

# **HICKSVILLE SCHOOL DISTRICT**

**HICKSVILLE, NEW YORK**

## **SPECIAL EDUCATION DISTRICT PLAN**

**SEPTEMBER 2022**

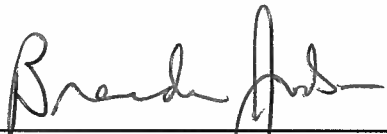
**DISTRICT POLICIES, PRACTICES AND PROCEDURES FOR  
ASSURING APPROPRIATE EDUCATIONAL SERVICES AND DUE  
PROCESS IN EVALUATION AND PLACEMENT OF CHILDREN WITH  
DISABILITIES**

## STATEMENT OF ASSURANCES

*The Board of Education of the Hicksville Union Free School District as part of a long standing commitment to excellence in education for all children, supports the provision of special education and related services for children with disabilities under the auspices of the Committee on Special Education and the Committee on Preschool Special Education.*

*In full support of State and Federal laws pertaining to pupils with disabilities, it is the intent of this Board of Education to assure that the educational needs of Special Education children are met. To this end, and in full compliance with Federal Law and the Regulations of the Commissioner of Education, the Board has reviewed this District Plan for Special Education. By action of the Board of Education in a regularly scheduled meeting, the Board has adopted the Special Education District Plan.*

***Adopted:***



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**Ms. Brenda Judson**  
**President, Board of Education**

10 | 11 | 22

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**Date**

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# INTRODUCTION

The policies, practices and procedures of the Hicksville Union Free School District represent a commitment by the District to satisfy both the spirit and the letter of the laws by ensuring due process in evaluation and placement for children with disabilities, and providing a full continuum of special education services. This plan outlines the programs and services that are provided. It will be used as a working manual for staff and parents, and may undergo changes as regulations, laws and policies are modified.

The Hicksville Union Free School District's special education program is designed in a multifaceted manner to meet the needs of disabled students. In providing educational services to students with disabilities, the District is responsive to the continuously evolving nature of the field of special education, the requirements of federal, state, and court mandates and the relationship of special to general education.

A continuum of educational services has been designed based upon the following principles:

- Educational services provided to students with disabilities are determined based upon the results of a comprehensive evaluation process. Placement/programs are recommended by a multidisciplinary committee appointed by the Board of Education whose membership is consistent with the requirements of Federal and State law.
- Educational services are provided in the least restrictive environment which is appropriate to meet the student's special educational needs.
- Educational services provided focus on identified student needs, not on classification labels.

The mission of the Hicksville Union Free School District, in partnership with the community, is to develop all learners into exceptionally capable citizens functioning at their highest intellectual ability and willing to commit themselves to successful achievement which benefits the larger society.



## **SPECIAL EDUCATION DISTRICT PROGRAMS**

### **BURNS AVENUE ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **DUTCH LANE ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Self-Contained Class 12:1, 15:1

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **EAST STREET ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **FORK LANE ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Self-Contained Class 15:1

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **LEE AVENUE ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **OLD COUNTRY ROAD ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **WOODLAND ELEMENTARY SCHOOL**

Resource Room

Integrated Co-Teaching

Self-Contained Class 6:1+2 (K-2), 6:1+2 (3-5)

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)

### **HICKSVILLE MIDDLE SCHOOL**

Resource Room

Integrated Co-Teaching

Self-Contained Special Classes: Grades 6, 7, 8 (15:1), 12:1 Ungraded, 15:1 Ungraded

Related Services: Speech Therapy, Occupational Therapy, Physical Therapy, Counseling, Hearing Services, Vision Services

Adaptive Physical Education. (*as needed*)

### **HICKSVILLE HIGH SCHOOL**

Consultant Teacher

Resource Room

Integrated Co-Teaching

Self-Contained Special Classes: Grades 9, 10, 11, 12 (15:1) 12:1+4 Ungraded, 15:1 Ungraded

Related Services: Counseling, Speech Therapy, Occupational Therapy, Physical Therapy, Hearing Services, Vision Services

Adaptive Physical Education (*as needed*)



## **CSE AND CPSE**

### **MAJOR FUNCTIONS AND TRAINING**

To implement its commitment to the education of children with disabilities, the Board of Education annually appoints a Committee on Special Education (CSE) and a Committee on Preschool Special Education (CPSE). The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Major functions of the CSE and CPSE include:

- ✓ Identifying, evaluating and recommending placement for pupils with disabilities;
- ✓ Assuring that appropriate due process safeguards are provided for each pupil;
- ✓ Maintaining an annually revised register of all children with disabilities who reside in the district and who are eligible for attendance at preschool or public school during the coming school year;
- ✓ Establishing a network for communication and sharing of resources with other educational and community service agencies;
- ✓ Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-aged pupils with disabilities by the school district, and for preschool children, by public and private agencies within Nassau County.

### **TRAINING CSE/CPSE MEMBERS**

The district is committed to ensuring that all members of the CPSE and CSE are appropriately trained for their responsibilities on their respective committees. Specific administrative practices for training these members to carry out the provisions of Part 200 include:

- ✓ arranging for attendance at meetings of NYSED regarding CSE/CPSE issues;
- ✓ conducting district-based training on a regular basis;
- ✓ disseminating the Guidebook for Committees on Special Education in New York State, Part 200 of the Commissioner's Regulations, all amendments to the Regulations of the Commissioner, and informational bulletins and pamphlets, including memorandum from SED, to all committee members;

- ✓ scheduling workshops and training sessions in the district;
- ✓ inviting committee members to annual site visits of special education placements to familiarize them with placement options available to resident special education students;
- ✓ utilizing the CPSE Collegial Circle as a resource; and utilizing the district's attorney as a resource person, if needed, to interpret specific information for the committee members.

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

### **MEMBERSHIP**

**The CPSE, for a child who has been evaluated for the first time, consists of the following members appointed by the Board of Education:**

- ✓ The parents of the preschool child.
- ✓ An appropriate professional employed by the school district who is qualified to provide or supervise the provision of special education, and who is knowledgeable about the general education curriculum of the school district and the availability of preschool special education programs and services and other resources in the district and the municipality, shall serve as the chairperson of the committee.
- ✓ 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 and who is not employed by or under contract with the district or the municipality, if specifically requested in writing by the parent of the student or by a member of the committee at least 72 hours prior to the meeting.
- ✓ The appropriately licensed or certified professional from the Department of Health's Early Intervention Program (for a child in transition from early intervention programs and services to CPSE preschool service), at the request of the parent.
- ✓ An appropriately licensed or certified professional appointed by the Chief Executive officer of the Municipality (the County) is invited but not required for a quorum in order for the meeting to take place.
- ✓ A regular education teacher of the child whenever the child is or may be participating in the regular education environment, and at least one special education teacher of the child, or if appropriate, a special education provider of the child.
- ✓ A professional who participated in the evaluation of the child, shall, upon request of the parent or CPSE, attend and participate.
- ✓ A professional employed by the school district who is knowledgeable about the evaluation procedures used and the instructional implications of the evaluation results, provided that such individual may also be the individual appointed as the regular education teacher, special education teacher or provider, school psychologist, or the representative of the school district.
- ✓ Other persons having knowledge or special expertise regarding the child as the school district or parents shall designate, as determined by the parent or school district who invited the individual to be a member of the CPSE.

Written notice of CPSE meetings is provided to parents at least five days in advance of the meeting date. Meetings of the CPSE are held in the Special Education Office as needed to review referrals throughout the school year and during the summer months.

## **DEFINITIONS OF TERMS**

***“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 exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student’s ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student’s performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

- ✓ A 12-month delay in one or more functional area(s); or,
- ✓ A 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or,
- ✓ If appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or,
- ✓ Meet the criteria for the definitional terms of autism, deafness, deaf-blindness, hearing impairment, orthopedic impairment, other health-impairment, traumatic brain injury, or visual impairment including blindness, as set forth in the Commissioner’s Regulations, §200.1(zz).

***“First Eligible for Services”*** is the earliest date on which a child becomes age-eligible for services as defined in current regulations. Children in family court placements who, as of their third birthdays, are already receiving services pursuant to the Family Court Act or Education Law §4204-a, may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the child first becomes age-eligible to receive services under Education Law §4410. A student can be considered a preschool child with a disability through the month of August of the school year in which they first become eligible to attend school.

**PROGRAM RECOMMENDATIONS:**

**The CPSE must first consider the appropriateness of providing:**

- ✓ related services only; or
- ✓ special education itinerant services only; or
- ✓ related services in combination with special education itinerant services; or
- ✓ a half-day preschool program as defined in Section 200.1 of the Regulations; or
- ✓ a full-day preschool program.

The Committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are found.

# **CPSE PROCEDURES**

## **REFERRAL**

The Committee on Preschool Special Education (CPSE) is responsible for arranging for evaluation of any child 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 referral for an initial evaluation is made to the chairperson of the district's CPSE by either:**

- ✓ the student's parent;
- ✓ a designee of the school district in which the child 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 pursuant to Education Law Section 4402(3)

The referral can be made at any time during the school year. It should include information about prior participation in preschool programs or programs serving infants and toddlers and should include documentation of required immunizations. When the CPSE receives a referral, the parents will receive a letter describing the evaluation procedures and requesting parental consent for the evaluation. A list of county approved evaluation sites will be included. Translations will be provided as needed. In the event that 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 evaluation will include the following, at no cost to the parent:

- ✓ a physical examination;
- ✓ an individual psychological examination, except when the school psychologist determines after an assessment that further evaluation is unnecessary;
- ✓ an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty;
- ✓ 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, behavioral, and emotional factors which contribute to the suspected disabilities.

The summary report shall include a detailed statement of the preschool child's individual needs, if any, and shall not include a recommendation as to the general type, frequency, location and duration of special education services and programs that should be provided, shall not address the manner in which the preschool student can be provided with instruction or related services in the least restrictive environment, and shall not make reference to any specific provider of special education services or programs. When completed, the initial evaluation reports will be submitted to the CPSE. The CPSE shall meet to review the results of the initial evaluation and develop a recommendation within sixty (60) calendar days of the date of the receipt of the consent to evaluate. The CPSE shall provide the parent with a copy of the summary report prior to the CPSE meeting. 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.
- ✓ At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.

