

## INSTRUCTION

### CURRICULUM

#### Programs for Students with Disabilities

##### Purpose

Pursuant to the New York State Education Law and the Regulations of the Commissioner of Education, the Board of Education (the "Board") has developed a policy and guidelines to ensure that a free, appropriate special education shall be provided for each student residing in the District identified by the Committee on Special Education as having a disability. The Board of Education is committed to recruit, hire, train, and retain highly qualified personnel to provide special education program and services.

##### 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 student with a disability residing in the District shall be provided with a free, appropriate special education as is determined to be necessary to meet the student's special educational needs. Such special education shall be provided, to the maximum extent appropriate, in the least restrictive environment. Each student with a disability shall have the opportunity to participate, as appropriate, in the full range of programs and services of the District, including nonacademic extracurricular programs and activities, which are available to other students enrolled in the public schools of the District.

In order to ensure appropriate access to the District's services and programs, it shall be the policy of the District to:

- (1) establish a Committee on Special Education (CSE) and Sub Committees on Special Education;
- (2) appoint, with the approval of the Board of Education (the "Board"), and train members of the CSE and other personnel charged with the education of students with disabilities;
- (3) locate 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 CSE; and
- (5) arrange for appropriate special programs and services as recommended by the CSE or remand the recommendation back to the CSE indicating concerns; and
- (6) develop and maintain a two-year Plan describing in detail the full range of the District's special education programs and services; and
- (7) describe guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of students with disabilities in the administration of district-wide assessment.

### Designation of Authority

The Superintendent, or a designee, is directed to develop and implement procedures to implement this policy, including procedures to ensure that a continuum of special education services is available and that special education services or programs are provided to the extent appropriate for each student with a disability to enable the student to be involved in and to progress in the general education curriculum.

### Highly Qualified Personnel

The Superintendent, or a designee, is directed to identify measurable steps to be utilized by the District to recruit, hire, train and retain highly qualified personnel to provide special education program and services.

### Universal Design Principles

Universal design principles will be used in developing and administering any district-wide assessment programs, to the extent feasible. The Superintendent, or a designee, shall develop guidelines to ensure that instruction is diversified to deliver general education curriculum to every student and diversify ways students respond to curriculum.

### Prereferral Intervention

The District is responsible for establishing administrative plans, practices and procedures for implementing school-wide approaches and prereferral interventions in order to remediate a student's performance prior to referral for special education.

### Instructional Materials in Usable Alternative Format

A plan will be developed to ensure all instructional materials used in the District's schools are available in a usable alternative format consistent with the National Instructional Materials Accessibility standards to all students with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students. Alternative format includes any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the District.

### 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 students with disabilities residing in the District. In the event that the Education Department finds that the District has inappropriate policies, procedures, or practices resulting in significant disproportionality by race or ethnicity in the suspension, identification, classification, and/or placement of students with disabilities, the District will publicly report on all revisions to its policies, practices and procedures.

Confidentiality of Personally Identifiable Data, Information or Records Pertaining to a Student with a Disability

The District is responsible for establishing administrative practices and procedures for ensuring the confidentiality of personally identifiable data, information, or records pertaining to a student with a disability consistent with Part 200 of the Regulations of the Commissioner of Education, the Regulations promulgated pursuant to the Individuals with Disabilities Education Improvement Act of 2004 and the Family Educational Rights and Privacy Act and Regulations promulgated thereto.

Cross Reference 4321.2 INSTRUCTION

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Preschool Special Education

Cross Reference 9000 PERSONNEL & NEGOTIATIONS

PERSONNEL POLICIES GOALS

Update  
Presentation: 6/1/2011

First  
Vote: 6/15/2011

Second  
Vote: 7/6/2011

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Programs for Students with Disabilities

*The Committee on Special Education*

The Board of Education (the "Board") shall establish a Committee on Special Education (CSE), on an annual basis, to ensure timely evaluation and placement of students with disabilities. Upon the recommendation of the Superintendent, the Board shall appoint the members of the CSE. The membership of each committee shall include, but not be limited to:

1. the parents or persons in parental relationship to the student;
2. at least one regular education teacher of the student whenever the student is or may be participating in the regular education environment;
3. one special education teacher of the student, or, if appropriate, a special education provider of the student;
4. a school psychologist;
5. a representative of the school district who is qualified to provide or supervise special education to serve as chairperson. This person shall be knowledgeable about the general curriculum and the availability of resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider of the student or the school psychologist;
6. an individual who can interpret the instructional implications of evaluation results. Such individual may also be the individual appointed as the regular education teacher, the special education teacher or special education provider, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill this role on the committee;
7. a school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
8. an additional parent member of a student with a disability residing in the school district or a neighboring school district, or a parent of a student who has been declassified within a period not to exceed five years, or the parent of a student who has graduated within a period not to exceed five years. Such parent is not a required member if the parents of the student request that the additional parent member not participate in the meeting;

9. other persons having knowledge or special expertise regarding the student, including related services personnel as appropriate, as the school district or the parent(s) shall designate; and
10. if appropriate, the student.

