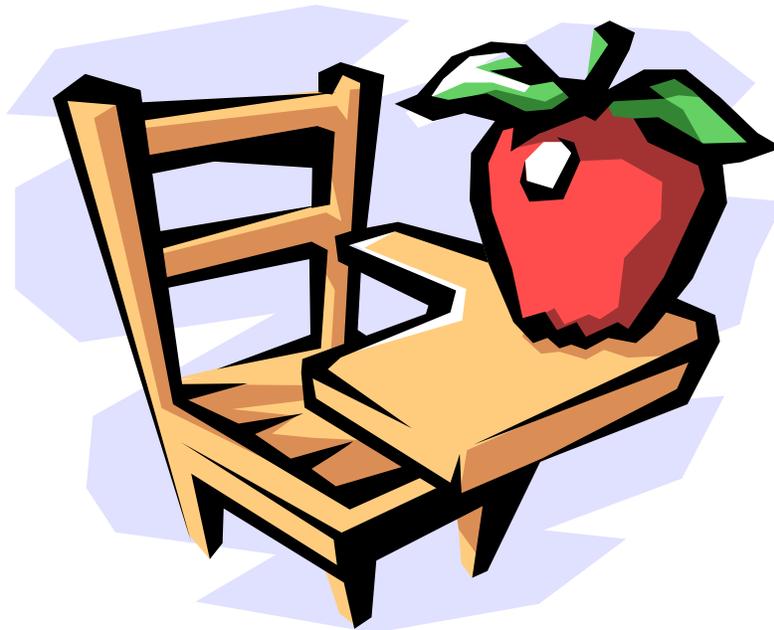


MINISINK VALLEY CENTRAL SCHOOL DISTRICT

SPECIAL EDUCATION

DISTRICT PLAN

2015-2017



Prepared by:

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Acknowledgement

Your continued help and support to our Minisink Valley disabled students is greatly appreciated. You've truly embraced all programs and services which have been recommended both for in-district and out-of-district students. Thank you.

Superintendent Brian C. Monahan

Board of Education

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I. PURPOSE

School districts have certain responsibilities in preparing special education district plans according to Section 200.2 (C) of the Regulations of the Commissioner of Education. The District Plan must include:

- I. A description of the nature and scope of special education programs and services currently available to school-age and preschool students residing in the district.
- II. Identification of the number and age span of school-age and preschool students to be served by type of disability, and recommended setting.
- III. The method used to evaluate the extent to which the objectives of the program have been achieved.
- IV. A description of the policies and practices of the Board of Education to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of preschool and school-age students with disabilities.
- V. A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident school-age and preschool students with disabilities who attend special education programs provided by Board of Cooperative Educational Services.
- VI. A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format.
- VII. The estimated budget to support such plan.
- VIII. The date on which such plan was adopted by the Board of Education.
- IX. A description of how the district plan is consistent with the special education space requirements plan.

Special education programs are developed in response to the needs of students who are referred and classified by the Committee on Special Education and Committee on Preschool Special Education. Considerable time and effort is spent in assessing the impact of frequent changes in the Commissioner's Regulations. As these changes occur, our program is modified to maintain compliance with State Education Department mandates.

II. INTRODUCTION

The Individuals with Disabilities Education Act (IDEA), formerly known as the Education for All Handicapped Children Act (EHA), mandates that all children with disabilities receive a free, appropriate public education regardless of the level or severity of their disability. Since the passage of the original law in 1975, the Minisink Valley Central School District has provided free and appropriate education in the least restrictive environment to students with disabilities, ages 3 to 21 years.

In June 1997, legislation was signed to reauthorize the Individuals with Disabilities Education Act (IDEA). The amendments to IDEA, along with federal and state implementing regulations,

- shifted the focus of the law from ensuring access to programs to ensuring the quality of the child's program,
- strengthened the connection between special education programs and services and the general education curriculum,
- emphasized the importance of having high expectations for students with disabilities and ensuring their access to the general education curriculum to the maximum extent possible,
- strengthened the role of parents in special education decision-making,
- mandated the provision of special education and related services in the regular education classroom whenever appropriate.

The IDEA was again reauthorized in December 2004, and included amendments intended to:

- improve accountability and results for students with disabilities.
- align accountability systems for students with disabilities and special education personnel requirements with the accountability systems and qualification requirements in the No Child Left Behind Act (NCLB) of 2001.
- improve services to students with disabilities.
- reduce procedural and paperwork requirements.
- encourage cooperation with parents in the special education process.
- ensure less adversarial results are used to resolve disputes between parents and school districts.
- focus federal and State monitoring, technical assistance and enforcement on meeting performance goals and indicators to improve outcomes for students with disabilities.

The New York State Board of Regents and the State Education Department, through the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), have established goals for educational programs and services for students with disabilities in New York. Among them are:

- Students receiving special education services will meet high educational standards.
- Students with disabilities will be integrated with their nondisabled peers throughout their educational experience.
- Individuals with disabilities will participate successfully in postsecondary education.

These are the goals that serve as the basis for our work with students with disabilities. The District is committed to:

- identifying students with disabilities.
- providing quality educational programs and services in the least restrictive environment to meet the academic, social and emotional needs of our students.
- ensuring that students with disabilities meet high standards for academic performance and demonstrate adequate yearly progress.

This mission is accomplished through a strong collaborative relationship among staff, administrators, and parents.

This District Plan outlines the continuum of programs and services that are provided, and includes district policies, practices and procedures for assuring appropriate educational services to preschool and school-age students with disabilities. It is a working manual for staff and parents, and may undergo changes as laws, regulations and policies are modified. In compliance with the Regulations of the Commissioner of Education, it has been adopted at a regularly scheduled meeting of the Board of Education.

III. DEFINITION OF DISABILITIES

The Minisink Valley special education program is primarily responsible for meeting the needs of educationally disabled students. It is therefore prudent to review the criteria for being identified as educationally disabled.

Student with a disability means a student with a disability as defined in section 4401(1) of Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. The terms used in this definition are defined as follows:

- (1) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph (4) 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, that adversely affects a student's educational performance.
- (3) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- (4) *Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:
 - (i) an inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

- (iii) inappropriate types of behavior or feelings under normal circumstances;
- (iv) a generally pervasive mood of unhappiness or depression;
or
- (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

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

- (5) *Hearing impairment* means an 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 as determined in accordance with section 200.4(c)(6) of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.
- (7) *Intellectual disability* means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student's educational performance.
- (8) *Multiple disabilities* means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.
- (9) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

- (10) *Other health-impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.
- (11) *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a student's educational performance.
- (12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.
- (13) *Visual impairment including blindness* means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

IV. PROGRAM OBJECTIVES FOR STUDENTS WITH DISABILITIES

The District is committed to the provision of an appropriate education for resident students with disabilities and has established the following special education program objectives:

- To establish a Committee on Preschool Special Education and a Committee on Special Education and appropriate Subcommittees on Special Education for the purpose of evaluating students suspected of having a disability and for placement of students with disabilities in appropriate programs.
- To provide a free appropriate education in the least restrictive environment for all District students with disabilities between the ages of three and twenty-one, or until the students have achieved a high school diploma, whichever shall occur first.
- To have high expectations for all preschool and school-age students with disabilities and to ensure that they have the opportunity to participate in all District programs, to the maximum extent appropriate considering the needs of all students in a proposed setting.
- To ensure that policies and procedures for establishing and operating special education programs are clearly defined and that the special education program is an integral part of the District's educational program.
- To provide the human and material resources necessary to implement a continuum of special education programs and services to meet the academic, social, physical and management needs of District students with disabilities.
- To support high quality professional development for all personnel who work with students with disabilities.
- To build close working relationships among all stakeholders in the special education community.
- To provide meaningful opportunities for parent participation the special education decision-making process.
- To provide, to the greatest extent appropriate, adaptation and modification of instructional materials and techniques, and collaborative models of instruction, to enable students with disabilities, as appropriate, to benefit from instruction within the general education setting, pass State assessments, and meet diploma requirements.
- To ensure that procedures are in place for disciplining students with disabilities that promote and support responsible student behavior, protect the right of students with disabilities to a free appropriate public education, and promote collaboration and communication among school personnel and the Committee on Special Education.
- To ensure the confidentiality of personally identifiable data, information or records pertaining to students with disabilities. Such information will not be disclosed except in accordance with regulations.

V. SCOPE OF SPECIAL EDUCATION PROCEDURES, PROGRAMS AND SERVICES

(Special Education Program Description)

The Minisink Valley Central School District challenges all students to reach their full potential in a caring and supportive atmosphere. Our school and community partnership provides high expectations for achievement and opportunities to develop the social, emotional, physical and intellectual well-being of every student. We are committed to excellence through ongoing assessment and revision of programs and goals, thus continuing to meet the challenging needs of our community. The disabled students of the district are considered very much a part of the total student population and the district's commitment to provide excellence in education is directed toward the disabled to the same degree as the non-disabled. Opportunities are provided to all disabled students to achieve in accordance with their own uniqueness, the ultimate goal being to equip them with the skills necessary for personal and social success and for independent productive living.

At both the elementary and secondary levels, there is a strong philosophical commitment to the concept of mainstreaming and including the disabled student to the maximum extent appropriate in classes with their non-disabled peers. This enables each student to profit from experience in mainstream regular education classes. We believe that this is essential to the development of feelings of self-worth and self-respect, in addition to helping prepare the student to live and cope in an adult world which may present significant challenges for the disabled individual.

Since preparation for independent productive living is one of our major goals, an effort is made to expose those disabled students for whom it is appropriate, to some form of vocational training. These services are usually arranged through the Orange County BOCES Career and Technical Education Center or through the New York State Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) (formerly VESID).

Changes in graduation requirements promulgated by the New York State Education Department impact all students but probably impact disabled children the most. We have undertaken a number of proactive initiatives in order to help assure that our most educationally challenged students have the same opportunity to succeed as their non-disabled peers. These initiatives include the provision of Consultant Teacher services, assuring a comprehensive continuum of program services from kindergarten through twelfth grade, the continued implementation of the Response to Intervention Model as a pre-referral intervention strategy, use of Rtl to insure that every attempt has been made before classifying a student, IEPs that represent a thorough description of the instructional services provided to students, parent workshops that offer valuable information to parents of disabled students, staff in-service training to better

prepare staff to meet student needs and other initiatives designed to meet the new Regents requirements and the challenges of the 21st Century and the initiation of a High School work experience program as part of our life skills program for all students working towards a Skills and Achievement Commencement Credential. Additionally, students will be afforded an opportunity to meet requirements necessary to earn a Career Development and Occupational Studies Credential.

VI. SCHOOL CONDUCT AND DISCIPLINE

Suspension of Students with Disabilities

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a Superintendent's hearing convened pursuant to Section 3214 of the Education Law for any suspension of more than five days. The Superintendent's hearing will be held in two parts: first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

§504/ADA Disability

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 (hereinafter referred to as "§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the Superintendent of her designated hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.

IDEA Disability

For students classified or presumed to have disabilities under the Individuals with Disabilities Education Act (hereinafter referred to as "IDEA") (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a

suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 days or less in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are: the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The student's parent/guardian has expressed, in writing, to supervisory or administrative personnel of the school or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The student's parent has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The student's parent has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

Manifestation Determinations

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the Committee on Special Education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team meeting to ensure

that the parent has an opportunity to attend and to inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
 - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with §201.3 and 201.4(d)(2)(a) of the Commissioner's Regulations.

A meeting for the sole purpose of making a manifestation determination does not require five calendar days notice to the student's parent/guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative Manifestation Finding

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) and the parent/guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.

2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to §201.8 of the Commissioner's Regulations is obtained.
3. The violation involves weapons, drugs or serious bodily injury.

Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or at a school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. The term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."
2. The term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. The term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and

behavior intervention, or review any such pre-existing, plan for modification; and

2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to him/herself or others if returned to his/her last agreed upon placement. An impartial hearing officer may order the placement of the student in an IAES for up to 45 school days in accordance with §201.8 and §201.11 of the Commissioner’s Regulations.

1. The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student’s disability.

Discipline of Students With Disabilities when the Manifestation Team has made a No Manifestation Finding

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Pendency Placement

An IAES shall be deemed the student's "stay put" placement for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

VII. PRESCHOOL PROCEDURES, PROGRAMS AND SERVICES

Committee on Preschool Special Education

At its yearly reorganization meeting in July, the Board of Education appoints a Committee on Preschool Special Education. The membership of the Committee on Preschool Special Education shall include, but is not limited to:

- the student's parent;
- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- the CPSE chairperson who is a representative of the district and is qualified to provide, or supervise special education;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- an additional parent of a preschool or elementary school age student with a disability who resides in the district, provided that such volunteer parent member is not a required member if the parent(s) of the child requests that the additional parent member not participate;
- for a student in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- other persons having knowledge of special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.

Preschool Student With a Disability refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the district. To be identified as having a disability, a preschool student shall either exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to,

information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures.

Referral

The Committee on Preschool Special Education (CPSE) is responsible for arranging for evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the school district.

The evaluation process begins when a written request for evaluation is made by any one of the following:

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

The referral can be made at any time during the school year. ***If referral is received by professional staff person in District, it shall be forwarded immediately to CPSE Chairperson.*** It should specify the extent to which the preschool student has received any services prior to referral. When the CPSE receives a referral, the chairperson will write to the parent, describing the evaluation procedures and requesting parental consent for the evaluation. The request for consent shall indicate that if the parent does not provide consent for initial evaluation or for the initial provision of special education services no further action will be taken by the CPSE. A list of County approved evaluation sites will be included. Translations will be provided as needed. In the event that consent is not provided, the Committee shall implement the district's practices for ensuring that the parents have received and understood the request for consent.

Evaluation and Recommendation

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

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

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment that further evaluation is unnecessary;
- an observation;
- a social history; and
- other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Test will be administered in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and are administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory and to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills.