If the CPSE is considering placing the child 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 shall submit a written report of the recommendation, including the results of the evaluation, to the Board of Education, the parent of the preschool student and to the municipality in which the preschool student resides, consistent with Regulation 200.16(e)(6). If the Committee determines the child is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding. If the Committee determines that a child has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disabling condition, the child's current levels of functioning, the type of special education program and/or services recommended, and annual goals and short-term instructional objectives. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the child. If, for any reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations.

## **PLACEMENT**

If the Board of Education agrees with the Committee's recommendation, the Board will arrange for the child to receive appropriate special programs and related services. Services will not be provided without parental consent, but if the parent disagrees with the recommendation of the Board of Education, he/she may request an impartial hearing review and may appeal the decision to the State Review Officer. Review of placement decisions will be conducted in accordance with the same rules of procedural due process applicable to the

placement of school-aged children. Placement in an approved program will take place as soon as possible following Board approval, in accordance with the timeline set forth in 8 NYCRR §200.16(f). If the Board of Education disagrees with the Committee's recommendation, it will return the recommendation to the Committee with a statement of the Board of Education's reasons for disagreement so that the Committee may schedule a timely meeting to review the Board of Education's concerns and to revise the IEP as deemed appropriate.

### **ANNUAL REVIEW**

An annual review is conducted for every preschool child who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. This review is conducted to consider the educational progress and achievement, the student's ability to participate in instructional programs and services in regular education and continued eligibility for special education services. A new IEP is prepared at the meeting.

### **WITHDRAWAL OF REFERRAL**

Written consent of the parent or guardian is required to conduct an initial evaluation for a pupil who has not previously been identified as having a disability. In the event that parental permission is withheld, such parent shall be given the opportunity to attend an informal conference with designated professionals most familiar with the proposed evaluation. If at this meeting a decision is made that the referral is not warranted at this time, the referral shall be withdrawn.



# **COMMITTEE ON SPECIAL EDUCATION**

## **MEMBERSHIP**

The District CSE consists of the following members appointed by the Board of Education at the yearly reorganization meeting:

- The child's parent or person in parental relationship to the student;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider;
- the Chairperson of the CSE who is a representative of the District qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider of the student or the school psychologist;
- a school psychologist;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general education teacher, special education teacher or provider, the school psychologist, or district representative described above;
- an additional parent member of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years, if specifically requested in writing by the parent of the student, the student or by a member of the CSE at least 72 hours prior to the meeting;
- at the request of the District or the parent, other individuals having knowledge or special expertise about the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party who invited the individual;
- the 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; and
- if appropriate, the student.

Parents of the child being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations, and reports with the Committee. Written notice of meetings is provided to the parents at least five days in advance of the meeting date.

Meetings of the CSE are held in the buildings and in the Special Education Office, as needed.

## **MEMBERSHIP OF THE SUB-COMMITTEE ON SPECIAL EDUCATION**

Sub-committees are utilized for building-level program reviews, reevaluation reviews, and during annual reviews. The sub-committee may not meet to consider initial placement in a special class, a special class outside of the student's school of attendance, or a school primarily serving students with disabilities or a school outside of the District. The sub-committee consists of the following members appointed by the Board of Education:

- the parents or person in parental relation to the student;
- not less than one general education teacher of the student whenever the student is, or may be, participating in the general education environment;
- not less than one special education teacher, or where appropriate, not less than one special education service provider of the student;
- the sub-CSE chairperson who is a representative of the district who is qualified to provide, administer, or supervise special education, is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the school district. An individual who meets these qualifications may also be the same individual appointed as the special education teacher, the special education provider, or the school psychologist;
- a school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, is considered;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the committee or the 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 Sub-CSE; and
- the student, if appropriate.

## **CSE MEMBER ATTENDANCE**

A member of the CSE or sub-CSE is not required to attend a meeting, in whole or in part, if the parent and District agree in writing, that the member's attendance is not necessary because the member's area of the curriculum or related service is not being modified or discussed at the meeting. Effective August 21, 2008, a member of the CSE, other than the student's parent, may be excused from attending a meeting, in whole or in part, when the meeting involves a modification to or discussion of their area of curriculum or related services if:

- the parent and the District consent, in writing, to the excusal; and

- the excused member submits to the parent and the committee, written input into the development of the IEP, and in particular written input with respect to their area of curriculum or related services prior to the meeting.

Requests for excusal of a member of a committee and the written input will be provided not less than five days prior to the meeting date, in order to afford the parent a reasonable time to review and consider the request.

A parent retains the right to request and/or agree with the District to excuse a member at any time, including where:

- the member is unable to attend because of an emergency or unavoidable scheduling conflict; and
- the District submits the written input for review and consideration by the parent within a reasonable time prior to the meeting and prior to obtaining parental consent to the excusal.

Requests for excusals do not apply to the parent of the student.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, outside evaluations and reports with the Committee.

Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings of the CSE are held in the home school and in the PPS office, as needed throughout the calendar year.

## **DEFINITIONS**

Students with disabilities are those whose special needs are significant enough to warrant the provision of special education services in accordance with an individualized program. Effective October 30, 1990, Congress substituted the term “children with disabilities” for the term “handicapped children” in the Federal Law establishing access to fair procedures and appropriate placements.<sup>1</sup> Hereafter, the terms “children with disabilities” and “children with handicapping conditions” will be used interchangeably.

### ***The following statutory and regulatory definitions are controlling:***

The term “*student with a disability*” means a child with a disability who has not attained the age of twenty-one prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. Such a term does not include a child 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 child shall not be determined to be a child with a

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<sup>1</sup> Legal Reference: Individual with Disabilities Education Act (IDEA), formerly the Education of the Handicapped Act (EHA), 20 U.S.C. Sections 1400-1485.

disability if the determinant factor is lack of instruction in reading or math or limited English proficiency.

The term “*all students*” applies to every student listed on the registry of the District.

The term “*special services or programs*” means:

- ✓ Special classes, transitional support services, resource room, direct and indirect consultant teacher services, transition services, assistive technology devices, travel training, special teachers to include itinerant teachers, and home instruction.
- ✓ Contracts with other districts for special services or programs.
- ✓ Contracts with or special services or programs provided by Boards of Cooperative Educational Services (BOCES).
- ✓ Appointment by the Commissioner to a state or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of New York State law.
- ✓ Contracts with private non-residential schools which have been approved by the Commissioner and which are within the state for special services or programs.
- ✓ Contracts with private non-residential schools which have been approved by the Commissioner and which are outside the state for special services or programs.
- ✓ Contracts with private residential schools which have been approved by the Commissioner and which are within the state for special services or programs.
- ✓ Contracts with private residential schools which have been approved by the Commissioner and which are outside of the state for special services or programs.
- ✓ Provision of educational services in a residential facility for the care and treatment of children with disabilities under the jurisdiction of a state agency other than the State Department of Education.
- ✓ Related services which shall include audiology, counseling, rehabilitation counseling, occupational therapy, physical therapy, speech pathology, medical services as defined by regulations of the Commissioner, psychological services, school health services, school nurse services, school social work, assistive technology, interpreting services, orientation and mobility services, parent counseling and training, recreational therapy, and other appropriate support services.

- ✓ Contracts for residential or non-residential placements with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven.
- ✓ Contracts with New York State approved and funded schools (Article 89). The term “*student with a disability*” includes the following classifications:<sup>2</sup>

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<sup>2</sup>Legal Reference: Regulations of the Commissioner of Education, Section 200.1

- **Autism** – 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 this section. 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.
- **Deafness** - A student with a hearing impairment which is so severe that the pupil is impaired in processing linguistic information through hearing, with or without amplification, and which adversely affects a student’s educational performance.
- **Deaf-Blindness** - A student with a concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be accommodated in special education programs solely for students who are deaf or blind.
- **Emotional Disability** - A student who exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student’s educational performance:
  - ◆ an inability to learn that cannot be explained by intellectual, sensory or health factors;
  - ◆ an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
  - ◆ inappropriate types of behavior or feelings under normal circumstances;
  - ◆ a generally pervasive mood of unhappiness or depression; or
  - ◆ a tendency to develop physical symptoms or fears associated with personal or school problems.

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

- **Hearing Impairment** - A student with a hearing impairment, whether permanent or fluctuating, which adversely affects the child’s educational performance but which is not included under the definition of *deafness* in this section.
- **Learning Disability** - A student with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include students who have learning problems, which are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage.

- **Intellectual Disability** – A 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.
- **Multiple Disabilities** – Concomitant impairments (such as intellectual disability-blindness, intellectual disability-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.
- **Orthopedic Impairment** - A student who has a severe orthopedic impairment, which 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).
- **Other Health Impairment** - A student who has 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.
- **Speech or Language Impairment** - A student with a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a student’s educational performance.
- **Traumatic Brain Injury** - A student with 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 affects 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.<sup>3</sup>
- **Visual Impairment Including Blindness** - A student with a visual disability which, even with correction, adversely affects a student’s educational performance. The term includes both partially seeing and blind children.

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<sup>3</sup>Legal Reference: Regulations of the Commissioner of Education, Section 200.1

# **CSE PROCEDURES**

## **INITIAL REFERRAL**

In accordance with the New York Education Law Section 4402 and part 200.2, 200.4 and 200.5 of the Commissioner's Regulations, the CSE is responsible for evaluating all school- age children thought to be disabled, identifying a disabling condition (or determining that no disabling condition exists), and recommending a type of placement. Referrals can be made at any time during the school year. Within 60 school days (during the months of July and August days means every day except Saturday, Sunday, and legal holidays) of receipt of consent for evaluation, the Board of Education shall arrange for appropriate special education programs and services to be provided to a student with a disability.

