

Elmira Heights Central School District

Special Education Services Guide



Inspiring connections, compassion, character, and confidence

2023-2025



Table of Contents

Governing Regulations.....	3
Description of K- 12 Special Education Programs and Services.....	4
CPSE Process.....	9
CSE Process.....	12
Section 504.....	19
Methods to Evaluate Progress.....	20
Special Education Classroom Space.....	20
Provision of Alternative Materials.....	21
Budget.....	21
Special Education Staffing.....	21
Student with a Disability and Classifications.....	22
Frequently Used Terms and Definitions.....	24
Common Acronyms.....	26
Board of Education and Policies Guiding Special Education District Plan.....	28
Appendices.....	50



Part 200. 2(c) of the Regulations of the New York State Commissioner of Education require that each school district board of education shall prepare biennial special education plan. The plan must describe:

- The District's special education programs and services.
- The numbers of special education students by type of disability and by recommended settings.
- The methods used to evaluate the extent to which program objectives have been achieved.
- The policies and practices of the board of education to ensure that appropriate space will be continually available to meet the needs of resident students in BOCES special education programs.
- The estimated budget to support such a plan and the date on which such plan was adopted by the board of education.

We will also include a description of our Educationally Related Support Services and the activities and practices of our Committee on Special Education, space allocated to District special education programs, staff training, and future trends.

The District will review our special education programs and services annually and revise this plan as needed biennial.

The special education staff contributed to the development of this plan and we feel the plan will help us to support our students with disabilities through programs, services, and instructional strategies.

Megan Molina

Director of Student Services
CPSE/CSE/504 Chairperson



K- 12 Special Education Programs and Services Descriptions

In compliance with the federal Individuals with Disabilities Education Act (IDEA) and the Part 200 Regulations of the New York State Commissioner of Education, the Elmira Heights CSD provides the following continuum of services for students with disabilities. The services are listed from least restrictive to most restrictive (least intensive to most intensive). These services are offered on a K-12 basis in all buildings, unless otherwise specified. In this section, the offered K-12 Special Education programs and services are described.

1. Related Services

Related services are those that assist a student in benefiting from other special education services or assist the student in accessing the general curriculum. Related services mean developmental, corrective, and other supportive services as are required to assist a student with a disability. Related services for both school-age and preschool students include, but are not limited to:

- speech/language therapy
- audiology services
- interpreting services
- psychological services
- physical therapy
- occupational therapy
- orientation and mobility services
- vision services
- school health services
- school social work

Related services also encompass appropriate access to recreation (e.g., therapeutic recreation), other appropriate developmental or corrective support services, and other appropriate support services (e.g. counseling services, rehabilitation counseling services, parent counseling and training, assistive technology services). These services also include early identification and assessment of disabling conditions in students.

Related service providers are comprised of speech language pathologists, social worker, occupational therapists, physical therapists, teachers of the deaf/hearing impaired, and teachers of the blind/visually impaired. Students are provided services in one-to-one or in small groups settings. Related services shall be recommended by the Committee on Special Education (CSE) to meet specific needs of a student with a disability as set forth in the Individualized Education Program (IEP).

2. Supplementary School Personnel

Prior to the IEP recommendation of an assignment of an additional supplementary school personnel (or one-to-one aide), the Committee on Special Education (CSE) needs to consider the individualized needs of a student with a disability and how a



supplementary school personnel will meet the student's needs. The following must be considered:

- the management needs of the student that would require a significant degree of individualized attention and intervention;
- the skills and goals the student would need to achieve that will reduce or eliminate the need for the one-to-one aide;
- the specific support (e.g., assistance with personal hygiene or behaviors that impede learning) that the one-to-one aide would provide for the student;
- other supports, accommodations and/or services that could support the student to meet these needs (e.g., behavioral intervention plan; environmental accommodations or modifications; instructional materials in alternate formats; assistive technology devices; peer-to-peer supports);
- the extent (e.g., portions of the school day) or circumstances (e.g., for transitions from class to class) the student would need the assistance of a one-to-one aide;
- staff ratios in the setting where the student will attend school;
- the extent to which assignment of a one-to-one aide might enable the student to be educated with nondisabled students and, to the maximum extent appropriate, in the least restrictive environment;
- any potential harmful effect on the student or on the quality of services that (s)he needs that might result from the assignment of a one-to-one aide; and
- the training and support that shall be provided to the one-to-one aide to help the one-to-one aide understand the student's disability-related needs, learn effective strategies for addressing the student's needs, and acquire the necessary skills to support the implementation of the student's individualized education program.

