

INSTRUCTION

CURRICULUM

Programs for Preschool Children with Disabilities

Purpose

Pursuant to the New York State Education Law and the regulations of the Commissioner of Education, the District is responsible for identifying, evaluating, referring, placing, and reviewing the placement of preschool children with disabilities.

Policy

The District's special education program shall be operated in accordance with the New York State Education Law and the regulations of the Commissioner of Education (the "Commissioner"). Accordingly, each preschool student with a disability residing in the District shall be provided with a free, appropriate special education as is determined to be appropriate to meet the student's special educational needs. Such special education shall be provided, to the maximum extent appropriate, in the least restrictive environment.

In order to ensure appropriate access to the District's services and programs, and full opportunity to participate in preschool programs, it shall be the policy of the District to (1) establish a Committee on Preschool Special Education (CPSE); (2) appoint, with the approval of the Board of Education (the "Board"), and train members of the CPSE and other personnel charged with the education of students with disabilities; (3) locate, conduct timely evaluations, and identify all students with disabilities each year, pursuant to the relevant provisions of the Education Law; (4) develop an Individualized Education Program (IEP) for each student recommended by the CPSE to be eligible for special education services; (5) arrange for programs and services as recommended by the CPSE; and (6) develop and maintain a two-year Plan describing in detail the full range of the District's special education programs and services.

Designation of Authority

The Superintendent, or a designee, shall be responsible for communicating this policy to all relevant personnel and for establishing administrative practices and procedures to carry out this policy pursuant to the attached guidelines.

The District's Director of Special Education shall be responsible for ensuring that parents of a preschool child receive and understand the request for consent to evaluate the preschool student.

Reports

All reports pertaining to the implementation of this policy and related guidelines shall be forwarded to the Superintendent or the Superintendent's designee.

Review

This policy shall be reviewed and amended as required by any changes in the law, promulgation of regulations by the Education Department, or changes necessitated by the needs of the preschool children with disabilities residing in the District.

Cross Reference 4321

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Students with Disabilities

Update
Presentation: 6/1/2011

First
Vote: 6/15/2011

Second
Vote: 7/6/2011

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The Committee on Preschool Special Education (CPSE)

The Board of Education (the "Board") shall establish a Committee on Preschool Special Education (CPSE) to ensure timely evaluation and placement of preschool students with disabilities. Upon the recommendation of the superintendent, the Board shall appoint the members of the CPSE. The membership of each committee on preschool special education shall include, but not be limited to:

1. the parents of the preschool child;
2. a regular education teacher of the child whenever the child is or may be participating in the regular education environment;
3. a special education teacher of the child, or, if appropriate, a special education provider of the child;
4. a representative of the school district who is qualified to provide or supervise special education and who is knowledgeable about the general curriculum and the availability of preschool special education programs and services and other resources of the school district and the municipality. The representative of the school district shall serve as the chairperson of the committee;
5. an additional parent member of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program, provided that such parent is not a required member if the parent(s) of the child request that the additional parent member not participate;
6. an individual who can interpret the instructional implications of evaluation results provided that such individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill this role on the committee;
7. 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;
8. the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child in transition from early intervention programs and services; and

9. a representative of the municipality of the preschool child's residence, provided that the attendance of the appointee of the municipality shall not be required for a quorum.

The Superintendent shall ensure that all members of the CPSE are appropriately trained for their responsibilities on the CPSE.

Identifying and Evaluating Preschool Children with Disabilities:

A. Census and Register

The District shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the District, and shall establish a register of those children eligible to attend a preschool program in accordance with Education Law Section 4410. The register shall be maintained and revised annually by the CPSE. Census data shall be compiled and maintained in accordance with Section 200.2(a) of the regulations of the Commissioner of Education (the "Commissioner").

B. Eligibility

Age eligibility for preschool special education will be determined in the following manner:

1. If the child turns three between January 1 and June 30 of a calendar year, the child will be eligible for special education as of January 2 of that year;
2. If the child turns three on or after July 1 during that year, the child will be eligible as of July 1 of that year

C. Referral

A preschool child suspected of having a disability shall be referred in writing to the chairperson of the CPSE.

D. Notification and Request for Consent

Upon receipt of written notification that a preschool child is suspected of having a disability, the chairperson of the CPSE shall immediately notify the child's parents or guardians (the term "parents" shall be used to mean parent, parents, guardian or guardians, as appropriate) that a referral has been made and shall request consent for the child's evaluation, as required by the regulations of the Commissioner. The parents shall also be provided with a list of approved evaluators within Onondaga County and adjoining counties and may select the evaluator from such list.