The CPSE will arrange for specialized evaluations where necessary. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time.

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled. The parents will be provided with a copy of the evaluation and summary statement prior to the meeting. Upon request of the parent the CPSE shall provide the parent with all written documentation to be considered by CPSE. The results of the evaluation will be provided to the parent in their dominant language or other mode of communication. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting. Prior notice means written statements developed in accordance with section 200.5(a) of the Part, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

- At least two additional attempts are made to notify the parents of the scheduled meeting. This may mean scheduling additional meeting times, written notices, and telephone calls to the parents to ensure their participation.

Prior to making any recommendation for placement in an approved program of the agency that conducted the initial evaluation, the Committee may, at its discretion, obtain a second evaluation from another approved evaluator.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student within 30 school days of receipt of consent to evaluate. The Board of Education shall arrange for the preschool student with a disability to receive the recommended services no later than 30 school days from the recommendation of the committee. If the Committee determines the student is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which indicates the classification of the disability, the student's present levels of functioning including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short term objectives, and the type of special education program and/or services recommended. This IEP must also indicate an explanation of the extent, if any, to which the student will not participate in appropriate activities with age-appropriate, non-disabled peers. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reason, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notices will also indicate that, in the event that the parent does not provide consent for provision of services, no further action will be taken by the CPSE until such consent is obtained.

Programs and Services

The following is a listing of the preschool programs and services that are available to District students who have been identified as preschool students with disabilities. These programs and services are funded by the County but administered by the District Committee on Preschool Special Education. Early Childhood Settings are designed primarily for children without disabilities, and can include private preschool programs and childcare facilities. Early Childhood Special Education Settings are settings designed primarily for children with disabilities. On October 1, 2014, a total of 42 preschool students with disabilities were receiving services. 30 of those students were in Early Childhood Settings, while 12 were in Early Childhood Special Education Settings.

1. Early Childhood Setting: Related Services

Related services may include, but are not limited to, speech and language therapy, audiology, psychological services, interpreting services, physical therapy, occupational therapy, counseling services, medical services as provided by a qualified school nurse or other similarly qualified person in certain appropriate instances, parent counseling and training, school health services and/or social work services and assistive technology services. Services may be provided in a variety of settings, i.e., home, day care, nursery school or provider's office.

2. Early Childhood Setting: Special Education Itinerant Teacher

Special education itinerant teacher services are provided as indirect and/or direct instruction, by a certified special education teacher affiliated with an approved program. Services are given on an itinerant basis at a regular nursery school or the child's home. Direct services refers to specifically designated individualized or group instruction to assist preschoolers in benefiting from a regular nursery school program or in their home environment. Indirect services means consultation with early childhood teachers and parents to assist in making modifications in the environment and/or curriculum to meet the individual needs of preschoolers.

3. Early Childhood Setting: Special Class/Integrated Setting

The special class in the integrated setting is a class of no more than 12 preschoolers with disabilities who share the same physical space with a class of non-disabled preschoolers in a community nursery school. This class is a collaborative model staffed by an early childhood teacher, a special education teacher, and a teaching assistant.

4. Early Childhood Special Education Setting: Special Class

A special class in a State Education Department approved community or school setting that is designed primarily for children with disabilities. Classes typically range from six to twelve preschool students with disabilities. These classes are staffed by a special education teacher and one or two teaching assistants.

5. Home

Students can receive special education itinerant teacher and/or related services in the home of the family of the student.

VIII. SCHOOL-AGE PROCEDURES, PROGRAMS AND SERVICES

CSE Membership

At its yearly reorganization meeting in July, the Board of Education appoints a Committee on Special Education comprised of at least the following mandated members:

- the parents or persons in parental relationship to the student;
- the regular education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- a school psychologist, whenever a new psychological evaluation is reviewed or a change to a program with a more intensive staff/student ratio is considered;
- a representative of the district qualified to provide, or supervise the provision of special education and is knowledgeable about the general curriculum and about the availability of the resources of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- the school physician, if specifically requested in writing by the parent or by a members of the school at least 72 hours prior to the meeting;
- a parent member, if specifically requested in writing by the parent at least 72 hours prior to the meeting;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE.
- whenever appropriate, the student with a disability.
- a representative of a private school, BOCES or educational facility when CSE is considering out of district placement.

The Board of Education also appoints subcommittees of the Committee on Special Education. Subcommittees may perform the all the functions of the Committee on Special Education except when the student is being considered for initial placement in a special class, initial placement in a special class outside the student's school of attendance, or initial placement in an out-of-district special class program. Upon receipt of a written request from a parent, the subcommittee shall immediately refer to the Committee on Special Education for

its review any recommendation of the subcommittee that is not acceptable to the parent. Membership of each subcommittee shall include, but not be limited to:

- the parents of the student;
- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- the subcommittee chairperson who is a representative of the district and is qualified to provide, administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of the resources of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- such other persons having knowledge or special expertise regarding the student, including related service personnel as appropriate, as the committee or parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE;
- a school psychologist whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered;
- whenever appropriate, the student with a disability.

School-age student with a disability means a student with a disability who has not attained the age of twenty-one prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of New York State law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency. The thirteen disability categories are listed and defined in Section 200.1(zz) of the Commissioner's Regulations.

Referral

The Committee on Special Education is responsible for evaluating all school-age students suspected of having a disability, identifying the disability (or determining that no disability exists), and recommending appropriate special education programs and services. Referrals can be made at any time during the twelve-month year. Within 60 school days of receipt of consent for evaluation, the Board of Education will review the recommendations of the Committee on Special Education and arrange for appropriate special education services. A referral may be made by:

- a student's parent or person in parental relationship;
- a designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend;
- the commissioner or designee of a public agency with responsibility for the education of the student; and/or
- a designee of an education program affiliated with a child care institution with committee on special education responsibility.

A request for referral for an initial evaluation may be made by:

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

All new entrants to the district are screened at the time of enrollment and such screening, if indicative of a possible disability, will lead to a CSE referral. All referrals are made to the building principal or the Chairperson of the Committee on Special Education.

Except for self-referrals and referrals by parents, the referral must be in writing and:

- state the reason(s) for 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 referral, including any supplementary aids or support services provided for this purpose, or state the reason why no such attempts were made;
- describe the extent of parental contact or involvement prior to the referral.

Upon receipt of a referral, the Chairperson of the Committee on Special Education will contact the parent or guardian and request consent for evaluation. A copy of A Parent's Guide to Special Education and Due Process Rights are given to the parent at this time. Translations are provided to assist parents as needed.