3. School-Age Special Education Services

Students with disabilities placed together for purposes of special education (including resource room, special class, consultant teacher services, integrated co-teaching and related services groups) must be grouped by similarity of individual needs in accordance with the four need areas listed below:

- **Academic achievement, functional performance and learning characteristics**-the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style.
 - The range of academic or educational achievement of such students must be limited to assure that instruction provides each student appropriate opportunities to achieve his or her annual goals.
 - Notification to the CSE and parents must be made in any situation where a student is placed in a special class that contains a range of achievement levels in reading and mathematics exceeds three years. The exception to this is for students placed in a 12:1+(3:1).
 - The learning characteristics of students in the group must be sufficiently similar to assure that this range of academic or educational achievement is at least maintained (i.e., no students fall behind in



academic achievement because their instructional needs are not being addressed due to the range of learning characteristics of students in the class).

- **Social development**- the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments.
 - The social development of each student must be considered prior to placement in any instructional group 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.
 - The social needs of a student cannot be the sole determinant of such placement.
- **Physical development**- the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process.
 - The levels of physical development of such students may vary, provided that each student is given appropriate opportunities to benefit from such instruction.
 - Physical needs must be considered prior to determining placement to assure access to appropriate programs.
 - The physical needs of the student cannot be the sole basis for determining placement.
- **Management needs**- the nature of and degree to which **environmental modifications, human, and material resources** are required to enable the student to benefit from instruction.
 - Management needs must be determined in accordance with the factors identified for a student in relation to the areas of academic achievement, functional performance and learning characteristics, social development, and physical development.
 - The environmental modifications or adaptations and the human or material resources provided may not consistently detract from the opportunities of other students in the group to benefit from instruction.

a. Consultant Teacher Service

Consultant teacher services are direct and/or indirect teacher services provided to a student with a disability in the student's regular education class(es) and/or to such student's regular education teachers. The student's IEP must specify how often service(s) will be provided during a particular time (e.g., number of times per day, or week). Consultant teacher services provided as the only special education services must be provided at a minimum of two hours per week, in any combination of direct and/or indirect consultant teacher services.

- **Direct consultant teacher** service(s) is specially designed, individualized or group, instruction provided by a special education teacher, to a student with a disability to aid such student to benefit from the student's regular education class(es). Direct consultant teacher services must be provided in the general education classroom; the student is not to be pulled out of the



general education classroom for this service. The student's IEP must identify the class subject(s) where consultant teacher service will be provided.

- **Indirect consultant teacher** service(s) is consultation provided by a special education teacher to assist the general education teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends his/her class(es). This service will be provided in the general education class taught by the teacher receiving the consultation (general education teacher).

b. Consultant Teacher in combination with Resource Room Services

Consultant teacher services in combination with resource room services is provided to students to meet the needs of a student who could benefit from the two types of services, but who does not need two hours per week of consultant teacher services and three hours per week of resource room. The IEP must specify how often the service will be provided during a particular time period (e.g. number of times per day, or week). The combination of the two services must equal a minimum of three hours per week. The consultant teacher service that is provided as a part of this combination will be provided in the general education classroom. The resource room service portion of this combination can be delivered in an identified resource room or in the general education classroom. Both delivery methods of the resource room service must not exceed an instructional group of 5 students, and the resource room teacher (special education teacher) must deliver the instruction.

c. Resource Room Service

Resource room service is a special education program for a student with a disability registered in either a special class or general education class who needs specialized supplementary instruction in an individual or small group setting for a portion of the school day. This supplementary instruction is provided in addition to the general education or special education classroom instruction that the student receives. It is not provided in place of the student's regular instruction. The IEP must specify how often the service will be provided during a particular time (e.g., number of times per day, or week). The resource room service must be delivered to a student at a minimum of three hours per week, with a maximum not to exceed 50% of the student's school day. This service can be delivered in an identified resource room or in the general education classroom. Both delivery methods of the resource room service must not exceed an instructional group of 5 students, and the resource room teacher (special education teacher) must deliver the instruction.

d. Special Class

A special class service is provided in a contained setting, separate from the general education classroom. In this placement, the special education teacher provides the primary, individualized instruction, to a group of students with identified similar needs. Students can receive special class services for all or part



of the day. The IEP must include the class size ratio for the special class placement.

i. **Special Class—15:1 (Elmira Heights CSD)**

The 15:1 special class is a self-contained, ~~subject-specific~~, class designed to meet the needs of students with disabilities who are unable to meet the requirements within the general education classroom. This classroom cannot exceed 15 students with the instruction being delivered by a special education teacher. Students placed in a 15:1 special class typically have cognitive delays, severe learning disabilities, difficulty attending to instruction, and/or significant behavior management needs that may impede the learning of others. Students placed in subject specific 15:1 class(es) are mainstreamed into the general education setting for other classes. Specially designed instruction in Math and English is offered as part of the self-contained curriculum. The curriculum of the self-contained class(es) is based on New York State's learning standards, individual student needs, and/or functional academics. The areas targeted include, but are not limited to, social skills, job skills, life skills, math, reading, and writing.