### **A written referral for an initial evaluation may be made by:**

- ◆ A pupil's parent or person in parental relationship;
- ◆ A designee of the school district where 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 or designee of an education program affiliated with a child care institution with CSE responsibilities.

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

- ◆ 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;
- ◆ A professional staff member of the school district in which the child resides or the public or private school the pupil legally attends or is eligible to attend;
- ◆ A licensed physician;
- ◆ A judicial officer;
- ◆ A professional staff member of the public agency with responsibility for welfare, health or education of children.

All new entrants to the district are screened at the time of enrollment and such screening, if it indicates a possible disability condition, can lead to a CSE referral. All referrals are made to the building principal or the Chairperson of the Committee. The referral must be written and dated.

### **Except for written referrals by the student and written referrals by parents or judicial officers, the written request for referral must also:**

- ✓ State the reasons for the referral and provide test results, records or reports upon which the referral is based;



- ✓ must describe intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral, including any supplementary aids or support services provided for this purpose or state the reasons why no such attempts were made; and
- ✓ describe the extent of parental contact or involvement prior to the referral.

Upon receipt of a request for a referral, the Chairperson of the Committee or a building representative of the public school shall, within ten (10) school days, either contact the parent or guardian and request their consent for evaluation; or, provide the parent or guardian with a copy of such request for referral, and inform the parent or guardian of his or her right to refer the student for an initial evaluation for special education programs and/or services, and offer the parent or guardian the opportunity to meet with the building administrator or other designee of the District authorized to make a referral and the party making the request for referral if a professional staff member of the District, to discuss the request for referral and as appropriate, the availability of appropriate general education support services for the student. Upon request of the parent or District, any other person making the request for referral shall have the opportunity to attend the meeting. Translations are provided to assist parents as needed and parents will be furnished with the Parent's Guide to Special Education and Due Process Rights.

**Referrals may be withdrawn under the following circumstances:**

- ✓ The parent and the person submitting the referral agree, in writing, to the withdrawal.
- ✓ The building administrator, within ten (10) school days of receipt of the referral, holds a meeting with the parent to discuss whether the student would benefit from alternatives to special education. The person making the referral will have the opportunity to attend the meeting. If the person making the referral is a professional staff member of the school district, he or she must attend. If the parent and administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral will be deemed withdrawn. A copy of the agreement, which shall contain a description of the additional general education support services to be provided, instructional strategies to be used and, student centered data to be collected and the proposed duration of the program, shall be provided to the person who made the request for referral if a professional staff member of the school district, the parent, and the CSE chairperson.

**Due Process to Conduct Evaluation without Parental Consent**

In the absence of a written agreement to withdraw a referral and in the event, the parent does not consent to the initial evaluation within thirty (30) days of the date of receipt of the referral, the chairperson will document all attempts to obtain parental consent, including, but not limited to, telephone calls made or attempted and the results of those calls and correspondence sent to the parents and any response received, to obtain parental consent. The chairperson shall notify the Board of Education that they may utilize the due process procedures described in section 200.5 of the Commissioner's Regulations to permit the District to evaluate the student without parental consent.

In all circumstances, the withdrawal agreement will be in writing and will be placed in the child's cumulative educational record file. **The agreement will contain:**

- ✓ a description of any alternative educational programs to be provided by the school district and the duration of the program, **OR**
- ✓ any alternative methods suggested to resolve the student's identified learning difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

### **EVALUATION AND RECOMMENDATION**

**The initial evaluation to determine if a student is a student with a disability must be completed within sixty (60) days of receiving parental consent and will include the following at no cost to the parent:**

- ✓ a physical examination;
- ✓ an individual psychological examination, except when the school psychologist determines after an assessment that further evaluation is unnecessary;
- ✓ an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty;
- ✓ a social history;
- ✓ for children who are age 12 and over, parent and student interviews to determine vocational skills, aptitudes and interests;
- ✓ 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, behavioral, and emotional factors which contribute to the suspected disabilities.

The sixty (60) day timeline will not apply if the student enrolls in the District after consent to evaluate was provided to the previous school district, or if the parent fails to cooperate with the evaluation process. Tests will be non-discriminatory in nature. Bilingual evaluations will be completed where necessary. The results of the evaluation will be provided to the parents in their native language or mode of communication, unless it is clearly not feasible to do so. 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.

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

- ✓ A written notice will be sent to the parent at least five (5) days prior advising them of the meeting
- ✓ At least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call.

The CSE reviews the results and submits a recommendation to the Board of Education. If the Committee determines the child is ineligible for special education, written notification is sent to the parent/guardian and to the principal, indicating the reasons for the finding. The principal shall determine which support services, if appropriate, shall be provided to the student. If the Committee determines that a child has a disability, an IEP (Individualized Education Program) is prepared which specifies the nature of the disabling condition, the child's current levels of functioning, the type of special education program and/or services recommended, and annual goals and short-term instructional objectives for the school year. The IEP will conform in all respects to section 200.4(d)(2), (3), (4), (5), and (6) of the Commissioner's Regulations.

## **PLACEMENT**

If the Board of Education agrees with the Committee's recommendation, the parents will be notified of the decision. Placement of the student in the appropriate special education program or provision of appropriate services will take place within sixty (60) school days of receipt of consent to evaluate a student not previously identified as having a disability or sixty

(60) school days of the referral for review of a student with a disability. If the recommendation is for placement in an approved in-state or out-of-state private school, such programs and services shall be provided within thirty (30) school days of the Board's receipt of the CSE recommendation. Initial placements require the written consent of the student's parent/guardian. The CSE sends a copy of the IEP to the receiving teacher and other direct providers of service. The District will ensure that a copy of the IEP is provided to the student's parents at no cost.

If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation to the Committee for further review.

## **ANNUAL REVIEW, REEVALUATION AND DECLASSIFICATION**

A review is conducted at least annually for every resident pupil who has been classified as having a disability. Parents are notified by mail of the meeting; reasonable measures will be taken to ensure that the parent attends the meeting. This review is conducted to consider the educational progress and achievement of the student with a disability, the student's ability to participate in instructional programs in regular education, and continued eligibility for special education service. A new IEP is prepared at the meeting.

The committee on special education shall arrange for an appropriate reevaluation of each student with a disability if conditions warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but at least once every three years. The reevaluation shall be conducted by a multidisciplinary team, including at least one teacher or specialist with knowledge in the area of the student's disability, 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 results of the reevaluation will be reviewed by the CSE.

Before determining that a student is no longer eligible to receive special education services, a reevaluation must be conducted. When the CSE determines that a pupil no longer needs special education services, the Committee may recommend declassification support services for the first year in regular education. Such services may include psychological services, social work services, speech and language improvement services, counseling (other than career counseling), and other appropriate support services and for the student's teacher(s), the assistance of supplementary school personnel, and consultation with appropriate personnel.

## **SPECIAL EDUCATION PROGRAMS AND SERVICES: OVERVIEW**

In accordance with Section 200.6 of the Regulations of the Commissioner of Education, the district provides a continuum of services which allows placement of preschool and school- age children in the least restrictive environment consistent with their needs and which provides for placement of children on the basis of similarity of individual needs.

### **SCHOOL CALENDAR**

Special education students participate in the same school calendar as their regular education peers.

### **LEAST RESTRICTIVE ENVIRONMENT**

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

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

### **PROCEDURES TO IMPLEMENT LRE REQUIREMENTS**

- ✓ The student will receive a comprehensive, unbiased, 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. Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program using a Response to Intervention (RTI) model, including educationally related support services (ERSS), 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.

- ✓ 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. Alternative placements, such as, special schools or other removal from the general education environment will be considered only when the CSE/CPSE determines that a student's education cannot be satisfactorily achieved even with the use of supplementary aids and services.
- ✓ The parent or guardian and the board of education will be provided a recommendation from the CSE/CPSE which describes the program and placement options considered for the student and a rationale for those options not selected.
- ✓ The CSE/CPSE 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 youngsters in the least restrictive environment consistent with their needs. The District provides the full continuum of services as described in 200.6 of the Commissioner's Regulations.

### **SIMILARITY OF NEEDS**

Whenever children with disabilities are grouped together for purposes of special education, they are grouped by similarity of need. The CPSE and CSE identify educational needs in accordance with the following factors:

- ✓ **Range of Academic or Educational Achievement and Learning Characteristics** - The range of academic or educational achievement within the classroom shall be limited to assure that instruction provides each student appropriate opportunities to achieve annual goals. The learning characteristics of students in the group must also be sufficiently similar to assure that this range of academic or educational achievement is maintained.
- ✓ **Social Development** - Social development must be considered to assure that the social interaction within the group is beneficial to each student, contributes to each student's social growth and maturity, and does not consistently interfere with the instruction being provided. However, the social needs of a pupil will not be the sole determinant of such placement.
- ✓ **Physical Development** - Physical development may vary, provided that each student is provided appropriate opportunities to benefit from instruction. Physical needs must be considered prior to determining placement to assure access to appropriate programs, but physical needs will not be the sole basis for determining placement.
- ✓ **Management Needs** - Management needs may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other pupils in the group to benefit from instruction.

# **CONTINUUM OF SERVICES**

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

### **1. RELATED SERVICES:**

Services defined in Section 4401(2)(k) of Education Law, including speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, medical services as defined by regulation, parent counseling and training, school health services, school nurse services, school social work, assistive technology services as defined under federal law, interpreting services, orientation and mobility services, and other appropriate developmental corrective or other support services, and appropriate access to recreation.

Related Services are provided at a site determined by BOE including, but not limited to:

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

The initial location for the delivery of one or more related services must be stated on the IEP. If two or more related services are indicated, when possible the related service providers should be employed by a single agency. The related service provider or approved program is to be provided written notice of the determination of services.

### **2. SPECIAL EDUCATION ITINERANT SERVICES:**

Provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the BOE, including, but not limited to:

- ✓ An approved or licensed pre-kindergarten or Head Start program;
- ✓ The student's home\*;
- ✓ A hospital;

- ✓ A state facility; or
- ✓ A child care location as defined in section 4410 of the Education Law.