Referrals may be withdrawn under the following circumstances:

- The parent and the person submitting the referral agree to the withdrawal.
- The building administrator, upon receipt of a referral or copy of a referral, may request a meeting 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. If the person making the referral is a professional staff member of the school district in which the student resides, that person shall attend such meeting. 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 the 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 be deemed withdrawn, and the building administrator shall provide the Chairperson of the Committee on Special Education, the person who made the referral if a professional staff member of the school district, 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 education 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 education record file. The meeting:
 - (i) shall be conducted within 10 school days of the building administrator's receipt of the referral; and
 - (ii) shall not impede a Committee on Special Education from continuing its duties and functions under this Part.
- If the parent does not consent to the initial evaluation within thirty (30) days, the Chairperson will offer the parent an opportunity for an informal meeting with the person who made the referral, professionals most familiar with the proposed evaluation and counsel or an advisor of the parent's choice. The reasons for the referral will be discussed and if both the parent and the

person submitting the referral agree in writing, the referral will be withdrawn. If the referral is not withdrawn and the parent continues to withhold consent, the chairperson will recommend that the Board appoint an impartial hearing officer to hear evidence and testimony on the need for evaluation.

In all circumstances, the withdrawal agreement will be in writing and will be placed in the student's cumulative educational file, with copies given to all parties involved. The agreement will specify in writing any alternative methods suggested to resolve the student's difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

Evaluation

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent, to gather relevant functional and developmental information about the student and information related to enabling the student to participate and progress in the general education curriculum. The individual evaluation will appropriately assess the student in all areas of suspected disabilities including at least the following, at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school-age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which will be reviewed by the Committee;
- an observation of the student in the current educational placement;
- a social history;
- other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to appropriately assess the student in all areas related to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory. The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the district. These assessments may include, but are not limited to, bilingual

evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, vocational evaluations and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time. The CSE shall maintain a list of appropriate resources and certified professionals for this purpose.

A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used in determining whether the student is a student with a disability and the content of the student's individualized education program, including information related to enabling the student to be involved in and progress in the general education curriculum. No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Assessment tools and strategies are used to provide relevant information that directly assists persons in determining the educational needs of the student. Assessments of students with disabilities who transfer from one school district to another school district in the same academic year will be coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations. The initial evaluation to determine if a student is a student with a disability will be completed within 60 days of receiving parental consent for the evaluation unless the student enrolls in the district after the evaluation timeline has begun in the student's previous school district, or the parent of the student repeatedly fails or refuses to produce the student for the evaluation.

As a part of an initial evaluation, if appropriate, and as a part of any reevaluation, a group that includes the committee on special education, and other qualified professionals, as appropriate, shall review existing evaluation data on the student, including evaluations and information provided by the parent, current classroom-based assessments and observations, and observations by teachers and related service providers, to determine what additional data are needed by the committee on special education. The group may conduct its review without a CSE meeting.

When the evaluations recommended are completed, a CSE meeting is scheduled. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting. Prior notice means written statements developed in accordance with section 200.5(a) of the Part, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
- At least two additional attempts are made to notify the parents of the scheduled meeting. This may mean scheduling additional meeting times, written notices, and telephone calls to the parents to ensure their participation.

Eligibility Determination

- When the evaluations are complete, the CSE, including the parents and, if appropriate, the student, will meet to review the evaluation information to determine eligibility for special education, and if appropriate, develop an Individualized Education Program (IEP). The CSE will consider all evaluation information including evaluation provided by the parents. In making a determination of eligibility for special education, a student will not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies, lack of instruction in math or limited English proficiency. In determining whether a student has a learning disability, the school district may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures. Additionally, beginning on July 1, 2012, the District will utilize a response to intervention criteria in determining eligibility as learning disabled in the area of reading for students in grades K-4. The district is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability. A student with a disability will remain eligible to receive special education services even if the student is advancing from grade to grade.
- The CSE will ensure that parents are provided with copies of the evaluation reports prior to, or at, the CSE meeting. Parents will be provided with documentation of determination of eligibility. The results of the evaluation will be provided to the parent in their native language or other mode of communication. Consensus is the preferred decision making process.

Recommendation

The Committee on Special Education reviews the results of the evaluation to determine eligibility and submits a recommendation to the Board of Education. For a student not previously identified as having a disability, the Committee on

Special Education shall provide a recommendation to the Board of Education which shall arrange for appropriate special education programs and services to be provided to the student with a disability within sixty school days of the receipt of consent to evaluate.

If the Committee determines the student is ineligible for special education, written notification is sent to the parent/guardian and to the principal, indicating the reasons for the finding. If a student is found ineligible to receive special education services, a copy of the recommendation and appropriate evaluation material shall be provided to the building administrator. The building administrator shall determine what educationally related support services, if appropriate, shall be provided to the student and, to the extent available, shall ensure the services are provided.

If the parent of a student refuses to consent or fails to respond to a request to provide such consent to the provision of special education programs and services, the school district shall not provide the special education program and services to the student and shall not use due process procedures to challenge the parent's refusal to consent.

Individualized Education Program

If a student has been determined to be eligible for special education services, the Committee on Special Education must develop an individualized education program (IEP). In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents, the results of the student's performance on any general, State or district-wide tests; and other factors unique to the student's disability. These recommendations shall include a statement of:

- the student's present levels of academic achievement and functional performance and individual needs in the following areas: academic or educational achievement and learning characteristics, social development, physical development and management needs including how the disability affects student involvement and progress in the general curriculum;
- measurable annual goals, consistent with the student's needs and abilities, related to enabling the student to be involved in and progress in the general education curriculum and meeting each of the student's other educational needs that result from the student's disability. Each annual goal shall include evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal, and the IEP will identify when periodic reports on the progress the student is making will be provided to the student's parents;
- short-term instructional objectives and benchmarks for a student who takes the NYS alternative assessment and for each preschool student;
- special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of

the program modifications or supports for school personnel in order for the student to advance appropriately toward attaining annual goals, to be involved and progress in general curriculum, and to be educated and participate in activities with other students with and without disabilities. The recommended program and services shall, to the extent practicable, be based on peer-reviewed research;

- a statement of supports for school personnel on behalf of the student;
- the extent to which a student's parents will receive parent counseling and training, when appropriate;
- the extent, if any, to which the student will not participate with typically developing students in the general education class and in other activities;
- if a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education including adapted physical education;
- any individual testing accommodations to be used consistently by the student in the administration of State or district-wide assessments of student achievement and in accordance with the State Education Department policy, that are needed in order for the student to participate;
- if the Committee determines that the student will not participate in a particular State or district-wide assessment or part of such assessment, a statement of why the assessment is not appropriate and how the student will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- how the student's progress towards the annual goals will be measured, how the student's parents will be regularly informed of their child's progress towards 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;
- indicate the general education classes in which the student will receive consultant services; and
- a description of assistive technology devices or services needed for the student to benefit from education.

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

- under the student's present levels of performance, a statement of the student's needs, taking in to account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
- appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment, and where appropriate, independent living skills;

- a statement of the transition service needs of the student that focuses on the student's course of study, such as participation in advanced placement courses or a vocational education program;
- needed activities to facilitate the student's movement from school to post-school activities including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

In developing the recommendations for the IEP, the CSE will consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the results of the student's performance on any general State or district-wide tests, and other factors unique to the student's disability. The CSE will ensure that each student with a disability has an IEP in effect at the beginning of the school year and that an IEP is provided at no cost to the student's parent.