ii. **Special Class—12:1+ (3:1) (BOCES)**

The 12:1+ (3:1) special class is a self-contained class that serves students with intensive management needs requiring a high degree of structure, possible medical support, and an academic program within the severe range. The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, supplementary school personnel and/or related service providers (12:1 + (3:1)).

iii. **Special Class—6:1:1 & 8:1:1 (BOCES)**

The 6:1:1 and 8:1:1 special class settings are self-contained. Students that are placed in these classrooms have cognitive and behavioral needs that seriously affect their ability to succeed academically and socially. The typical student in these strands of programming are students that have been identified as being multiply disabled, autistic, or severely emotionally disabled. These students need small group or one-to-one instruction for most of the school day. They may receive instruction in general education classes or in a skills development class based on their ability to be included.

e. **Other Special Education Services**

i. **Transitional Support Services**

Transitional support services prescribed in the IEP are provided to the student's teacher including consultation and/or training when a student with a disability moves into a less restrictive environment. This is a temporary service specified on the IEP to assist in moving toward declassification.



- i. **Declassification Support Services**
The student and the student’s teacher may be provided declassification support services to assist the student transitioning from special education services to full-time regular education. Services which might be offered include speech, counseling, and/or test accommodations.
- ii. **Transition Planning**
A transition plan establishes a set of activities to help a student with disabilities make the adjustment from school to the world of work and adulthood. The transition planning process formally begins at age 15 (and at a younger age, if determined appropriate) and is reviewed and updated annually by the Committee on Special Education (CSE). The goal is to explore many options within the areas of instruction, related services, employment, independent living, community experience, acquisition of daily living skills, and vocational assessment.

Committee on Preschool Special Education (CPSE)

Committee on preschool special education (CPSE) is a multidisciplinary team established in accordance with the provisions of section 4410 of the Education Law. Elmira Height CSD’s Committee on Preschool Special Education (CPSE) held 47 meetings in 2021-2022 and 50 meetings during the 2022-2023. The meetings included initial referrals, requested reviews and annual reviews. Pursuant to the regulations of the State Commissioner of Education, the CPSE makes recommendations to the Board of Education based on the needs of the students. During the 2022-2023, the Elmira Heights CSD served 31 preschool age students with IEPs.

The criteria and procedures for eligibility, referral, evaluation, recommendations, and program implementation are slightly different for preschool students than for students that are school-age (grades K-12).

1. CPSE Membership

The required members of the CPSE are:

- The child’s caregiver(s)
- General education teacher, if applicable
- Special education teacher/related service provider
- EHCSD representative (chairperson)
- ~~Others with knowledge/expertise~~
- ~~Individual to interpret evaluations~~
- School psychologist
- Additional parent member (if requested, 72-hour notice)
- Representative from municipality (invited)
- Representative from Early Intervention (by request for transition to CPSE)

2. CPSE Process

a. Eligibility Determinations



A preschool child may be identified as having a disability if (s)he exhibits significant delays in one or more functional areas related to cognition, language and communication, adaptive skills, social emotional development, and sensory or motor development that adversely affects a his/her ability to learn. The CPSE considers all evaluations and compares his/her performance to accepted milestones for child development. The criteria for eligibility are:

- A 12-month delay in one or more functional areas; or
- A 33% delay in one functional area, or a 25% delay in each of two functional areas; or
- If appropriate standardized tests are individually administered, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in two functional areas; or
- Meet the criteria for a disability as described in the terms for student with a disability.

b. Referral

A preschool child suspected of having a disability shall be referred in writing to the CPSE Chairperson. A referral may be made by the child’s parent(s)/guardian, a district designee, commissioner or designee ~~of a public education agency with responsibility~~ **responsible** for educating the student (e.g., Office of Mental Health for a child attending a State operated psychiatric Center Education Program), and/or ~~a designee of an education program affiliated with a childcare institution with CSE responsibilities (e.g., Article 81 residential programs with a school component).~~ **Chemung County.**

Timeline of Referral Process:

- The determined date of referral is the date the written referral is received by CPSE chairperson or other district staff member, whichever is earlier.
- CPSE chairperson immediately provides prior written notice to parent and seeks consent to evaluate. Notice includes list of identified evaluations and right of parent to deny consent.
- Child will be evaluated by an approved Elmira Heights CSD psychologist and/or **related** service provider(s).
- If parent denies consent, CPSE chairperson ensures they have understood the request for consent to evaluate. If the parent continues to withhold consent, the process ends.

c. Request for Referral

A preschool child suspected of having a disability may have a request for referral submitted in writing to the CPSE chairperson. A request for referral may be made by a professional staff member of the school district, a licensed physician, a judicial officer, a professional staff member of a public agency with responsibility for welfare, and/or health or education of children. The school district will consider the request for referral and determine if an evaluation is necessary. A copy of the request for referral will be given to parent(s)/guardian. If Elmira Heights CSD determines that the request for referral will be accepted, they will proceed with the evaluation process. Elmira Heights CSD will need to obtain parental consent for evaluation prior to beginning the process.



d. Evaluation

Upon the parental consent for evaluation and official registration with Elmira Heights CSD, the identified areas of evaluation will be conducted. The resulting report will include a detailed description of the child's needs and a recommendation for service(s).