Changes of location for the provision of services may occur without the review of the CPSE.

*\*Children are entitled to services in the home if the BOE determines that documented medical or special needs of the preschool student indicate that the child should not be transported to another site.*

The purpose of Special Education Itinerant Services is to provide:

- ✓ **Direct Service:** Specially designed individualized or group instruction to a preschool child to aid such child in benefiting from the early childhood program.
- ✓ **Indirect Services:** Consultations provided by a certified special education teacher to assist the child's teacher in adjusting the learning environment and/or modifying instructional methods to meet the individual needs of a preschool child with a disability who attends an early childhood program.

Special Education Itinerant Services (SEIT) are not less than two (2) hours per week, and the total number of students with disabilities assigned to the special education teacher should not exceed twenty (20). Related services shall be provided in addition to SEIT services, in accordance with the student's IEP.

### **3. INTEGRATED CLASS:**

No more than 12 preschool children staffed by at least one special education teacher and one paraprofessional. An integrated class may be provided:

- ✓ In a class of no more than 12 preschool children which includes both children without disabilities and children with disabilities.
- ✓ In a class of no more than 12 preschool children with disabilities that are housed in the same physical space as a preschool class of students without disabilities taught by another teacher.



#### **4. SPECIAL CLASS**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program in a special class.

- ✓ Chronological age range shall not exceed 36 months.
- ✓ Maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional.
- ✓ Services are provided not less than 2-1/2 hours per day, 2 days per week.

#### **5. RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES:**

This program is a minimum of five hours per day, five days a week. Placements in residential programs must be approved by the Commissioner in accordance with 200.6(j) of the Commissioner's Regulations.

# **CONTINUUM OF SERVICES**

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

### **1. TRANSITIONAL SUPPORT SERVICES**

Temporary services, specified in a student's individualized education program, provided to a regular or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a regular program or to a program or service in a less restrictive environment.

### **2. CONSULTANT TEACHER SERVICES**

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes and/or to such student's regular education teachers. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and the student's individualized educational program (IEP) shall indicate the regular education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:

- ✓ Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two (2) hours each week, except that the CSE may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three (3) hours each week.
- ✓ The total number of students with disabilities assigned to a consultant teacher shall not exceed twenty (20).

### **3. RELATED SERVICES:**

Related services are defined as speech-language pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling, medical services for diagnostic purposes, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, appropriate access to recreation, other appropriate developmental or corrective support services, and other appropriate support services.

- Related services provided to a group of students at the same time may not exceed five (5) students per teacher/specialist;
- A student with a disability may be provided with one or more related service in accordance with the needs of the student in conjunction with a regular education program or with other special education programs and services.

#### **4. RESOURCE ROOM**

The resource room program is for the purpose of supplementing the regular or special classroom instruction of students with disabilities who are in need of such supplemental programs.

- ✓ The instructional group in each resource room period does not exceed five (5) students, who are grouped according to their similarity of academic, social, physical, and management needs.
- ✓ Each resource room period is instructed by a special education teacher or a certified reading teacher, where appropriate.
- ✓ Students shall spend a minimum of three (3) hours per week and not more than 50% of the day in the resource room program, except that, upon recommendation of the CSE, a student may receive a combination of consultant teacher services and resource room services for not less than three (3) hours per week.
- ✓ The total number of students assigned to a resource room teacher will not exceed twenty (20) at the elementary level and twenty-five (25) at the middle and high school levels.
- ✓ Resource room services may be provided either in a pull-out or push-in program or a combination of both.

#### **5. INTEGRATED CO-TEACHING:**

Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students.

- The maximum number of students with disabilities receiving integrated co-teaching services shall be determined by the IEP provided that the number of students with disabilities in such classes shall not exceed twelve (12) students.
- School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.
- Additional personnel, including supplementary school personnel, assigned to such classes by the district, may not serve as the special education teacher.

#### **6. SELF-CONTAINED SPECIAL EDUCATION CLASS**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program. For students who are less than 16 years of age, the chronological age range within special classes shall not exceed 36 months. A student with a disability shall be placed in a special class to the extent indicated in his/her IEP.

## **8. OUT-OF-DISTRICT PLACEMENT**

Students with disabilities whose needs are too intensive to be addressed appropriately in an in-district special education program, may be placed in one of the following, listed from least restrictive to more restrictive:

- ✓ special class operated by another public school district;
- ✓ a BOCES program;
- ✓ an approved Private School (day);
- ✓ 4201 or State Operated school; or
- ✓ Approved Residential Placement.

## **9. HOME AND HOSPITAL INSTRUCTION**

Students with disabilities who are recommended for home and/or hospital instruction by the CSE shall receive instruction as follows:

- ✓ Instruction for elementary school students will be provided a minimum of five (5) hours per week, preferably one (1) hour daily;
- ✓ Secondary school students will receive a minimum of ten (10) hours of instruction per week, preferably two (2) hours daily.

## **10. DECLASSIFICATION SUPPORT SERVICES**

Pupils exiting special education may be considered for declassification services. Declassification support services are provided by persons certified in an appropriate area of service to a student or the student's teacher(s) to aid in the student's move from special education to full-time regular education. Declassification support services may include psychological, social work, and speech/language improvement services, non-career counseling, and other appropriate support services and for the student's teacher(s), the assistance of supplementary school personnel, and consultation with appropriate personnel.

If a pupil has been receiving special education services but the Committee on Special Education determines that the pupil no longer requires such services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- ✓ identify the declassification support services; and
- ✓ indicate the projected date of initiation of such service,
- ✓ the frequency and duration of such services, ensuring that such services will not be continued for more than one (1) year after the pupil enters the full-time regular education program.

## **OTHER SUPPORT SERVICES**

### **SCHOOL PSYCHOLOGICAL SERVICES**

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in Committee on Special Education (CSE) referral, evaluation and placement; monitoring of student progress; consultation with teachers; student and parent counseling; and liaison with other professionals. Additional functions relating to special education classes include: assisting teachers in the development of interventions to help students and the development of Individualized Education Programs (IEPs); monitoring the delivery of services to special education students; coordinating annual review meetings; conducting three-year re-evaluations; exploring out-of-district educational alternatives, when necessary; monitoring progress of students after placement; training teachers in the implementation of new regulations and procedures, developing behavior intervention plans.

### **SCHOOL SOCIAL WORKER SERVICES**

The following major areas of responsibility are assigned to social workers: monitoring students' progress; consultation with teachers; providing transitional support services to students moving into programs that are less restrictive; parent education; student and parent counseling; intervening during crises (i.e., child abuse, bus problems, etc.); and liaison between school and home and community agencies.

### **SCHOOL SPEECH, LANGUAGE AND HEARING SERVICES**

Specialists in speech and language assist school staff with the identification and instruction of children with speech, language and hearing disorders. They provide diagnostic and remedial services for children with articulation disorders, stuttering and voice disorders, expressive and receptive language problems, hearing deficits, cerebral dysfunction, oral-motor disorders and cleft palate. Much of the activity of these specialists involves observation, individual testing and counseling, related conferences with parents and consultations with teachers regarding instructional methods.

### **SCHOOL PHYSICAL THERAPY SERVICES**

Physical therapy is provided in order for a physically disabled student to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive need of the student; program planning and treatment program when indicated; consultation with regular education teachers in the mainstreaming process; supervision and instruction of nonprofessional personnel in dealing with the physical needs of the students.

### **SCHOOL OCCUPATIONAL THERAPY SERVICES**

The occupational therapist serves children whose disabilities prevent them from functioning normally within the school environment. The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper

extremities necessary for handwriting and other classroom fine motor tasks, modulating a child's sensory responses that interfere with everyday activities, developing the activities of daily living, providing adaptive equipment as necessary and counseling students with disabilities around their participation in activities. The goal of the occupational therapist is to provide appropriate treatment to increase the student's ability to function independently in the school environment.

### **SCHOOL HEARING EDUCATION SERVICES**

Hearing Education is designed to provide direct specialized instruction to students, ages 5 to 21 years of age, with hearing disabilities who are enrolled in a general or special education program. Specialized instruction in speech, reading and auditory training are provided by a teacher of the deaf and hard of hearing. These services are necessary in order for students to benefit from their primary educational program.

### **SCHOOL VISION EDUCATION SERVICES**

Vision Education is designed to provide direct specialized instruction to students, ages 5 to 21 years of age, with visual impairments who are enrolled in a general or special education program by a teacher of the visually impaired. This related service includes direct instruction in the use of various optical aids, use of large print books and worksheets, tactile and recorded material and current technology. Teachers may also assist students in acclimating themselves to new instructional environments and may assist other teachers in meeting the student's educational needs.

### **CRITERIA FOR SPEECH/LANGUAGE SERVICES**

When a student's communication disorder significantly interferes with ability to make appropriate educational gains, he or she must be referred to the Committee on Special Education (CSE) for evaluation. Pupils whose educational performance is found not to be adversely affected by a communication disorder, but who seem able to benefit from some form of speech therapy as part of their regular education programs should be referred to the instructional support building team in each school building.

#### ***There are a number of speech and language problems which are not viewed as disabling conditions:***

- ✓ Exhibiting uneven development in speech or exhibiting language deficits which may correct themselves in a relatively short period of time, and which do not adversely affect a student's educational performance.
- ✓ Using speech patterns or communication skills which are below age level, or which vary from standard English, but which do not adversely influence classroom performance in relation to social adjustment, general education development and/or academic learning.
- ✓ Using dialect differences and non-standard sentence construction which may vary from standard English, but which are not significantly deviant; i.e., speaking in linguistically non-standard English, using the double negative construction ("Don't give me no pen."). Dialect differences, while not consistent with the rules of standard English, are not viewed as a communication disorder and will be addressed within the regular education classroom.
- ✓ Speaking a language other than English

## **EXTENDED SCHOOL YEAR (CSE AND CPSE)**

The Committee on Special Education or Committee on Preschool Special Education will determine whether a student requires a structured learning environment of up to twelve (12) months to prevent substantial regression. “**Substantial Regression**” 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 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 and/or service shall operate for at least thirty (30) school days during the months of July and August. In accordance with Section 200.6(k) and 200.16(i) of the Commissioner’s Regulations, students will be considered for twelve (12)-month special services and/or programs to prevent substantial regression if they are:

- ✓ students/preschool 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;
- ✓ students/preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and who are placed in special classes;
- ✓ 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;
- ✓ students/preschool students whose needs are so severe that they can be met only in a seven- day residential program; or
- ✓ students/preschool students receiving other special education services who, because of their disabilities, exhibit the need for a twelve (12)-month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE.

Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and/or programs. A student is eligible for a twelve (12)-month service or program when the period of review or re-teaching 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 re-teaching ranges between twenty (20) and forty (40) school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight (8) weeks or more would indicate that substantial regression has occurred.



# **EXEMPTION FROM SECOND LANGUAGE**

## **REQUIREMENT**

Pupils entering ninth grade are required to complete at least one (1) unit of credit in a language other than English before completing the ninth 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 which adversely affect the ability to learn a language may be exempted from this requirement if their Individualized Education program (IEP) indicates that such a requirement is inappropriate to their special education needs. Therefore, at annual review for all children who are completing sixth, seventh, or eighth grade, the CSE will take the following steps:

- ✓ Curriculum will be reviewed to determine whether the language requirement has been completed.
- ✓ If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors, 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 child 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.
- ✓ Students not exempted must begin second language instruction no later than grade 8.

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

School District and State Education Department policies strongly favor fulfillment of the language requirement by all pupils prior to completion of ninth grade. Only pupils whose receptive or expressive language is severely impaired will be exempted unless there are specific factors, which, in combination with language problems, make exemption necessary.

Students who are relieved of the foreign language requirement are not excused from the Carnegie credits required, and therefore will be expected to substitute the foreign language credits for an elective(s) of equal or greater credits. This policy is consistent with Article 17 and 65 of the Education Law and Part 100.2 of the Commissioner’s Regulations.

# **TRANSITION PLANNING SERVICES FOR STUDENTS**

## **WITH DISABILITIES**

### **DEFINITION**

*Transition Services* are defined in the IDEA and Article 89 as a coordinated set of activities for a student designed within a results-oriented process, which promotes movement from school to post-school activities, including but not limited to, post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment, and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

### **INDIVIDUALIZED TRANSITION PLAN**

Transition Services planning for secondary students with disabilities is results oriented and looks toward adult life. Professionals, students, and parents or other guardians work cooperatively to identify appropriate destination statements and to determine and implement a coordinated set of activities for reaching these outcomes. The student's interests and needs are kept foremost in the decision-making process.

Beginning at age 14, the CSE meets annually to discuss transition planning. This may be done as part of the annual review. At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, a representative of the agencies likely to provide or pay for transition services will be invited. Other knowledgeable school personnel (e.g., administrators, psychologist, related service provider, regular education teacher) may be asked to participate in the process.

Upon graduation or aging out of the program, each student will be provided with an Exit Summary of Performance. It includes a summary of the student's academic achievement and functional performance, which identifies recommendations on how to assist the student in meeting his or her postsecondary goals.

### **THE TRANSITION SERVICES IEP CONTAINS THE FOLLOWING ELEMENTS:**

- ✓ Individualized long-term adult outcome statement;
  
- ✓ Coordinated set of activities in the areas of instruction; related services; employment/post- secondary activities; community experience; and, if appropriate, activities of daily living skills, and functional vocational evaluation;
  
- ✓ Responsibility for implementation

## **TRANSITION PLANNING: INTERAGENCY ARRANGEMENTS**

The Hicksville Union Free School District networks with other service systems, as appropriate, to facilitate the coordination of services in regard to developing and delivering transition programming. Interagency linkages may include involvement with the following resources:

- ✓ NYS Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) and the Commission for the Blind and Visually Impaired (CBVI)
- ✓ Educational Institution Linkages Unit of ACCES-VR
- ✓ Office for People With Developmental Disabilities (OPWDD)
- ✓ NYS Office of People with Developmental Disabilities
- ✓ NYS Employment Services
- ✓ NYS Office of Mental Health
- ✓ NYS Division for Youth
- ✓ County Mental Health
- ✓ County Department of Social Services
- ✓ County Probation Department
- ✓ Family Members
- ✓ Students
- ✓ Independent Living Centers
- ✓ Local, County and State Support Groups
- ✓ Board of Cooperative Educational Services

- ✓ Vocational and Applied Technology Education Act Coordinators
- ✓ Special Education Training and Resource Centers, Special Education Administrators  
Leadership Training Academies
- ✓ Bilingual Education Technical Assistance Centers
- ✓ Two and four year colleges, Adult Continuing Education Programs
- ✓ Job Training Partnership Act Private Industry Councils, Local Employers

Criteria used by the Hicksville Union Free School District for making referrals to ACCES-VR or the Commission for the Blind and Visually Impaired are as follows:

- ✓ The student is expected to exit school within two (2) years
- ✓ The school, student, and/or parent/guardian jointly recognize that the student's disability will interfere with the student's ability to work in the community and that adult vocational rehabilitation services are necessary to help the student successfully achieve employment; and
- ✓ The vocational rehabilitation services that the student requires are not available through programs and services mandated for the school to provide.

The process used by the Hicksville Union Free School District for making referrals to ACCES-VR or the Commission for the Blind and Visually Impaired ensures that certain steps have been followed:

- ✓ The building principal or his/her designee has been established as the transition liaison within the school to work with ACCES-VR and Commission for the Blind and Visually Impaired to ensure a consistent point of contact and coordination between systems.
- ✓ The referral is the result of a thorough assessment and planning process (e.g. annual guidance review) that recommends adult vocational rehabilitation services necessary to assist students with disabilities to successfully achieve adult employment.
- ✓ Consent for referral and release of information has been obtained by the school from the parent/guardian or from the student as applicable.
- ✓ The CSE, guidance counselor, and other school personnel transmit complete referral information including:
  - A referral transmittal sheet or letter that explains the purpose for the referral; and
  - Selected documents that describe the student's disability, needs, preferences, interests, and skills. Preferred documentation is that which describes the student's current abilities, work-related limitations and service needs in functional terms that are relevant to vocational rehabilitation and achieving employment.

## **TRANSITION PLANNING TIMELINE**

The Hicksville Union Free School District incorporates the following series of events as part of the transition planning process. It should be noted that all items will not be applicable to all students.

<b>ACTION</b>	<b>SUGGESTED AGE</b>
--Administer initial vocational assessment	12
--Discuss the following curriculum areas as IEP meetings: Academic, Social, Language/Communication Occupational, Self-help Skills, Self-advocacy skills	12 – 15
--Develop and implement strategies to increase responsibilities and independence at home.	12 - 15
--Complete periodic vocational evaluations	12 – 21
--Introduce and discuss Transition Services	14
--Notify parents that transition services will be incorporated into the IEP beginning at age fourteen	14
--Assure that copies of work-related documents are available: Social Security card, Birth certificate, Obtain working papers	14 – 16
--Obtain parental consent so that the appropriate adult agency representative can be involved	14 – 18
--Develop transition component of IEP and annually thereafter	14+
--Discuss adult transition with CSE	15 – 21
--Consider summer employment/volunteer experience	15 – 21
--Explore community leisure activities	15 – 21
--Consider the need for residential opportunities, including completing applications	15 - 21
--Obtain personal ID card	16 – 18
--Obtain driver's training and license	17 – 18

--Develop Transportation/Mobility Strategies such as: Independent travel training skills, Public or paratransit Transportation, needs for travel attendant	16 – 21
--Investigate SSDI/SSI Medicaid programs	16 – 18
--Consider guardianship or emancipation	16 – 18
--Develop and update employment plans	16 – 18
--Involve ACCES-VR/CBVI within two (2) years of school exit	16 – 21
--Research possible adult living situations	16 – 18
--Investigate post-school opportunities (further educational, vocational training, college, military, etc.	16 – 18
--Seek legal guardianship	18
--Apply for post-college and other training programs	17 – 21
--Register to vote	18
--Male students register for the draft	18
--Review health insurance coverage: inform insurance company of son/daughter disability and investigate rider or continued eligibility.	18
--Complete transition to employment, further education or training, and community living, affirming arrangements are in place for the following:	18 – 21
1. Post-Secondary/Continuing Education	6. Medical/Health
2. Employment	7. Counseling
3. Legal/Advocacy	8. Financial/Income
4. Personal Independence/Residential	9. Transportation/Independent Travel Skills
5. Recreation/Leisure	10. Other

## VOCATIONAL ASSESSMENTS

Vocational/career assessment is part of mandated transition service. Vocational assessments are conducted for special education students starting at age 12 and those referred to special education for the first time who are age 12 or older.

The Level I vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the student, the student's parent(s) or guardian(s), a special education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment.

When a vocational/career assessment raises issues that need clarification or does not provide adequate information for decision making, additional assessments may be recommended by the CSE. The additional assessments are not necessarily given in hierarchical order and a student can be recommended for a more formalized testing from a specialist in vocational assessment and/or a situational work assignment.

Level II vocational assessments are more focused and involve administration of standardized tests which look in further detail at interests, vocational skills, and specific aptitudes and abilities. It builds upon information that was recorded in the Level I assessment. Specialized vocational evaluation instruments, such as a vocational interest inventory, vocational aptitude battery and selected work samples, may be introduced at this level.

The Level III vocational assessment is a situational assessment conducted while a student is actually engaged in real or simulated work related or vocational activities. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting.

In all cases, the assessments keep the student's unique interests, needs and desires in the forefront during the evaluation and decision-making process.



## AGING OUT GUIDELINES FOR STUDENTS WITH SEVERE DISABILITIES

Students with disabilities are no longer entitled to be provided with a free appropriate public education once they attain a high school diploma or beyond the end of the school year in which they reach the age of 21, whichever is earlier. The District has a mandated responsibility to implement an aging-out process to transition students with severe disabilities from public education to adult services. Aging-out procedures are in addition to the transition planning services previously discussed in this plan. The District will comply with the requirements for the provision of written notice pursuant to Education Law §4402(1)(b)(5) and 8 NYCRR 200.4 (i).