Consideration of Special Factors:

The CSE shall:

1. In the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive interventions, and supports to address that behavior;
2. In the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP,
3. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the CSE determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the student; and
4. Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

5. Consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education.
6. Include a statement in the IEP if, in considering the special factors listed above, the Committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

Transfer Students:

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

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

To facilitate the transition for a transfer student, the DFSD will take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education services to the student, from the previous school in which the student was enrolled.

Annual Review

At least once a year, the Committee on Special Education conducts an individual review for each student identified with a disability receiving special education services. The purpose of the annual review is to review the status of each student with a disability, to determine if the annual goals are being achieved, and to recommend the continuation, modification, or termination of the provision of the special education program and services for the student. The Committee on Special Education reviews the student's IEP and other current information pertaining to the student's performance. Updated reports, educational evaluations, teacher summaries and report cards are utilized to measure growth, assess progress and make recommendations. Team members, including

administrators, special education staff, classroom teachers and parents meet with the Committee to discuss the academic, social and emotional progress of the child. If a revision of the student's IEP is recommended, it must address:

- any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- the results of any reevaluation and any information about the student provided to, or by, the parent;
- the student's anticipated needs;
- any other matters, including the student's need for test accommodations and/or modifications.

Amendments to the IEP. Amendments to an IEP may be made after the annual review without the need for a CSE meeting when the parents and District mutually agree to do so following written notice to the parent and parental consent. A written document may amend or modify the student's current IEP, provided that the parents receive prior written notice of any changes to the IEP, and that the parent receive a copy of the document that amends or modifies the IEP or, upon request, is provided with a revised copy of the entire IEP with the amendments incorporated.

Reevaluation

The Committee on Special Education must arrange for a comprehensive reevaluation of each student with a disability by a multidisciplinary team at least every three years, but not more frequently than once a year unless the parent and a representative of the school district appointed to the CSE agree otherwise. The purpose of the reevaluation is to ensure that the student continues to qualify for and need special education services. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education, and the student's continuing eligibility for special education. The student is re-examined by a multi-disciplinary team in the areas of management needs, academic, social/emotional and physical functioning. Both standardized and non-standardized measurements are utilized in order to clearly identify areas of strengths and weaknesses. Historical information is used together with new data from student, parents, teachers, evaluators and other staff to determine each student's individual needs as well as continuing eligibility for special education. The Committee on Special Education must address the results of any reevaluations in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the school district will encourage the consolidation of reevaluation meetings and other CSE meetings for the student.

Parental consent is obtained prior to conducting the reevaluation of a student with a disability. If the district takes reasonable measures to obtain consent and the student's parent fails to respond, reevaluation may take place without parental consent.

The Committee on Special Education may determine that no additional testing is necessary as a part of the reevaluation process. In this case, the Committee will notify the parent of the reasons for the determination, and of the right of the parent to request an evaluation.

The school district will evaluate a student with a disability prior to declassification, but will not conduct a reevaluation of student before the termination of a student's eligibility due to graduation with a high school diploma or exceeding the age eligibility for special education services. The district is required to provide a graduating or aging-out student with a summary of the student's academic achievement and functional performance, which will include recommendations on how to assist the student in meeting his or her postsecondary goals.

Additional IEP and Placement Considerations

Provision of IEPs to Teachers and Other Service Providers

In accordance with Chapter 408 of the Laws of 2002, amending Section 4402 of the New York Education Law, the District has implemented procedures to ensure that a copy of the IEP for each student with a disability is provided to each regular education and special education teacher, each related service provider, and to others who have a role in implementing the IEP. Procedures ensure that each person with a role in implementing the services described in the IEP has an opportunity to review the IEP and to discuss with the special education professional who is the case manager for the student the responsibilities associated with fulfilling IEP requirements. Procedures also ensure that the IEP remains a confidential document in compliance with Federal and State laws and regulations, including the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA).

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 remediate 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 response to intervention teams to investigate all possible Educationally Related Support Services that would enable the student to achieve the learning standards. These services may include, but are not limited to, functional behavior assessments and behavior intervention plans, speech improvement, remedial and developmental reading, evaluations, individual and group counseling, consultation with staff and families, curriculum and instructional modifications, building level educational support, Academic Intervention Services and ELL services. These services may be provided before, during or after the school day. They must be afforded to all students who do not meet the minimum designated standards on State

assessments, and to Limited English Proficient (LEP) students who do not achieve the annual CR Part 154 performance standards. Consistent with the District AIS Description, supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate State assessments or score below the State designated or local performance levels on any one of the State examinations required for graduation.

All school-wide approaches which provide remediation activities for students who are at risk of not meeting State standards or in danger of not meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include but are not limited to extra teachers or teacher aide support, student or volunteer tutorial assistance, counseling support, computer assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided and shall ensure that written quarterly progress reports are provided in the native language of the parents. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the Committee on Special Education (CSE).

The CSE referral form used by the district staff will describe in writing the intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral, including any supplementary aides or support services provided, or the reason why no such attempts have been made. The principal and/or building response to intervention team shall maintain a record of pre-referral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

If a CSE referral is received by the building administrator, it shall be forwarded to the CSE chairperson immediately upon its receipt by the administrator. If the referral is received by the CSE chairperson, a copy shall be forwarded to the building administrator within five school days of its receipt by the CSE chairperson. The building administrator, upon receipt of a referral or a copy of a referral, may request a meeting within 10 school days of the receipt of the referral, with the parent or person in parental relationship, the student, and the referring person, to determine whether the student would benefit from additional general education support services as an alternative to special education. If the person making the referral is a professional staff member of the school building which the student attends, that person shall attend the meeting. The building administrator shall ensure that the parent understands the proceeding 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 the meeting. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall

be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of CSE, the referring person, the parent or person in parental relationship, and the student, if appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file.

These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but shall be used to assess the ability of the student to benefit from regular education services.

Least Restrictive Environment

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

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

Procedures to Implement Least Restrictive Environment Requirements

- The student will receive a comprehensive, nonbiased, individual evaluation in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of instruction in reading or math or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student

to participate, as appropriate, in the general curriculum.

- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program, including educationally-related support services, have been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that at least one of the student's general education teachers must be a member of the Committee (if the student is, or may be, participating in the general education environment). In addition, the representative of the school district qualified to provide or supervise special education must be knowledgeable about the general curriculum and the availability of resources of the school district. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
- The Committee on Special Education or Committee on Preschool Special Education will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum; or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.
- Measurable annual goals, including benchmarks or short-term objectives for students who are eligible to take alternative assessments, must be related to enabling the student to be involved in and progress in the general curriculum and addressing each of the student's educational deficits that result from the disability.
- Alternative placements, such as, special schools or other removal from the general education environment, will be considered only when the CPSE/CSE determines that a student's education cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities. The parent or guardian and the board of education will be provided a recommendation from the CPSE/CSE which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CPSE/CSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic or educational achievement and learning characteristics, social development, physical development and management needs.
- The CPSE/CSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the

student and the student's ability to participate in general education programs.