The District shall establish administrative practices and procedures for training all District personnel who are a member of the CSE or the Committee on Preschool Special Education, including at least the Director of Special Education, psychologists, counselors, related service providers, teachers and special education teachers, to carry out the functions related to the District's obligations under Part 200 of the Commissioner's Regulations.

### Identifying and Evaluating Students with Disabilities

#### A. Census and Register

The District shall conduct a census in accordance with the Education Law to locate and identify all students with disabilities who reside or attend school in the District, including preschool age students, homeless students, children who are wards of the State as defined by the Commissioner's Regulations and children in all public and private schools, agencies and institutions. The District shall establish a register of such students who are entitled to attend the public schools of the District or are eligible to attend preschool programs in accordance with section 4321.2. The register shall be maintained and revised annually by the CSE or CPSE as appropriate. Census data shall be compiled and maintained in accordance with Section 200.2(a) of the regulations of the Commissioner. The District will provide at least annual notice of the process by which a child may be referred to the CSE or CPSE to District residents, nonpublic schools, homeless shelters, and other known agencies which serve children and are located within the District.

#### B. Prereferral Intervention

All staff shall be familiar with the intervention procedures. Pre-referral strategies shall be proactive to meet the broad range of student needs and to improve student performance. Nothing herein shall prevent a referral or a request to CSE when there is a reasonable basis to suspect that the student is one who, because of mental, physical, or emotional reasons, can only receive appropriate educational opportunities from a program of special education.

#### C. Referral

A student suspected of having a disability shall be referred in writing to the chairperson of the CSE consistent with Section 200.4(a) of the Commissioner's Regulations.

D. Notification and Request for Consent

Upon receipt of written notification that a student residing in the District is suspected of having a disability, the chairperson of the CSE shall notify the student'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 student's evaluation, as required by the regulations of the Commissioner.

E. Evaluation

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

1. a physical examination;
2. an observation of the student in the current educational placement;
3. an individual psychological evaluation if determined appropriate by the school psychologist;
4. a social history; and
5. other appropriate assessments and evaluations, including a functional behavioral assessment for a student where behavior impedes his or her learning or that of others, as may be necessary to ascertain the physical, mental, and emotional factors that contribute to the suspected disabilities.

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. In order for the evaluation to be at public expense, it must meet the District's criteria for its evaluation. Upon request to the Director of Special Education, the parent is to be provided with those criteria. If a hearing officer deems the evaluation appropriate, the parents have a right to an independent evaluation, but not at public expense.

Determining the Appropriate Special Education Program

A. Individualized Education Program

1. CSE Recommendation

The CSE shall provide a recommendation to the Board. Whenever the CSE finds that a student has a disability, it shall develop an Individualized Education Program (IEP) for the student. Upon the parent's request, the CSE shall provide the parent with a copy of all written documentation to be considered by the CSE in developing the IEP.

The IEP shall indicate (1) the special educational programs and services to be provided to meet the unique needs of the individual student; (2) annual goals, benchmarks or short term objectives and evaluation criteria consistent with the student's needs and abilities; and (3) shall be consistent with Section 200.4 of the Regulations of the Commissioner of Education.

The CSE shall recommend appropriate services and programs for the child, in the least restrictive environment, based on consideration of individual evaluations, assessments, reports, and other information provided to the CSE. The District will provide special services and/or programs, to the extent appropriate, in regular education in order to allow the student to be involved in and progress in the general education curriculum. The CSE must review all relevant information before making its decision. The recommendation must indicate the rationale behind its determination. The CSE shall notify the parents and the Board in writing of its recommendation.