Timeline of Evaluation Process:

- An approved Elmira Heights CSD psychologist and/or related service provider(s) will conduct evaluations consented to by parent.
- Evaluation and initial CPSE meeting must be completed within 60 calendar days of receipt of consent.
- Copies of report and summary will be provided to CPSE & county representative.
- Copy of evaluation summary will be provided to parent before meeting.
- Meeting notice will be given to parent at least 5 calendar days before meeting.
- The CPSE committee will hold a meeting to determine eligibility for special education and/or related services and determine recommendations.
- At the CPSE meeting, the committee will complete Child Outcomes Summary Form cover page and entry data.
- The CPSE committee will present their recommendations to BOE and municipality.
- Parent will be sent a written notice of recommendation and request for consent for services.
- If found to be ineligible, the recommendation must indicate the reasons for ineligibility. A copy of the recommendation and evaluation reports is provided to the parent.

e. Recommendations

If the CPSE determines that the child has a disability, the committee shall recommend a program or service(s) for the child. The committee is required to consider a continuum of services starting from the least restrictive to the most restrictive service(s) (least intensive services to the most intensive). They must first consider placement in a part-time or half-time program in a setting where age-appropriate peers without disabilities are typically found. More restrictive placements may only be considered if education in a less restrictive placement would not succeed even with supplementary aids and services. Transportation needs must also be considered and documented on the IEP if deemed necessary

The CPSE must develop an Individualized Education Program.

f. Implementation

A similar timeline for implementation of services must be followed as for K-12 students referred to the CSE.

i. Initial Evaluation:

The CPSE evaluation of a preschool age student for the first time will be presented to the Board of Education with a recommendation within 60 school days of the date the Elmira Heights CSD received parental consent for evaluation.

ii. Receiving Special Education Services:



The Board of Education must arrange for the preschool student with a disability to receive the recommended and approved special education services or programs with a July, September or January starting date of those approved programs or no later than 30 school days from the date the CPSE made its recommendation and within 60 school days from receipt of consent to evaluate.

g. Annual Review

The CPSE must meet at least annually to review and, if appropriate, revise the student’s IEP, or more often if necessary, when requested by a parent or staff member.

h. Mediation and Impartial Review Process

Due process for preschool students with disabilities closely matches the due process for school-aged students.

The Committee on Special Education (CSE)

The Committee on Special Education (CSE) is a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law. The Committee on Special Education (CSE) held 272 meetings in 2021-2022 and 366 in 2022-2023. The meetings included initial referrals, requested reviews, manifestation determinations, transfer student/intake, annual reviews, and reevaluations (required at least every 3 years). Pursuant to the regulations of the State Commissioner of Education, the CSE makes recommendations to the Board of Education on the needs of those students referred to the CSE. Based upon those recommendations, Elmira Heights CSD served 182 K-12 students with IEPs as of July 2023.

1. CSE Membership

The required members of the CSE are:

- The student’s parent(s)/guardian
- General education teacher
- Special education teacher
- Related service provider (if applicable)
- School Psychologist
- EHCS D representative (chairperson)
- Others with knowledge/expertise
- Individual to interpret evaluations
- School physician (if requested-72-hour notice)
- Agency representative—for transition purposes (with parent consent)
- Student, if appropriate

2. CSE Process

a. Pre-referral Interventions

In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that



address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The District's RTI program will consist of three tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Student Based Intervention Teams, whose members may include, but are not limited to, general education teachers, special education teachers, the school psychologist, reading and/or math specialists, designated administrators, and other individuals deemed appropriate by the district, will be available for each building/grade level classification to address the implementation of the District's RTI process.