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

Provision Of Appropriate Special Education Services To Enable Involvement And Progress In The General Education Curriculum

The Individuals with Disabilities Act (IDEA) presumes that all students with disabilities will be educated in general education classes to the maximum extent appropriate based on the unique needs of the student. The special education and related services a student receives must support a student's successful participation in the general education curriculum and should not be considered as a separate service or program.

All students with disabilities who reside in the Minisink Valley Central School District shall be provided with an appropriate individual educational program (IEP) that meets the student's unique educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual goals and short-term objectives.

In keeping with this policy, the CSE will consider participation in regular education classes at each initial, program or annual review for the student, as well as the appropriate support or related services needed for the student to make educational progress in the general education curriculum. Modifications and accommodations that facilitate participation in the general education program will also be considered. Progress or educational benefit shall be indicated by successful academic progress, including improvement in skills, achievement on State mandated examinations, ability to perform activities of daily living and an increase in adaptive behavior. Progress will also be considered in the social areas, including relationships with peers and adults, feelings about one's self, and the adjustment to school and community environments. Physical development areas such as the student's improvement in motor or sensory areas, health, vitality and physical skills and the decrease of management needs that require environmental modifications or human resources shall also be considered as progress.

The District will ensure equal access to a diploma for all students with disabilities through supported participation in general education classes and through special education classes that provide equivalent instruction designed to enable students to attain the State learning standards and pass State assessments. Appropriate

Academic Intervention Services shall also be considered and determined by the building response to intervention teams to assist students with disabilities in meeting 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 the District, the CSE will seek placement in a program that provides equivalent instruction designed to enable the student to attain the State learning standards and pass new State assessments.

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 reasonable accommodations to enable otherwise qualified students to participate in such activities. 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 based on their individualized needs.

Exemption From Foreign Language Requirement

Students who entered the ninth grade during the 2001 – 2002 school year and thereafter, are required to complete one unit of study in a foreign language other than English before completing the twelfth grade. 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 Individualized Education program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibit other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students with disabilities who are completing seventh or eighth grade, the CSE will take the following steps:

- Student schedule and report cards 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 which may be relevant to ability to benefit from language instruction in the following year.
- In determining whether or not exemption is appropriate, particular attention will be paid to severity of the speech and language impairment. Exemption

may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that exemption is warranted, reasons will be provided in a statement accompanying the IEP.

- Modifications and accommodations that facilitate participation in the foreign language program will be considered by the CSE at the time of the annual review.
- If a student with a disability is assigned to a foreign language class, a copy of the student's IEP showing necessary testing modifications and classroom modifications will be made available to the language teacher by the student's special education teacher.

The Minisink Valley Central School District, and State Education Department policies, strongly supports the study of foreign language by students with disabilities and the fulfillment of the language requirement by all students prior to completion of 12th grade.

Extended School Year Services(CPSE/CSE)

The Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE) will determine whether a student requires a structured learning environment of up to 12 months to prevent substantial regression. Substantial regression as defined by Regulations, would be indicated by a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity so as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. A special program or service shall operate for at least 30 days during the months of July and August. The decision about eligibility for extended school year services will be made at the time of the student's annual review, provided that this decision will be made in all instances prior to July 1 of the upcoming school year. In accordance with Section 200.6(j) and 200.16(h) of the Commissioner's Regulations, students will be considered for twelve-month special services and/or programs to prevent substantial regression if they are:

- preschool students/school age students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- preschool students/school age students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- preschool students/school age students who are recommended for home and hospital instruction or students/preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;
- preschool students/school age students whose needs are so severe that they

can be met only in a seven-day residential program; or

- preschool students/school age students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or program provided in a structured learning environment in order to prevent substantial regression.

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

Declassification Of Students with Disabilities

When a student who has been receiving special education services can participate in a regular education program without special education support without disabilities adversely impacting education, the student can be considered for declassification.

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

In order to determine the nature of this reevaluation, a group that includes members of the CPSE and the CSE and other qualified professionals may review the existing evaluation data on the student including evaluations provided by the parents or guardians, current class assessments, observations by teachers, reports by related services providers and other professionals. This review shall not constitute a CPSE and a CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CPSE and 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 CPSE and 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 CPSE and the CSE will consider the student's ability to participate appropriately in instructional programs in regular education, the student's ability to benefit from special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEA, the Part 200 Commissioner's Regulations and the District's existing policies and procedures. The CPSE and the CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CPSE and 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.

Even though a student may no longer require special education services, the student may require accommodations to enable the student's access to the programs of the District, in such instances the student will be referred to the District's Section 504 team. In such instances, the effects of a disability may continue to prevent the student from demonstrating achievement of certain knowledge and skills. In such cases, a student who has been recommended for declassification may continue to need the testing modifications previously documented in an IEP. If this determination is made by the CSE and documented in the recommendation for declassification, the testing modifications must continue to be consistently provided to the student for the balance of his or her public school education. Alternatively, after the expiration of the Student's declassification support services plan, the 504 team may, if appropriate, consider and recommend such testing modifications or other appropriate accommodations for a student who remains eligible for 504 accommodations. For students with disabilities declassified while in grades 8-12, the CSE may also determine that the student will continue to be eligible for the provisions of the safety net for students with disabilities if recommended by the CSE and documented in the student's IEP.

Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall, in consultation with the response to intervention team, determine eligibility for any other services that may be appropriate for the student.

IX. SCHOOL-AGE PROGRAMS AND SERVICES

The following is a listing of the District school-age programs and services that are currently available to meet the academic, social, physical and management needs of students with disabilities. As of October 1, 2014, a total of 656 students with disabilities were receiving services.

A. General Education with Supplementary Aids and Services

Supplementary aids and services can be provided to a student with a disability who is educated in a regular class setting and does not receive additional special education services. Aids and services may include, but are not limited to, additional teacher support, academic intervention services, assistive technology, educationally related support services, differentiated instruction, classroom modifications and accommodations, and additional support from supplementary school personnel.

B. Transitional Support

Transitional support means temporary or short-term services that are provided to a student, or to the student's regular or special education teacher, to facilitate a transfer to a regular education setting prior to declassification, or to a less restrictive setting. Alternate day support service, or monitoring of student progress in the regular education setting are examples of transitional support services.

C. Related Services

Related services are support services which assist students with disabilities in benefiting from instruction in either a regular or special class program. These services may include speech therapy, occupational therapy, physical therapy, counseling, school health services, adapted physical education, and parent counseling and training. Related services are provided individually or in small groups, and are available in all District school buildings, as appropriate.

D. Consultant Teacher

Consultant teacher is direct or indirect services provided, at least two hours weekly, to the student or the student's teacher(s) in order to support their participation in a regular education program. Direct consultant teacher service is delivered through individual and/or group instruction by a special education teacher in a regular education classroom. Indirect consultant teacher service involves consultation provided to a classroom teacher by a special education teacher in order to make the necessary instructional, curriculum, and assessment accommodations and modifications to meet the needs of a student with a disability in a regular

education setting. Consultant teacher services are available in all District school buildings, as appropriate.