E. Evaluation

Upon receipt of the parents' consent to the evaluation, the District shall arrange for the evaluation which shall include:

1. a physical examination;
2. an individual psychological examination;
3. a social history; and
4. other suitable examinations and evaluations as may be necessary to ascertain the physical, mental, and emotional factors which contribute to the suspected disabilities.

The results of the evaluation shall include a detailed statement of the child's individualized education needs. If the child is determined to have a disability, the report shall include a recommendation as to the type, frequency, and duration of services and the manner in which the child can be provided with instruction in the least restrictive environment. The evaluator shall submit the documentation of the evaluation to each member of the CPSE and to the person designated by Onondaga County. Upon request of the parents, the evaluator will provide the parents with a copy of the documentation of the evaluation provided to the CPSE.

Prior to the CPSE meeting to determine eligibility for services, the CPSE shall provide the parents with a copy of the summary portion of the evaluation, including the recommendations of the evaluator. If the parents disagree with the evaluation, the parents may obtain an independent evaluation at public expense subject to the District's right to show the appropriateness of its evaluation at impartial hearing. If the hearing officer deems the evaluation appropriate, the parents have a right to independent evaluation, but not at public expense. The District maintains a policy with guidelines on requests and reimbursement for independent educational evaluations. Copies are available upon request at the District Office.

Determining the Appropriate Preschool Program

A. Individualized Education Program

1. CPSE Recommendation

The CPSE shall consider the report of the evaluator and all other relevant information before it and shall provide a recommendation to the Board. Relevant information shall include, but not be limited to, information presented by the parent and the child's teacher(s), results of all evaluations, and information provided by the

County representative of the CPSE. Whenever the CPSE finds that a child has a disability, it shall develop an Individualized Education Program (IEP) for the child with the participation of the child's teacher. Upon the parents' request, the CPSE shall provide copies of all written documentation to be considered by the CPSE in the development of the child's IEP. The IEP shall indicate (1) the special educational programs and services to be provided to meet the unique needs of the individual child; (2) annual goals consistent with the child's needs and abilities; and (3) instructional objectives and evaluative criteria.

The CPSE shall recommend appropriate services and programs based on the needs of the child as identified in the IEP. Such programs and services shall be selected from the list of approved preschool programs within Onondaga County and adjoining counties, or Onondaga County's list of itinerant service providers. The recommendation must indicate the rationale behind its determination. If the CPSE's recommendation differs from an expressed parental preference, the CPSE shall include the reasons for the differences. The CPSE shall notify the parents, the County, and Board in writing of its recommendation. A report of the evaluation upon which the recommendation is based shall be forwarded to the Board along with the recommendation.

2. Board Implementation

The Board shall arrange for the appropriate services and/or programs after consideration of the recommendations of the CPSE and any expressed preference of the parents. If the Board disagrees with the CPSE recommendation, it shall note its reasons for disagreement in writing and request the CPSE to reconsider its recommendation. Notice of referral back to the CPSE, and the reasons for such referral, shall be provided to the parents and Onondaga County. In such situations, the Board must notify the parent and the CPSE in writing of the need to schedule a meeting to ensure timely placement.

3. Commencement of Services

Services of a program shall commence with the July, September, or January starting date of the approved program. Should the recommendation of the CPSE be given thirty days prior to, or after, such starting date for the program selected for the child, services shall be provided no later than 30 days after the recommendation of the CPSE.

4. Annual Review

The CPSE shall review at least annually the status of each preschool child with a disability.

Due Process Provisions

A. Impartial Hearing

The parents may file a due process request in accordance with Section 4404 of the New York Education Law and Section 200.5 of the Regulations of the Commissioner of Education if they disagree with any matter relating to their child's identification as a student with a disability, evaluation, educational placement, or the provision of a free appropriate public education to their child.

B. Placement Pending Appeal

During the pendency of an appeal, unless the parents and the Board otherwise agree, the child will remain in the current educational placement at the time the parents request the appeal. If the child has not been previously served, he or she may enter the recommended placement if the parents consent. A preschool child who receives services from an agency after having been placed by a Family Court may continue to receive preschool special education services at the agency in an approved program appropriate to the needs of such student until the proceedings have been completed.

District Plan for Special Education Programs and Services

The District shall maintain a two-year Plan for the provision of services and programs offered to preschool children and students with disabilities as set forth in the District's Policy and Guidelines for students with disabilities.

The Plan, with personally identifiable information deleted, shall be filed and made available for public inspection and review by the Commissioner.