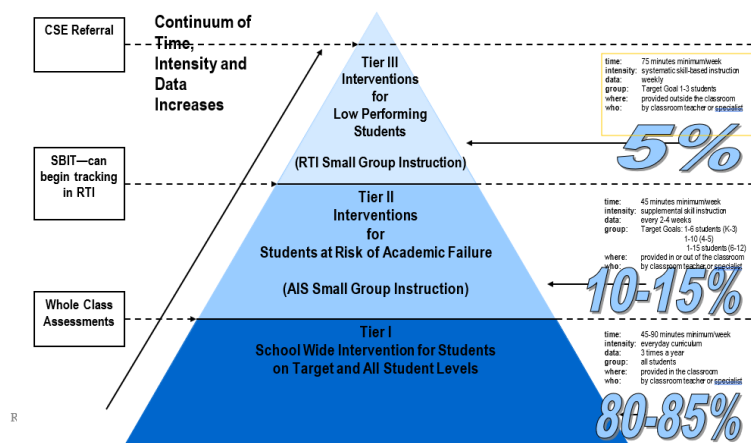
The Student Based Intervention Team's responsibilities shall include, but are not limited to, the following:

- Determining the level of interventions/student performance criteria appropriate for each tier of the RTI model;
- Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- Determining whether to make a referral for special education programs and/or services.

The District will provide three tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Elmira Heights Central School District RTI Plan





b. Referral

A student suspected of having a disability shall be referred in writing to the CSE chairperson or a school principal. A referral may be made by the child's parent(s)/guardian, a district designee, commissioner or designee of a public education agency with responsibility for educating the student (e.g., Office of Mental Health for a child attending a State operated psychiatric Center Education Program), and/or a designee of an education program affiliated with a childcare institution with CSE responsibilities (e.g., Article 81 residential programs with a school component).

Timeline of Referral Process:

- The determined date of referral is the date the written referral is received by CSE Chairperson or other district staff member, whichever is earlier.
 - If received by principal, referral immediately forwarded to the CSE chairperson.
 - If received by CSE, copy of referral forwarded to the building principal within 5 school days.
- The building principal may request a meeting with the parent(s)/guardian to consider other interventions. The meeting must happen within 10 school days. The parent(s)/guardian may agree to withdraw the referral.
 - If the parent(s)/guardian agree to withdraw the referral, it must be documented in writing, including alternative interventions to be tried, data to be collected, the duration of the intervention, and a time to review progress.
 - A copy of the agreement goes to the parent, the student, if appropriate, the staff member who requested the referral, and the cumulative education record file.
- If no parental consent is received after 30 days, the chairperson must document attempts to obtain parental consent and notify BOE that they may request an impartial hearing to seek permission to evaluate without consent.

c. Request for Referral

A student suspected of having a disability may have a request for referral submitted in writing to the CSE Chairperson. A request for referral may be made by a professional staff member of the school district, a licensed physician, a judicial officer, a professional staff member of a public agency with responsibility for welfare, a health or education of children, a student who is 18 years of age or older, and/or an emancipated minor.

- Requests for referral submitted by persons other than the student or judicial officer must include:
 - Reasons for the referral and test results, records, or reports
 - Intervention services, programs or methodologies used to remediate the student's performance prior to referral, or state reasons why no such attempts were made
 - The extent of prior parent contact/involvement
- Upon receiving a request for referral that meets the requirements listed above, Elmira Heights CSD must, within 10 school days, either:
 - Request parent consent to initiate evaluation; or
 - Provide the parent with a copy of the request for referral; and



- Inform the parent of his/her right to refer the child for an initial evaluation; and
- Offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services.

d. Evaluation

Upon the parental consent for evaluation, an individual evaluation shall be commenced by the CSE. The evaluation must include a variety of evaluations: a psychological evaluation, academic evaluation, a social history, a medical screening by the school nurse (if applicable), and an observation of the student in his/her current educational placement. If behavior is thought to impede academic progress, a functional behavioral assessment (FBA) may be conducted, and a behavior intervention plan (BIP) will be developed, if deemed necessary.

Timeline of Evaluation Process:

- The evaluation must be completed within 60 calendar days of receipt of consent. The 60 days does not apply if the child transfers districts during the evaluation (parent and district agree in writing to a specific timeframe), or if the parent repeatedly fails to make the child available for the evaluation. The timeline may also be extended by agreement between parent and district for a child suspected of having a learning disability.
- Notice of meeting will be given to parent(s) at least 5 calendar days before CSE meeting.
- The CSE committee will hold a meeting to determine eligibility for special education services and/or related services and determine recommendations.
- Send prior notice to parent of CSE recommendation and evaluation report if not provided to the parent prior to the CSE meeting.
- The CSE committee will present their recommendations to BOE.
- If found to be ineligible, the recommendation must indicate the reasons for ineligibility. A copy of the recommendation and appropriate evaluation information are provided to the building administrator who determines if support services are appropriate.

e. Eligibility Determination

The CSE makes the determination on whether the student has a disability after reviewing information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendation. The collected information will also consist of the student's physical condition, social or cultural background, and adaptive behavior. The CSE will ensure that information obtained from all these sources is documented and carefully considered. A student can be identified as having a disability in any of the following areas:

- Autism
- Deafness
- Deaf-Blindness
- Emotional Disability
- Hearing Impairment
- Intellectual Disability



- Learning Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health-Impairment
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment (which includes blindness)

Please refer to **page 22** for definitions of these classifications.

f. Development of Individualized Education Program (IEP)

The CSE must develop an Individualized Educational Program (IEP) for each student with a disability. When developing the IEP, the CSE must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parent(s)/guardian for enhancing the education of their child; the academic, developmental and functional needs of the student, including, as appropriate, the results of the student's performance on any general State or district-wide assessment programs; and any special considerations. The IEP must include the student's academic, physical, social, and management needs and present levels of performance (PLPs). The PLPs provide the informational basis for generating goals, supports, and services that are specifically designed to meet the student's individual needs.