E. Resource Room

Resource room services support the placement of students with disabilities in regular education settings. A special education teacher, either in a general education class or in a separate location, delivers these services. Students receive specialized instruction in the resource room for a minimum of three hours weekly or a maximum of 50 percent of their school day. The group size for resource room is limited to five students per period. Resource room services are available in all District school buildings, as appropriate.

F. Integrated Co-Teaching

Integrated Co-Teaching means the provision of specially-designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. This special education support is provided at the high school level for coursework in English, Global Studies, US History, Integrated Algebra and Living Environment.

G. Special Education Class

Students are recommended for a special class program when, because of the nature of their skill deficits or severity of their disability, their educational goals can not be satisfactorily achieved in a regular class setting with additional special education support services (resource room, consultant teacher). Students in collaborative special education classes receive specialized instruction in skill areas identified in the student's IEP (usually reading, math, and language arts) in the special class setting. They also participate in regular education classes with grade level peers for a portion of the day with the support of a special education teacher or supplementary school personnel. Students in self-contained special classes receive specialized instruction in content and skill areas in the special class and participate in developmentally appropriate activities in the regular class setting. Elementary special class programs vary in enrollment but do not exceed fifteen students to one teacher. At the secondary level, students can spend up to six periods daily in the special class program, but participate in regular education classes as appropriate based on their needs. Secondary special class programs vary in enrollment but do not exceed fifteen students to one teacher. All special education classes are composed of students with a chronological age span of up to three years and similar academic, social, emotional, and management needs. Students in special education classes participate in all specials and electives.

Elementary/Intermediate – In both Minisink Valley Elementary School and Otisville Elementary School, as well as Minisink Valley Intermediate School, students are placed in a 15:1 special class for any academic subjects necessary as determined by the social, physical, academic and management needs. Time frames for these classes are based on number of minutes afforded to general education students. Some classes may include multi-age/multi-grade students, however, these never exceed a three-year age span. Typically they do not span more than two years. Every effort is made to place supplementary school personnel in these classes, particularly in classes with students exhibiting considerable academic, management or behavioral needs. Additionally, the Elementary School offers a 12:1:1 special class for district kindergarten students who have social, emotional or behavioral challenges requiring the predictability and routine of a self-contained class.

Middle School/High School – Special classes in both the Middle and High School are offered by subject area for the main core subjects (English, math, science and social studies). A special class specifically for reading skills is also offered in the Middle School and High School. These classes do not exceed fifteen students with one teacher. Supplementary school personnel may be assigned to these classes where students have considerable academic, behavioral or management needs.

Other Public/Approved Private School Programs

A. Other Public School Programs

Special education programs in other public school districts are considered for District students with disabilities when an appropriate in-district program is not available.

B. Board of Cooperative Educational Services Programs

The Minisink Valley Central School District is a component school district of Orange/Ulster BOCES. BOCES is a regional public education collaborative which functions in New York State as an extension of local school districts.

The District utilizes BOCES programs and services for students with more intensive educational, emotional or management needs that cannot be appropriately met in an in-district program. The District currently has students with disabilities in the following BOCES special education programs: *(# of district students within the program as of August 2015)
(Total – 120)

Raymond C. Cramer Elementary/Secondary – These programs include students ages 5-21 with developmental disabilities/multiple disabilities. Students in these programs are working toward a Skills and Achievement Commencement Credential (SACC). *(18)

STRIVE – This program is designed for students ages 5-21 who are on the autism spectrum. Most students in this program are SACC candidates. *(5)

John A. Flannery Middle School/High School – These programs include students with various disabilities who are working toward a regular (Regents/local) diploma or a GED. These programs follow the same learning standards and state exams needed for the above diplomas. The senior high program is credit bearing. *(27)

Liberty Elementary – This program includes students of varying disabilities in grades K-5 who are close to or on grade level, but have behavioral or social-emotional issues. These students are being prepared for the regular state tests and follow the New York State standards. *(8)

Marguerite A. Flood Program – This program is for students in grades 6-12 who demonstrate a high level of psychiatric needs and require more therapeutic support. This program is housed at the Arden Hill campus. Students in this program participate in regular NYS assessments. *(15)

BOCES Satellite Programs:

Chester Academy – Middle school age students who are on the autism spectrum or with developmental disabilities. *(6)

Cornwall High School – High School age students working toward a Regents/local diploma who demonstrate learning disabilities and moderate social-emotional difficulties. *(1)

Greenwood Lake – Middle school age students who are on target to be mainstreamed back into their own district programs. They are typically headed for regular diploma programs. *(6)

Minisink Valley Middle School/High School – Students with developmental disabilities moving toward a SACC. *(22)

Minisink Valley Otisville – Students on the autism spectrum and being instructed in a particular methodology – ABA/VBA (Applied Behavioral Analysis/Verbal Behavioral Analysis). *(5)

Warwick Elementary – Elementary students (K-5) of varying disabilities and varying levels – some leading to NYSAA and some taking the typical state tests (3-5). *(5)

Rockland BOCES – Presently MV has fewer than 5 students in varying programs due to their specific needs regarding the autism spectrum and the type of inclusive programs these BOCES provide. Some are moving toward a Regents/local diploma and some toward a SACC. *(2)

C. Approved Private Day and Residential Schools:

When the needs of a student with a disability cannot be met in program operated by the District, another public school district, or a BOCES program, the District may, with the approval of the NYS Education Department, utilize more restrictive approved private day or residential placements. These schools provide highly individualized programs with intense supervision and structure. The Minisink Valley Central School District is currently utilizing the following programs: *(# of district students within the program as of August 2015) (Total – 18)

AHRC – Association for the Help of Retarded Citizens (Middletown, NY) – This program serves students aged 5-21 who have considerable developmental and multiple disabilities. All students are NYSAA and SACC candidates. *(1)

ARC Primetime for Kids (New City, NY) – For students with significant intellectual and other developmental disabilities who are NYSAA eligible and will earn a SACC upon exit from school-age services. *(1)

Astor (Poughkeepsie, NY and Rhinebeck, NY) – A day treatment program, approved by NYS Office of Mental Health, is designed to support students with significant psychiatric, behavioral and emotional difficulties. *(3)

Center for Discovery – Day (Harris, NY) – This program includes students who are developmentally disabled, multiply disabled and many are on the autism spectrum as well. These students require many services and some are medically fragile. Age groups are from 5-21. These students are all NYSAA and SACC candidates. *(9)

Center for Spectrum Disorders (Ellenville, NY) – This program includes students on the autism spectrum whose needs exceed what BOCES program can provide. The age group included is 5-12. *(1)

Green Chimney's – Day (Brewster, NY) – This program includes students who are close to or on grade level, but have significant social-emotional and behavioral needs which exceed what BOCES can provide. These students are on target for the typical state exams and regular/regents diplomas. Age groups served are 5-21. *(2)