## 2. Board Implementation and Commencement of Services

The Board must arrange for appropriate special education programs and services to be provided in accordance with the student's IEP within 60 school days of receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of a student with a disability. If the Board disagrees with the recommendation of the CSE, the Board has the following options:

- (1) the Board may return the recommendation to the original CSE with a statement of the Board's concerns for reconsideration. If the Board continues to disagree, it may continue to send the recommendation back to the CSE for additional review or establish a second CSE to develop a new recommendation; or
- (2) the Board may immediately establish a second CSE to develop a new recommendation. If the Board disagrees with the recommendation of the second CSE, the Board may return the recommendation with a statement of its concerns to the second CSE for reconsideration. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for review of its concerns by the second CSE.
- (3) Notwithstanding the above, the Board must arrange for implementation of the programs and services provided by the IEP within sixty school days of the District's receipt of the parent's consent to evaluate the student or within sixty school days of receipt of the referral for review.

3. Providing Teachers and Service Providers with a Copy of the IEP

Each regular education teacher, special education teacher, related service provider and/or other service provider, including representatives of another public school district, BOCES, or other facility where a student receives IEP services, who is responsible for implementing an IEP is to be provided a paper or electronic copy of that IEP, as well as any amendments thereto, prior to its implementation.

The CSE Chairperson is to designate for each student with a disability one, or as appropriate, more than one professional employee of the District with knowledge of the student's disability and education program to inform each regular education teacher, special education teacher, related service provider, teaching assistant, teacher's aide, and other provider or support staff person assisting in the implementation of the IEP of his or her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services in accordance with the IEP. That professional employee is to maintain a record of each individual to whom such information is provided.

Any IEP plan that requires review of an Emergency Care Plan (ECP) or Diabetic Medical Management Plan (DMMP) prior to the beginning of the school year will be reviewed with all appropriate staff (including bus drivers) by the last business day preceding the commencement of the school year. If updated information is unavailable, the prior year medical information will be reviewed.

The IEP shall continue to remain confidential and shall not be disclosed or re-disclosed to any other person except in accordance with the Individuals with Disabilities Education Improvement Act and the Family Educational Rights and Privacy Act. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved and/or destroyed when such professionals are no longer responsible for implementing the IEP.

4. Annual and Re-evaluation Review

The CSE shall review at least annually the IEP of each student with a disability. The CSE shall arrange for an appropriate re-evaluation of each student with a disability at least every three years by a multi-disciplinary team, and, to the extent appropriate, other qualified appropriate professionals, in accordance with the regulations of the Commissioner of Education.

5. Declassification

Students with disabilities will be regularly considered for declassification when believed by any member of the CSE to be appropriate and, at least, as part of the three year reevaluation. Such plan and practice shall also provide that no student will be declassified without a prior reevaluation and that the student will be provided appropriate educational and support services upon declassification.



Due Process Provisions

A. Impartial Hearing

In the event that a request for a due process hearing is made and is not resolved in a resolution session, the Board of Education will arrange for an impartial hearing to be held. The Board of Education shall appoint an impartial hearing officer from the list of impartial hearing officers maintained by the State Education Department available to serve in Onondaga County in accordance with the alphabetical rotational selection process established by the Regulations of the Commissioner of Education. The District will initiate the rotational selection and impartial hearing officer appointment process in accordance with the regulations of the Commissioner of Education no later than two business days after receipt of the due process complaint notice. The President and Vice President of the Board of Education are each designated to appoint the impartial hearing officer if a regularly scheduled meeting of the Board is not to occur within 24 hours of the impartial hearing officer selection.

Impartial hearing officers shall be compensated at the hourly rate allowable by State law for pre-hearing, hearing, and post-hearing activities. They shall be reimbursed for travel expense at the IRS rate plus tolls or the cost of alternative transportation, whichever is less, and for reasonable lodging and meal expenses, when necessary, upon presentation of an invoice. The District will not pay a cancellation fee in excess of \$500, and then only if the hearing is cancelled with less than 3 business days notice. In no event shall the District pay a cancellation fee for more than one day of hearing.

B. Placement Pending Appeal

During the pendency of an appeal, unless the parents and the District otherwise agree, the student 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.

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 students and preschool children with disabilities. The plan shall include:

1. a description of the nature and scope of the programs and services currently available to students and preschool children residing in the District;
2. Identification of the number and age span of students and preschool children served, by type of disability and recommended setting;
3. the methods used to evaluate the extent to which the objectives of the Plan have been achieved;

4. a description of the policies and practices of the Board to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities;
5. a description of the policies and practices that ensure that appropriate space will be available to meet the needs of resident students and preschool children with disabilities who attend special education programs provided by Boards of Cooperative Educational Services; and
6. the estimated budget of the Plan, including the date the Plan was adopted by the Board.

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

Cross Reference 4321.2 INSTRUCTION

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Programs for Pre-School Students with Disabilities