The IEP must also include:

- The classification of the disability
- Measurable annual goals and benchmarks and short-term objectives if appropriate
- Evaluation criteria for each objective
- The recommended special education programs and services
- Supplementary aides and services the student needs
- Program modifications and/or supports for school personnel
- Description of coordinated set of activities and post-secondary goals for those students beginning no later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate)
- Assistive technology devices needed
- Participation in general education statement and the effect of student needs related to his/her involvement and progress in the general education classroom
- Testing accommodations
- Educational achievement results
- Date for initiation of services
- Projected date of annual review

Please refer to Appendix A for a copy of the district's IEP form.

g. IEP Implementation

It is the Elmira Heights CSD's responsibility to **convene the initial CSE meeting to determine IEP eligibility** within 60 school days of consent to evaluate. Upon Board of Education's agreement to the CSE's recommendation, the BOE must arrange for services per the IEP. If the BOE disagrees with the CSE's recommendation, it may ask the CSE to reconvene, or may establish a second committee, but must still implement a program



within the applicable timeline. Parent(s)/guardian will be notified of the BOE decision, provided a copy of the finalized IEP, and asked for consent for initial provision of services. Teachers and service providers are provided a paper or electronic copy of the student’s IEP, and the Chairperson designates an employee with knowledge of the student to inform service providers of their responsibilities for implementing the IEP (Section 4402(7) of the Education Law, as amended by Chapter 408 of the Laws of 2002).

h. Annual Review and Reevaluations

The CSE must review the IEP of each student with a disability at least annually and make recommendations for an updated IEP. The review will include a consideration of the progress the student has made in general and special education. Revisions to the IEP will be made to address all updated needs of the student. Test accommodations and instructional modifications will be reviewed and changed as needed.

Students will be reevaluated at least every 3 years (reevaluation) to determine if they continue to be eligible for special education services. The CSE must meet to discuss the reevaluation results.

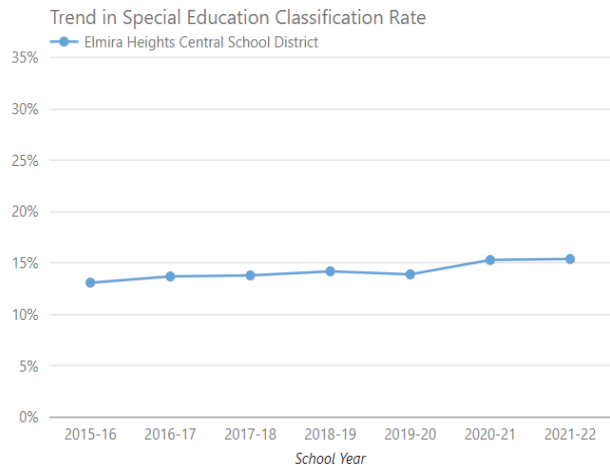
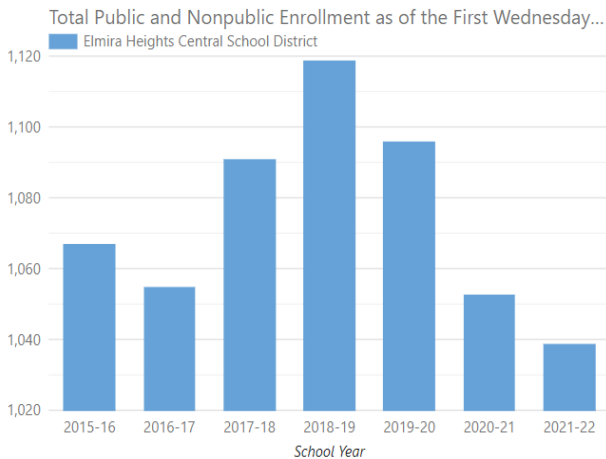
If a student is no longer eligible to be classified as a special education student, (s)he may be declassified with no further service(s) or (s)he can receive a year of declassification support. These transitional services typically consist of a reduced amount of consulting teacher support, related services, and continuation of testing modifications.

i. Mediation and Impartial Hearing Processes

If parent(s)/guardian disagree with the recommendations of the CSE, they can ask for mediation to resolve their differences with the Elmira Heights CSD or they can request an impartial hearing. Should the parent(s)/guardian request an impartial hearing, the Board of Education appoints an impartial hearing officer to conduct the hearing. The decision of the impartial hearing officer is final unless it is appealed to the State Review Officer.