Aging-out is specifically designed to meet the needs of three groups of students with severe disabilities:

1. Chapter 544 Students: Students attending residential out-of-state schools who have attained or will attain the age of 18 prior to June 30 of the current school year.
2. Chapter 570 Students: Students attending residential in-state schools who have attained or will attain the age of 18 by June 30 of the current school year.
3. Chapter 462 Students: Students attending non-residential, in-state programs 100% of the time, who have intensive management needs and who are likely to require adult services. The process for eligible students begins at the first annual review after the student reaches the age of 15.

*Although the procedures for referral of students in these three groups are not identical, there are certain common overriding steps:*

- ✓ Identification of students likely to need adult service based on criteria noted above
- ✓ Notification to parents, and if the student is 18 years or older, to the student
- ✓ Obtaining consent to release information
- ✓ Referral to agency(ies)
- ✓ Submission of reports to the State Education Department

## **OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS**

It is the policy of the school district to encourage pupils with special educational needs to pursue a Regents or local high school diploma and ensure that those pupils have been provided with appropriate opportunities to earn a Regents or local high school diploma. To achieve a diploma granted by the district, pupils must earn the minimum number of credits specified by the Regents of the State of New York and the Board of Education. They must also demonstrate competency in reading, writing, mathematics, global studies, United States history, science and such other subjects as are identified by the Regents of the State of New York. The District recognizes that a Skills and Achievement Commencement Credential (SACC) is intended for students with severe disabilities that are assessed using the NYS Alternate Assessment (NYSAA) and a Career Development and Occupational Studies (CDOS) Commencement Credential is intended for students with disabilities other than those who are assessed using the NYSAA.

To assure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma, the district adopts the following procedures:

1. The Committee on Special Education (CSE) will annually review the special educational needs of each pupil with a disability. At each annual review after the student has entered the middle school, the CSE will make an assessment as to whether or not the pupil's capacities indicate probable success in a course of study leading to a diploma, or whether his or her needs could be better met in an individualized education program designed to culminate in a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies Commencement Credential. Where appropriate, the pupil will participate in this decision-making process.
2. The decision will be reviewed annually. The CSE will consider the following factors:
  - current levels of achievement;
  - learning rate;
  - preference of student and family
3. The CSE will consider whether the pupil's disability is such that s/he is entitled to testing accommodations which will be specified on the IEP.
4. The District will offer appropriate remedial instruction for all students.
5. The CSE will identify and recommend support services and supplementary instruction necessary to assist pupils to benefit from credit courses.
6. The CSE will consider whether the pupil's special educational needs will prevent completion of the requisite number of units of credit within four (4) years of entry into high school. If so, a plan will be recommended for completion of the required units within four (4) to six (6) years, but before June 30th of the school year in which the pupil reaches his/her twenty-first (21st) birthday.

7. If the pupil's special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the district in special education classes. In any such case, instruction in subjects granting credit toward graduation will be provided in accordance with curriculum objectives and minimum required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught. A record of the objectives and criteria for mastery will be subject to approval by the building principal and maintained in the special education office. Evaluation of student work will be completed in accordance with the individual needs of the student.
  
8. A CDOS Commencement Credential may be a supplement to a Local or Regents diploma, or, if the student is unable to meet diploma standard, the credential may be awarded as the student's exiting credential provided the student has attended school for not less than twelve (12) years, excluding kindergarten. If the NYS CDOS Commencement Credential is the student's only exiting credential and he/she is less than twenty-one (21) years of age, the parent will be provided written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which he/she turns age twenty-one (21).

## **NON-DIPLOMA HIGH SCHOOL EXITING CREDENTIALS**

In addition to any other requirements, the Committee on Special Education will make every effort to incorporate in a student's IEP as many of the requirements for a high school diploma as possible, as set forth in section 100.5 of the Regulations of the Commissioner of Education. All students, including those with disabilities, shall be given the greatest opportunity possible to earn a regular high school diploma based on the educational needs of the pupil.

Students with severe disabilities that are assessed using the NYS Alternate Assessment (NYSAA) and attend school for not less than twelve (12) years (excluding kindergarten), or received substantially equivalent education elsewhere, or at the end of the school year in which the student turns twenty-one (21), will be eligible for a **Skills and Achievement Commencement Credential**. In this context, students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological, and medical services in order to maximize their full potential for self-fulfillment and meaningful participation in society. The Skills and Achievement Commencement Credential will be accompanied by documentation of the student's skills and strengths and levels of independence in academic, career development, and foundation skills needed for post-school living, learning, and working. Only students with disabilities who have been instructed and assessed on the alternate performance level for the State learning standards are eligible for this credential award.

If a student receiving a Skills and Achievement Commencement Credential is less than twenty-one (21) years of age, the credential shall be accompanied by a written assurance of the student's continued right to attend public school of the school district in which the student resides until the end of the school year in which the student reaches twenty-one (21) or until the student has earned a high school diploma, whichever occurs first.

Students with disabilities other than those who are assessed using the NYS Alternate Assessment (NYSAA), will be eligible to earn a **NYS Career Development and Occupational Studies (CDOS) Commencement Credential**. This credential will recognize each individual student's preparation and skills for post-school employment. It may be a supplement to a local or Regents diploma, or, if the student is unable to meet diploma standards, the credential may be awarded as the student's exiting credential provided the student meets the requirements for award of the credential and has attended school for not less than twelve (12) years, excluding kindergarten. If the NYS CDOS Commencement Credential is the student's only exiting credential and he/she is less than twenty-one (21), the parent must be provided with written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which he/she turns twenty-one (21).

The CSE shall review the progress of all students with disabilities who will attain the age of twenty-one (21) years prior to the end of the current school year and those students with disabilities who have received twelve (12) years of education who are eligible for either a Skills and Achievement Commencement Credential or CDOS Commencement Credential. The CSE shall notify the Superintendent of those students eligible to receive either credential.

The Superintendent shall notify the Board of Education, prior to graduation ceremonies in June, which students are eligible to receive these credentials. The Board shall direct that a certificate be issued to eligible students.

The superintendent shall file a report with the Commissioner within fifteen (15) days of June graduation, in the form and containing the information required by the Commissioner.

# **ARRANGEMENT OF SPECIAL EDUCATION**

## **PLACEMENTS**

### **CPSE AND CSE**

The Board of Education shall upon receipt of the IEP recommendations, arrange for programs and services to be provided to a student with a disability after consideration of the recommendation of the Committee on Special Education or Preschool Special Education. The Board shall notify the parent that this has been arranged.

For CSE, evaluation and placement in appropriate special programs and services shall be completed within sixty (60) school days of receipt of consent to evaluate a student not previously identified as having a disability or within sixty (60) school days of referral for review of a student with a disability. For placement in approved in-state or out-of-state private school placements the Board shall arrange for such programs and services within thirty (30) school days of the Board's receipt of the recommendation of the Committee on Special Education.

Written prior notice must be given to the parents of a student with a disability a reasonable time before the district proposes to or refuses to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student.

For CPSE, the Board shall arrange for the services, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, such appropriate starting date, in which case the services shall be provided no later than thirty (30) school days from the recommendation of the Committee and within sixty (60) school days from receipt of consent to evaluate.

Because the placement of students is often a lengthy process, the Board authorizes the Superintendent of Schools, or his/her designee, to act as its agent in making the necessary arrangements to implement the program/services prior to the Board of Education meeting.

If the Board disagrees with the recommendation of the CSE/CPSE, it shall set forth in writing a statement of its objections or concerns and send the recommendation back to the Committee with a notice for the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board shall provide the parent with a copy of this statement and notice. The Committee shall then submit its revised recommendation to the Board of Education.

## **INFORMED CONSENT (CSE AND CPSE)**

### ***“Consent” means:***

- ✓ the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- ✓ the parent understands and agrees in writing to the activity for which consent is sought; and
- ✓ the parent is made aware that the consent is voluntary and can be reconsidered at any time.

### **This is implemented as part of the CSE/CPSE process for the following:**

**Initial Evaluation** - Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having a disability, a parent consent for the evaluation is requested. The parent is contacted by either a building designee or a representative of the CSE/CPSE office, depending on the source of the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of their due process rights. Translations are provided to the parent as needed. If the parent does not consent, the parent is invited to a conference to discuss the evaluation process. Outreach efforts are to be made, where necessary, to ensure the parent has received and understands the request for consent.

**Initial Placement** - If the CSE/CPSE determines the child has a disability and recommends special education services, parent consent to initial placement is requested and the parent is provided with a copy of their due process rights. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Chairperson of the CSE/CPSE, school staff or representative of the evaluation agency (CPSE). Outreach efforts are made, where necessary, to ensure the parent has received and understands the request for consent.

**Initial Provision of 12 Month Program or Services** - The CSE/CPSE makes the determination of need for an extended school year program or services based on evidence that the student’s loss of skills over extended breaks is beyond expected limits.

**Reevaluation** - Parental consent will be requested prior to any reevaluation of a child; however, the district may proceed with the reevaluation if the parent/guardian does not respond and reasonable measures have been taken to obtain their consent. Reasonable measures are interpreted as:

- ✓ A written notice is sent to the parent requesting their consent for the reevaluation
- ✓ at least one additional attempt is made to notify the parents; this may mean an additional written notice or a telephone call.

*Requests for Records / Other Communications with Non-District Personnel* - Parent consent is requested for the following:

- ✓ Release of CSE records to another agency / individual
- ✓ Request for copies of reports / evaluations from another agency / individual
- ✓ Request for verbal communications with another agency / individual (i.e.; private therapists)
- ✓ See section on *Special Education Records: Access and Accessibility* for further information in this regard.