Westchester Exceptional Children's School (North Salem, NY) – This program serves children ages 5-21 who are on the autism spectrum and also have considerable management or social-emotional needs. This program is specially designed around each student's particular needs. *(1)

The following is a listing of the residential schools presently used by the Minisink Valley Central School District: *(# of district students within the program as of August 2015) (Total – 7)

Center for Discovery (Harris, NY) – Particularly for students on the autism spectrum, but with other diagnoses – significant intellectual disabilities and multiple disabilities. *(2)

Devereux (Red Hook, NY) – Particularly for students with autism and a dual diagnosis of significant intellectual disabilities or multiple disabilities. *(1)

George Junior Republic UFSD (Freeville, NY) – Particularly for students with considerable social-emotional and management needs as well as academic needs. *(1)

Hillcrest (Pittsfield, MA) – For students with complex psychiatric, behavioral and/or developmental disorders, including autism, and a variety of high risk behaviors. Students have an opportunity to work toward a Regents/local diploma. *(1)

Springbrook (Oneonta, NY) – For students with significant developmental disabilities, including autism and moderate to severe cognitive impairments, who will exit the school-age program with a Skills and Achievement Credential (SACC). *(1)

Westbrook Prep (Westbury, NY) – For fragile adolescent students with high functioning autism (Asperger syndrome) who require intensive therapeutic support. Students will earn a Regents or local diploma. *(1)

D. Home/Hospital Instruction

Students with disabilities who are unable to attend school due to medical conditions (physical or psychiatric) receive their educational program at home or in a hospital setting. Elementary students receive a minimum of five hours of services a week while students at the secondary level receive a minimum of ten hours weekly.

X. EVALUATION OF PROGRAM OBJECTIVES

In evaluating the extent to which program objectives have been achieved, the Office of Special Services will review performance data and information, from a variety of sources, regarding the provision of special education programs and services to District students with disabilities. Among the information to be analyzed are the following;

- Special education data reports (PD 1/4, PD 5, PD 6, PD 8)
- Performance of students with disabilities on State assessments
- Percentage of students with disabilities earning high school diplomas
- School Report Card
- Performance data from annual reviews and reevaluations
- Progress toward mastery of IEP goals and benchmarks
- Reports and comments from stakeholders

XI. SPACE ALLOCATION

A. District Facilities

As part of the Rehabilitation Act of 1973 (PL 93-112), Congress enacted Section 504 which provides that “no otherwise qualified disabled individual ... shall be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The regulations pertaining to Section 504 also require that school districts place students with disabilities in educational environments with students who do not have disabilities, unless it can be demonstrated that despite the use of supplementary aids and services, integration of the student with disabilities into the regular school environment cannot be satisfactorily achieved. This mandate was later addressed as the concept of “least restrictive environment” in the Education of All Handicapped Children Act of 1975 (PL 94-142). As a result, it became obligatory for school districts to make their facilities accessible to students with disabilities who are otherwise qualified and able to participate in the programs of the school.

Subpart C of PL 93-112 sets forth the central requirement of the regulations governing program accessibility. All new facilities must be constructed to be readily accessible and usable by persons with disabilities. Every existing facility need not be entirely barrier free, but all recipients must ensure that programs conducted in those facilities are made accessible.

Subpart D of PL 93-112 is concerned with elementary and secondary education. Its provisions are coordinated with those of PL 94-142. The regulations of both Acts require that the recipients, i.e. school districts, operating public education programs provide a free appropriate education to each qualified child in the most normal setting appropriate.

It is the policy and practice of the Board of Education of the Minisink Valley Central School District to ensure, to the fullest degree possible, that students with disabilities residing within the District are educated within the school district in the least restrictive environment. Each year, the location of special education classes within the District is assessed to ensure that special education programs are provided in school buildings appropriate to student needs. In addition, the population of students with disabilities in out-of-district programs is reviewed annually to determine if the needs of students in out-of-district programs could be addressed in District programs.

Special Services staff have participated in the development of recommendations for present and future space needs at the district and building level. At the district level, representatives from the Office of

Special Services have participated in space planning and facilities expansion. In addition, special services staff help to plan for the needs of District students with disabilities as members of building construction committees.

Special education programs shall not be denied or discontinued because of the need for appropriate space, and future construction will address special education needs.

B. Board of Cooperative Educational Services

To the fullest extent possible, appropriate space is also available to meet the needs of disabled students who attend special education programs provided by the Board of Cooperative Educational Services.

A major goal of the regional BOCES is to distribute its classes in a manner so as to reduce student travel time and district transportation requirements. Representatives from the Office of Special Services have worked on the BOCES Regional Space Plan and have met with representatives of the Orange/Ulster BOCES to explore the provision of space for BOCES programs in the Minisink Valley Central School District. The District will continue to work cooperatively with BOCES, along with the component districts, to plan for long-term needs to provide space within the District to BOCES classes as appropriate and available.

XII. ALTERNATIVE FORMAT PROCEDURES

In accordance with Chapter 377 of the Laws of 2001 and amendments to Section 200.2 of the Regulations of the Commissioner, the District has implemented procedures to ensure that every student with a disability who needs his or her instructional materials available in an alternative format will receive those materials at the same time that they are available to non-disabled students.

Alternative Format Procedures

- Alternative format is defined to mean any medium or format for presentation of instructional or assessment materials, other than a traditional print materials, that is needed as an accommodation for a student with a disability enrolled in the school district. It would include, but not be limited to, Braille, large print, open and closed caption, audio, or an electronic file.
- The need for alternative format materials will be determined by the Committee on Special Education and specified in the student's IEP or by the Section 504 Team and specified in the student's Accommodation Plan.
- The CSE or the Section 504 Team will identify a case manager who will be responsible for obtaining alternative format materials, including State assessments.
- Materials in alternative formats will be ordered or produced with sufficient lead-time to ensure that they will be available at the same time as regular format materials are provided to other students.
- The District will give preference in the purchase of instructional materials to those vendors who agree to provide such materials in alternative formats.

XIII. SPECIAL EDUCATION BUDGET

Identified on the attachment is the budget total for the 2015/2016 school year. It must be noted that a significant portion of our instructional and tuition expenses are offset through state aid. The school district is reimbursed for a percentage of the costs for high cost tuitions. In addition, the district receives federal aid each school year that is generated by special education students. The district is also reimbursed for specific services provided to students who are eligible for Medicaid.

XIV. POLICIES RELATED TO STUDENTS WITH DISABILITIES

(Please refer to policies 7610 – 7680 – Students with Disabilities)

XV. SUMMARY

The Minisink Valley Special Services program is a vital part of the overall school district program. In addition to the students identified as educationally disabled, program staff such as related service providers help to meet the needs of many non-classified students. The Pupil Personnel Services program administrator is proud to be associated with the many teachers, related service providers, teacher aides, clerical staff, CSE Chairperson, colleague administrators and others that enable the educationally disabled students of Minisink Valley to achieve to their potential by maximizing student strengths and addressing their needs.