3. Committee on Special Education Statistics:

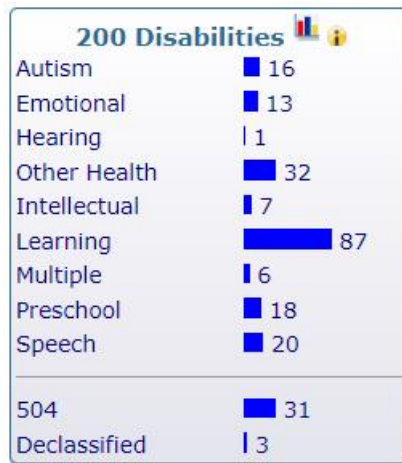
Enrollment and Classification Rate



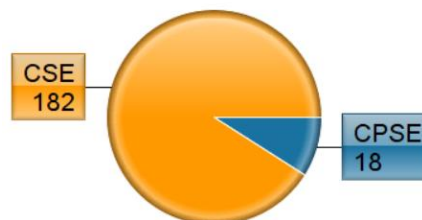
Indicator 5: School-age Least Restrictive Environment (LRE)

Total Students with Disabilities ages 5 in kindergarten to 21: 159			
STUDENTS WITH 80% OR MORE OF THE DAY IN A GENERAL EDUCATION PROGRAM		STUDENTS WITH LESS THAN 40% OF THE DAY IN A GENERAL EDUCATION PROGRAM	
60.4%		21.4%	
State Target	Target Met	State Target	Target Met
Greater than or equal to 58.25%	Yes, met state target	Less than or equal to 18%	No, did not meet state target
STUDENTS WITH DISABILITIES IN SEPARATE SETTINGS			
0%			
State Target		Target Met	
Less than or equal to 5.1%		Yes, met state target	

Student with Disabilities Classification Categories- July 2021



Student Types





Section 504 Committee

1. Description of the Section 504 Committee

Section 504 is an act which prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Section 504 Act defines a person with a disability as anyone who:

- has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as learning, walking, seeing, hearing, speaking, breathing, caring for oneself, performing manual tasks and working);
- has a record of such impairment; or
- is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Elmira Heights Central School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the program and practices in the school system.

The school district has specific responsibilities under the Section 504 Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

2. Section 504 Process

A student that has a disabling condition which significantly affects a major life activity such as seeing, hearing, walking, breathing, learning, etc. is eligible for a 504 Accommodation Plan.

Pathways to Developing a 504 Accommodation Plan:

A student that has a disabling condition that primarily impairs his/her mental health (i.e., learning, mental health condition, etc.) will initially be referred to the CSE to determine whether the student qualifies for an IEP or 504 Accommodation Plan. If the CSE determines that a student has a disabling condition that does not meet the qualifications of an IEP but does meet the requirements of a 504 Accommodation Plan, the CSE will refer the student to the 504 Committee. Then, the 504 Committee develops a written accommodation plan to meet the student's needs. The 504 Accommodation Plan shall call for practical measures to be carried out by general education teachers to ensure that the student has full access to the Elmira Heights CSD's programs.

A student that has a disabling condition that primarily impairs his/her physical health (e.g., seeing, hearing, walking, breathing, etc.) will immediately be referred to the 504 Committee to review the degree to which the physical impairment impacts the student's educational process. The 504 Committee develops a written accommodation plan to meet the student's needs as they relate to the documented physical impairment. The 504 Accommodation Plan shall call for practical measures to be carried out by general education teachers, school nurses, and/or other school personnel to ensure that the student has full access to the Elmira Heights CSD's programs.



3. Section 504 Statistics: See chart in Excel and/or end of hard copy of document.

Trends:

- The 504 Committee held 30 meetings in 2021-2022 and 35 meetings in 2022-2023. The meetings included initial referrals, transfer student/intake, requested reviews, manifestation determinations, and annual reviews.
- The number of students with 504 plans has increased over the years. There were 29 students with 504 plans in 2021-2022 and 31 students with 504 plans in 2022-2023.

Methods to Evaluate Progress

Elmira Heights CSD utilizes student performance data from statewide ELA and Math assessments, i-Ready assessments, literacy testing, report cards, and Regents Exams to measure student progress toward academic achievement and graduation. New York State Special Education Performance Plan Indicator data also assists in providing feedback regarding student achievement and graduation rates.