## **SURROGATE PARENTS**

### **QUALIFICATIONS**

*“Surrogate parent”* means a person appointed to act in place of parents or guardians when a student’s parents or guardians are not known, or when after reasonable efforts, the Board of Education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth, or the student is a ward of the State and does not have a parent as defined in Section 200.1 of the Commissioner’s Regulations, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

The Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents. Persons selected as surrogate parents cannot be officers, employees or agents of the school district or State Education Department or other agency involved in the education or care of the child and, to the extent possible, shall:

- ✓ have no other interest which could conflict with their primary allegiance to the pupil they would represent;
- ✓ acquaint themselves personally and thoroughly with the pupil and the pupil’s educational needs; and
- ✓ be generally familiar with the educational options available to children with disabilities.

### **PROCEDURES FOR ASSIGNING SURROGATES:**

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

1. Any person whose work involves education or treatment of children and who knows of a pupil who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the pupil is a ward of the State, may file a request for assignment of a surrogate parent, with the Committee on Special Education;
2. The Committee on Special Education shall send notice of the possible need for a surrogate parent to the adult in charge of the pupil’s place of residence and to the parents or guardians at their last known address;
3. The Committee on Special Education shall determine whether the parents or guardians are unknown or unavailable, or whether the pupil is a ward of the State. The determination of need for a surrogate parent shall be completed within a reasonable time following the receipt of a referral for an initial evaluation, reevaluation or services. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education or other body responsible for the provision of special education programming and services within ten (10) business days of the date of determination by the Committee.

A surrogate parent shall be assigned to represent the student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of a free

appropriate public education to the student for as long as a surrogate parent is required under Part 200 of the Commissioner's Regulations.

## **INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)**

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the CSE or the CPSE.

An **Independent Educational Evaluation (IEE)** is governed by the Commissioner's regulations and means an individual evaluation of a student with a disability or a student thought to have a disability, conducted by a qualified examiner who is not employed by the School District responsible for the student's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained.

Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates the evaluation. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.

- a) Location: Geographic location is defined as an evaluation which takes place within a fifty (50) mile radius of the School District.
- b) Minimal Qualifications: Minimal qualifications are defined by the School District as New York State Education Department certification or licensure within the specific area of evaluation.
- c) Reasonable Cost of an IEE: Reasonable costs are defined as not to exceed the evaluation costs of any university hospital within the fifty (50) mile radius of the School District.

The parent/guardian will be provided with an opportunity to demonstrate that unique circumstances justify an independent educational evaluation that does not fall within the above-stated criteria.

Whenever an IEE is at public expense, the School District will pay the reasonable costs associated with the evaluation. Parents or guardians should file a written request within ninety (90) days from the date of the CSE or CPSE evaluation.

The School District has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent or guardian does not meet School District criteria, such as:

- a) The criteria under which the IEE was conducted, including the location of the evaluation, does not meet stated district or other legal criteria.
- b) The independent evaluator selected does not meet stated minimum district qualifications.

c) The request for reimbursement exceeded stated district guidelines for such requests.

If the hearing officer determines that the School District's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

## **SPECIAL EDUCATION MEDIATION**

Special Education mediation is a process in which the parents of a student with a disability and representative of the school district meet with an independent person, a mediator. By asking questions and discussing all information with both parties, the mediator helps the parents and school district representatives to reach a more complete understanding of each other's concerns and to reach an agreement about the special education programs and services that the student will receive. Mediation is voluntary and may not be used to deny or delay a parent's rights to an impartial hearing. The mediators are qualified, impartial and have been trained in effective mediation techniques. Mediation will be scheduled in a timely manner and held in a location convenient to the parties.

If a parent disagrees with the decision of the CSE regarding their child's program or services, they have the option to participate in mediation. Choosing to participate in mediation does not limit other alternatives, such as requesting a meeting with the CSE or requesting an impartial hearing.

Unlike an impartial hearing, at the end of which the impartial hearing officer makes a decision about the kinds of special education programs and services the student will receive, the mediator does not make a decision. At the end of the mediation session, whatever the parents and the school district representative agree should be done is written down. Agreement may be reached on any or all of the concerns or issues which were discussed during the mediation session. Any remaining issues can be discussed further with the CSE or can be reviewed by an impartial hearing officer. Discussions during the mediation session are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal or State courts.

Special Education mediation will be conducted by the Community Dispute Resolution Center (CDRC) in Nassau County. Each center is staffed by a number of highly qualified mediators who are not employed by the school district and who are not selected to be mediators by the school district.

## **APPOINTMENT OF IMPARTIAL HEARING OFFICERS**

The Board of Education adopted the updated list of certified Impartial Hearing Officers (IHO) for Nassau County promulgated by the New York State Education Department in connection with requests for impartial hearings under IDEA and Education Law. The School District list shall also include the names of these other certified IHOs whose names appear on the state list and who have indicated to the School District their interest in hearing appeals in matters affecting the Hicksville Union Free School District.

### **Procedures:**

The rotational selection process of an IHO will be initiated within two (2) business days after receipt by the School District of the written request for an impartial hearing.

Section 200.2(e) of the Regulations of the Commissioner of Education prescribes procedures that each Board of Education must use for the establishment and rotation of its list of IHOs. A summary of §200.2(e) of the Regulations of the Commissioner of Education follows:

- ✓ Selection of an IHO must be made from a list of all hearing officers who are certified by the Commissioner of Education, pursuant to section §200.1(x)(4) and available to serve in the School District.
- ✓ The list must be established in alphabetical order.
- ✓ The list must be maintained in alphabetical order with new appointees being inserted into the alphabetical order of the list.
- ✓ Selection must be made on a rotational basis, beginning with the first name after the hearing officer who last served.
- ✓ If no hearing officer on the list has served, selection must be made beginning with the first name on the list.
- ✓ If an IHO declines appointment or, within twenty-four (24) hours, an IHO fails to respond or is unreachable after reasonable efforts by the district clerk, such efforts will be documented through independently verifiable efforts. The District Clerk will then proceed through the list to determine availability of the next successive IHO.

The District Clerk will initiate the selection process by contacting the IHO whose name first appears after the IHO who last served. This will be by telephone, or if unsuccessful, by leaving a message and sending a letter by overnight mail. The District Clerk will canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

The Board of Education, by resolution, or Board President by letter (or Vice President in his/her absence or inability), will appoint an IHO immediately after the IHO selected from the rotational list indicates he or she is available.

## **GUARDIAN AD LITEM**

In the event the impartial hearing officer determines that the interest of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of a student would best be protected by appointment of a guardian ad litem, the impartial hearing officer shall appoint a guardian ad litem, unless a surrogate parent has previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent are preserved throughout the hearing whenever a guardian ad litem is appointed. A guardian ad litem is defined as a person who is familiar with the provision of Part 200 Regulations and is appointed from the list of surrogate parents maintained by the District or may be a pro-bono attorney appointed to represent the interests of the student during the proceedings of an impartial hearing and, where appropriate, to join in an appeal to the State Review Officer initiated by the parent or the Board of Education. A guardian ad litem may only represent the interests of the student for the duration of the hearing.

# **GENERAL BOARD OF EDUCATION**

## **PROGRAM OBJECTIVES**

*The District is committed to the development and implementation of an appropriate education for children with disabilities who reside in the district in accordance with the following program objectives:*

1. To provide a free appropriate education in the least restrictive environment for resident children between the ages three and twenty-one.
2. To ensure that pupils with disabilities have the opportunity to participate in school district programs, to the maximum extent appropriate to the needs of each student, including access to general education curriculum, extracurricular programs and activities which are available to other pupils enrolled in the public schools of the District.
3. To ensure that each preschool child with a disability residing in the District has the opportunity to participate in an appropriate preschool program or services.
4. To establish a Committee on Special Education and a Committee on Preschool Special Education which are comprised of the required members and appropriate qualified personnel and to assure training for such personnel and other school district staff to enable them to carry out the functions identified in Federal and State laws and regulations and to carry out all practices and procedures identified in the Plan.
5. To provide the human and material resources necessary for the implementation of a full continuum of programs and services to meet the academic, social, physical and management needs of pupils with disabilities.
6. To build a close working relationship between the CSE, CPSE school staff and school district administrators, parents and community.
7. To ensure that special education programs are an integral part of the District's regular educational program.
8. To ensure the establishment of administrative practices and procedures to implement the provision of Section 200.6(a) of the Commissioner's Regulations
9. To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for consent for evaluation of a preschool student.
10. To ensure that pupils with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Section 100.5 of the Regulations of the Commissioner of Education.
11. To ensure that a discipline code for student behavior is in place.
12. To ensure the confidentiality of personally identifiable data, information or records pertaining to student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.



13. To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age children with disabilities.
14. To ensure that necessary modifications are made so that pupils and their parents have access to services provided by the district.
15. To ensure that parents are advised of their due process rights and to establish procedures in this regard.
16. To ensure that children attending school within the district receive the protection of all other applicable State and Federal regulations.
17. To ensure that all instructional materials to be used in its schools will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students.

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

The Hicksville Union Free School District provides sufficient and appropriate instructional space to ensure that students and preschool students with disabilities are educated in age-appropriate settings and to the maximum extent appropriate with non-disabled students. The removal of students from the regular environment occurs only when the nature or severity is such that even with the use of supplementary aids and services, education cannot be achieved satisfactorily.

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

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

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

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

The School District will address such space allocation needs as part of its annual budget cycle during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the biannual plan it must submit to the Commissioner of Education regarding the provision of services to students and preschool students with disabilities.

Through the Superintendent of Schools, the School District will share with the BOCES District Superintendent information relevant for the BOCES to determine its own facility space needs for serving the School District's resident students and preschool student with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled

peers, the Superintendent of Schools, in consultation with appropriate school personnel will, at a minimum;

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the School District's special education programs and services, the type of programming they presently receive and may receive in the future as well as the setting in which those services are and/or will be provided.
2. Review the results of the School District's latest census, and other School District child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school student with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the School District will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.
5. Submit a report to the Board of Education regarding the results of the above review process, along with necessary recommendations for additional space allocations.

