necessary, only students whose receptive or expressive language is severely impaired will be exempt. Such exemption, once initiated, applies to all additional second language sequence requirements at the high school level as well.

If a student who has received a second language exemption is subsequently declassified, the CSE may recommend to the Building Principal that the exemption remain in effect.

### **TRANSITION SERVICES FOR STUDENTS WITH DISABILITIES**

The 1990 Individuals with Disabilities Education Act (IDEA) outlined the requirements of the provision of transition services to secondary students with disabilities to ensure comprehensive planning for post-secondary education, vocational training, employment and/or adult services. The 2004 Reauthorization of IDEA reinforces and strengthens these requirements. Transition services are a set of coordinated activities for a student with disabilities, designed with an outcome oriented process that promotes movement from school to post school activities including, but not limited to, post-secondary education; vocational training; integrated competitive employment (including supported employment); continuing and adult education; adult services; and independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

Beginning at age fourteen (14) a statement of the transition service needs of the child shall be included under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program). The IEP will also include a statement of the needed

transition services for students no later than age 15 (or younger, if determined appropriate by the CSE), and annually thereafter, including a statement of the responsibilities of the District and, when applicable, participating agencies for the provision of the services and activities that promote movement from school to post school opportunities, or both, before the student leaves the school setting. Needed activities in the areas of instruction, related services, community experiences, employment, daily living skills, and functional vocational evaluation shall be provided, as appropriate.

The Transitional Multidisciplinary Team (including the student's guidance counselor, special education teacher, school psychologist, etc.) meets annually to collect transitional data to develop an Individual Transition Program including goals when appropriate, which is incorporated into the IEP at the Committee on Special Education Annual Review.

In order to create and implement this plan, parents, adult service agencies, the student, and the CSE must consider the total life needs of the student and identify transition services which both support the individual needs of the students in school and after the child leaves school. Areas to be addressed in the transition plan include information regarding recreation/leisure activities; legal/advocacy; financial personal independence; residential placement; medical needs; employment; post secondary/continuing education; and transportation.

### **SURROGATE PARENTS**

#### **Definition**

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

#### **Qualifications**

Persons selected as surrogate parents shall not be officers, employees, or agents of the District or State Education Department or other agency involved in the education or care of the child. The District may select a person who is an employee of a nonpublic agency that only provides non-educational care for the student who meets the same standards. The surrogate parent shall have no interest which could conflict with their primary allegiance to the student they represent. An effort is made to appoint surrogate parents who shall:

- Be committed to acquaint themselves personally and thoroughly with the students and the student's educational needs.
- Be of the same racial, cultural and linguistic background as the students he or she seeks to represent.
- Be generally familiar with the educational options available to disabled children.
- Have the knowledge and skills to ensure adequate representation of the student.

### Procedures for Assigning Surrogates

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

- Any person whose work involves education or treatment of students and who knows of a student that may need special education services whose parents or guardians are not known or are unavailable, or that the student is a ward of the state, may file a request for assignment of a surrogate parent to the student with the Committee on Special Education.

The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents or guardians at their last known address.

The Committee on Special Education shall determine whether the student's parents or guardians can be identified or located, or whether the child is a ward of the state. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, a surrogate parent who meets the above-listed qualifications shall be selected from the list approved by the Board of Education within ten (10) days of the date of the determination by the Committee of the need for the surrogate parent.

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

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the District has implemented a plan and policy to establish pre-referral interventions to assist 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/or 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 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 the local passing grade or to students recommended by the Instructional Support Team. All school-wide approaches to provide remediation activities to students who are in danger of not meeting graduation requirements will be considered prior to making referrals to the CSE. When determining whether a student has learning disability, the school District may use Response to Intervention, which is a process that determines if a student responds to scientific, research-based intervention as part of the evaluation procedures. Thorough

documentation of the scientific, research-based approaches and the student's response to these interventions should be maintained as part of the school-wide approach to provide remediation activities to students prior to referral to the CSE. The Principal will notify parents whenever Academic Intervention Services (AIS) are provided and quarterly reports in the native language of the parents will also be sent. 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 shall enumerate all pre-referral interventions made available to the 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 shall maintain a record of the number of pre-referral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized and if further interventions are deemed necessary.

If a referral is received by the building administrator, it shall be forwarded to the Coordinator of the CSE immediately upon its receipt by the administrator. If the referral is received by the Coordinator of the CSE, a copy shall be forwarded to the building administrator within five (5) school days of its receipt. The building administrator, upon receipt of a referral or copy of a referral, may request a meeting within ten (10) school days of the receipt of the referral, with the parent or person in parental relationship to the student and the student, if appropriate, to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of educationally related support services; speech and language improvement services; and Academic Intervention Services (AIS). The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter if necessary. Any other person making a referral shall have the opportunity to attend such meeting. If at such a meeting the parent or person in parental relationship and the building administrator agree in writing that with the provision of additional general education support services the referral is unwarranted, the referral shall then be deemed withdrawn. The building administrator shall then provide the Coordinator of the CSE, the person in parental relationship to the student, and the student, if appropriate, with copies of the agreement. The copy of the agreement provided to the parent or person in parental relationship shall be in the native language of such person. Such agreement shall contain a description of the additional general educational support services to be provided and the proposed duration of such program. A copy of the agreement shall also be placed in the student's cumulative record file. This process shall not impede a committee on special education from continuing its duties and the required timelines of the CSE shall be maintained. These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but they will be important tools to assess the ability of the student to benefit from regular education services.

## **DISABLED STUDENTS PROGRESS IN GENERAL EDUCATION**

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 students 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 oneself, 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 be considered as progress.

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