**ACCESS TO PROGRAMS, INSTRUCTIONAL**  
**MATERIALS, AND EXTRACURRICULAR ACTIVITIES**

Pupils with disabilities residing in the School District have the opportunity to participate in all programs and activities administered by the School District and available to the pupils enrolled in district public schools, providing that the pupils seeking to participate are otherwise qualified to participate in such programs and activities.

In the event that special transportation or other special arrangements are required to enable a child to participate in either school programs or an extracurricular activity at a placement provided by the School District (or in the student's home school), application may be made to the CSE. The CSE will meet with the child's parent to review the child's special needs and, if appropriate, to recommend whatever provisions are necessary to ensure that school programs and services are accessible to the student with a disability. All programs and services available within the Hicksville Union Free School District public school buildings can be made accessible to the physically disabled.

In keeping with Chapter 377 of the Laws of 2001, Hicksville Union Free School District ensures that students in need of instructional materials in an usable alternative format have those materials in a timely fashion including access to and conversion of electronic files if necessary. Vendors shall be selected based on the availability of such materials. Procedures are in place to identify students in need of such materials should such students enter during a school year. The Board of Education's plan to ensure the availability of alternative format instructional material for students with disabilities at the same time as such instructional materials are available to nondisabled students may be found in the Board's *Availability of Alternative Format Instructional Materials for Students with Disabilities, Policy No. 4321.6*.

# **ACCESS TO OCCUPATIONAL EDUCATION**

## **OPPORTUNITIES**

### **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

Employment and educational opportunities, including vocational educational opportunities, are offered by the Hicksville Union Free School District to boys and girls on an equal basis without discrimination on the basis of sex.

Discrimination on the basis of sex in education programs and activities is prohibited by Title IX. The District official responsible for the coordination of activities relating to non-discrimination is the Assistant Superintendent for Personnel, who serves as the Title IX Coordinator. The Coordinator will provide information, including information on complaint procedures, to any student or employee who feels that her or his rights under Title IX may have been violated by the District or its officials. In addition, any student or employee may make an inquiry or a complaint directly to the Federal Office for Civil Rights or New York State Division for Human Rights.

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act is a Federal Civil rights statute that prohibits discrimination against individuals with disabilities in federally assisted programs or activities. *The Act protects individuals who:*

- ✓ Have a physical or mental impairment that substantially limits one or more major life activities; or
- ✓ Have a record of such an impairment; or
- ✓ Are regarded as having such impairment

No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any school district curricular or extracurricular program or activity.

It is the intent of the Hicksville Union Free School District to identify students who need special services or programs, in order to assure that all students, including students with disabilities, receive a free and appropriate education. Students with disabilities may be eligible for accommodations under the provisions of Section 504, even though they do not require services pursuant to the Individuals with Disabilities Education Act.

The school district official responsible for compliance with Section 504 is the Director of Special Education & Pupil Personnel Services. The Director of Special Education & Pupil Personnel Services shall provide information, including complaint procedures, to any person who feels that Section 504 rights have been violated by the District or its officials.

# **CENSUS AND REGISTRY OF STUDENTS WITH** **DISABILITIES**

The Board of Education takes the following initiatives to ensure that students with disabilities are located and identified in compliance with 8NYCRR §200.2 (a) (1).

A copy of written procedures for maintaining a census of students with a disability can be found in the Board of Education Policy Procedure Manual (Policy No. 4321). The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE).

The District mails a calendar to every Hicksville resident during the month of August. Notice of Kindergarten Orientation and Screening can be found in this calendar. Notice of Pre-Kindergarten programs and notices of referral to the CSE and CPSE can also be found. A notice of Kindergarten Orientation/Registration is also published in the local newspaper, and posted in the public library and all public school buildings. The District's calendar includes notice to all residents regarding information about Preschool and School-aged Special Education programs.

## **SCHOOL CONDUCT AND DISCIPLINE**

Generally, if a student with a disability violates the established rules of the District, disciplinary action shall be in accordance with procedures set forth in the *Hicksville School District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities will be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

### **Manifestation Determinations**

A review of the relationship between the student's disability and the conduct subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team, as soon as possible, but in no case later than ten (10) school days after a decision is made:

1. By the Superintendent to change the placement to an interim alternative educational setting (IAES);
2. By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
3. By the Board or Superintendent to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include, at a minimum, a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

## **Finding of Manifestation**

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or review and modify a behavioral intervention plan.

Functional behavioral assessment (FBA) is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) is a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of a problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the educational placement from which the student was recovered. The parent and the District may agree to a change of placement as part of the modification of the BIP.

## **No Finding of Manifestation**

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to student without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a due process hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

## **Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavioral violation so it does not recur:

1. For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, school personnel, in consultation with at least one (1) of the student's teachers, will determine the extent to which services are needed;



2. For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

### **Interim Alternative Educational Setting (IAES)**

Students with a disability who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

1. Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
2. Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function under the jurisdiction of the District; or
3. Where a student inflicted serious bodily injury upon another person while at school, or school premises, or at a school function under the jurisdiction of the District. Serious bodily injury has been defined in law to refer to one (1) of the following:
  - a. Substantial risk of death;
  - b. Extreme physical pain; or
  - c. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another location.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward the goals set out in the student's IEP, and

2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

## **SCREENING PROCEDURES**

A comprehensive program has been developed by the Hicksville Union Free School District to locate, identify and provide programs for those students who need special services. Screening is defined as a preliminary method of distinguishing from the general population those pupils who may have a disability or those who possibly may be gifted.

### **KINDERGARTEN SCREENING**

All pre-kindergarten students are screened prior to the beginning of school. The screening includes speech and language evaluation, hearing and vision screening, visual and auditory perception, vocabulary, a readiness profile, (number and letter skills), visual and auditory memory, fine and gross motor skills. Results of the screening are recorded in the child's cumulative record with a copy to the parents/guardians. Conferences are held with the parents/guardians of any child who has difficulty during the screening and is suspected of having a disability, which indicates the possible need for special services. A referral is made to the Committee on Special Education, accordingly.

### **NEW ENTRANT SCREENING**

All new entrants into the Hicksville Union Free School District are screened academically and physically. Children who are suspected of having a disability are referred to CSE within fifteen (15) days. The students are screened by December 1<sup>st</sup>, as mandated. For students entering after December 1<sup>st</sup>, screening is conducted within fifteen (15) days.

# *Guidelines For Providing Public School Services To Children In Non-Public Schools*

## SCREENING

1. ***Definition:*** Screening is provided pursuant to Part 117 of the Regulations of the Commissioner of Education. It is available for new entrants into the public school at kindergarten or following transfer, and it is for the purpose of determining whether pupils may be possibly gifted or have a possible disability.
2. Upon request of a non-public school located within the school district, the Hicksville Union Free School District will provide screening services to resident and non-resident children who attend the non-public school.
3. The cost of screening for out-of-district residents is paid by the district of residence pursuant to Section 912 of the Education Law and the Health and Welfare Contract (hereinafter referred to as the Section 912 Contract).
4. Notice of screening results will be provided to the principal of the non-public school. In accordance with the District's Child Find requirements, as the School District of Location for students who are parentally placed in non-public schools within the geographic boundaries of the Hicksville Union Free School District, the District recognizes its Child Find obligations and will refer any student suspected of being a student with a disability to the Committee on Special Education of the District of Location.

## **REFERRALS FOR EVALUATION OF CHILDREN THOUGHT TO BE DISABLED**

Under the provisions of Education Law §3602-c, students with disabilities placed by their parents in non-public schools are entitled to receive special education services in accordance with an Individualized Education Service Program (IESP) from the public school district in which the non-public school is located while they receive general education from the non-public school where their parents enroll them. In accordance with this section, the Hicksville Union Free School District recognizes its obligation to provide Child Find, evaluations, and special education services, where recommended by the District's CSE, to students with disabilities enrolled in non-public elementary and secondary schools by their parents within the geographic boundaries of the Hicksville Union Free School District (District of Location).

1. Resident and non-resident children who attend non-public schools within the district may be referred to the Committee on Special Education of the Hicksville Union Free School District in exactly the same manner as children who attend public schools. A referral may be made by a non-public school official, parent or other professional.
2. In the case of a resident or non-resident child, regular referral procedures are followed. The CSE (or building designee) obtains parental consent for evaluation and schedules the evaluation with the school psychologist.
3. In all cases, the Committee on Special Education review of the results of evaluations will be conducted in the district of the location of the non-public school.

## **SERVICES TO CHILDREN IDENTIFIED AS DISABLED**

1. If a child is identified by the Committee on Special Education as being in need of special education, the Committee must notify the parent that the child is entitled to an appropriate education at public expense. However, if the parent wishes to continue the child in non-public school, the district may offer related services or resource room instruction to assist the child to benefit from regular education.
2. If a parent disagrees with any recommendation of the Committee with respect to either identification or services, the parent may appeal the recommendation to an impartial hearing officer.
3. Related services and educational services for both resident and non-resident children will be provided within the district in which the non-public school is located. Related services include counseling, speech and language therapy, occupational therapy, physical therapy, and any other health or welfare services delineated in Education Law Section 4401. The district cannot compel the parent of a child with a disability to place the child in public school nor accept special education services.

## **METHODS FOR EVALUATING PROGRAM OBJECTIVES**

Through the use of assessment techniques such as staff reports, interviews with faculty, parents and students, site visits, etc., formative data will be gathered relative to the success of the delineated objectives. The data will be analyzed to provide summary information to assist the district in decision-making regarding revisions and modifications for programs, services and procedures.

The goal of the Special Education Program in the District is to provide each student with a disability with a free appropriate public education in the least restrictive environment.

The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

- ✓ ongoing evaluation of pupil achievement using various standardized diagnostic tests and other teacher made assessments;
- ✓ annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- ✓ qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summaries;
- ✓ re-evaluation of each pupil with a disability as outlined in 8 NYCRR 200.4 (b)(4).

## **AVAILABILITY OF COPIES OF THIS PLAN**

In addition to receiving annual notice of this plan's provisions, a parent may request and receive a copy of this plan from the school at any time. The plan is available on the district website.