Curriculum based measurements are used to assess a student's progress toward meeting their IEP identified goals. Data is collected in the areas specified on the student's IEP. This data is used to analyze and detect progress towards goal attainment. For some students, the New York State Alternative Assessments (NYSAA) provides information regarding progress towards meeting their individual educational goals. Elmira Heights CSD, in accordance with NYSED's exiting credentials that are not diplomas, monitors student work completion and skill development for the Skills and Achievement Credential and the Career and Occupational Studies (CDOS) credential.

Special Education Classroom Space

The Elmira Heights CSD provides appropriate space for special education programs. All special education teachers and related service providers have adequate classroom space considering the type of services they provide to students. Resource room and related service classes may be placed in smaller classrooms appropriate for the small groups they serve.

The Elmira Heights CSD hosted 12 BOCES special education classes during the 2022-2023 school year. These classrooms are 6:1:1 special classes. All students in these classrooms are assessed by NYSAA. The Elmira Heights CSD will host 8 BOCES special education classes for the 2023-2024 school year. The Elmira Heights CSD will continue to provide space for BOCES classes, though subject to change based on Elmira Heights CSD's needs. The 8 BOCES classrooms are at the Cohen Elementary School and Thomas A. Edison High School

Cohen Elementary School

3-6:1:1 elementary classes

- 1 grades K-2
- 2 grades 3-4
- grades K-4

Cohen Middle School

0-6:1:1 middle school classes

Thomas A. Edison High School

5-6:1:1 high school classes

- grades 9-12 (up to 21 years old)

{ 20 }



Provision of Alternative Materials

The Elmira Heights CSD has an obligation to provide alternative materials in a timely fashion that are needed by students with disabilities as specified in their IEPs. Alternative materials include large print books, audio taped versions of books, alternative tests, etc. The alternative materials must be available to the students with disabilities at the same time as instructional materials are provided to general education students as indicated in their IEP.

Elmira Heights CSD will meet this requirement by purchasing alternative materials after the recommendation by the CSE has been approved by the Board of Education. Following the approval by the Board of Education, Elmira Heights CSD will purchase alternative materials in a timely fashion.

Budget

Elmira Heights CSD develops a budget to support the proposed delivery of special education programs. The budget will be developed annually. It is constructed by determining the number of special education students and specific student needs. The budget includes the necessary funding to support in-house programs, GST BOCES special education programs, and private placements. The Business Manager, Director of Student Services, Building Principals, and Superintendent identify a reasonable budget to accommodate the needs listed above and potential new special education students that may move moving into the district. This amount is based on the analyzation of Elmira Heights CSD trend data. The budget is prepared annually and reviewed by all administrators. The budget for special education is included in the Elmira Heights CSD's comprehensive budget which is presented to the Board of Education to be approved.

Special Education Staffing

Elmira Heights CSD determines special education staffing needs annually. Special education assignments are adjusted each year after the CSE annual review process. The Director of Student Services, Building Principals, and the Superintendent determine appropriate scheduling and staffing with pertinent input from various service providers.

Student with a Disability and Classifications

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

- **Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance. 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** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student's educational performance.
- **Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.
- **Emotional disability** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:
 - an inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - inappropriate types of behavior or feelings under normal circumstances;
 - a generally pervasive mood of unhappiness or depression; or
 - a tendency to develop physical symptoms or fears associated with personal or school problems. The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.
- **Hearing impairment** means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of deafness in this section.
- **Learning disability** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury,



minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of an intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage.

- **Intellectual disability** means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.
- **Multiple disabilities** means 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** means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).
- **Other health-impairment** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or Tourette syndrome, which adversely affects a student's educational performance.
- **Speech or language impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a student's educational performance.
- **Traumatic brain injury** means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia, or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate, or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgement, 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.
- **Visual impairment** including blindness means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

Frequently Used Terms and Definitions

- **Accommodations** means adjustments to the environment, instruction or materials (e.g., instructional materials in alternative format such as large print or Braille, fewer items on each page; extra time to complete tasks) that allow a student with a disability to access the content or complete assigned tasks. Accommodations do not alter what is being taught.
- **Annual review** means an evaluation, conducted at least annually by the committee on special education, of the status of each student with a disability and each student thought to have a disability who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.
- **Assistive technology** device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such a device.
- **Assistive technology** service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device
- **Behavioral intervention plan (BIP)** means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the 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.
- **Committee on preschool special education (CPSE)** means a multidisciplinary team established in accordance with the provisions of section 4410 of the Education Law.
- **Committee on special education (CSE)** means a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law.
- **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 on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
- **Days** means calendar days unless otherwise indicated as school day or business day.
 - School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school including students with disabilities and students without disabilities, except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays.



- Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).
- **Functional behavioral assessment** means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment.
- **General curriculum** means the same general education curriculum as for students without disabilities.
- **Individualized education program (IEP)** means a written statement, developed, reviewed and revised, which includes components provided to meet the unique educational needs of a student with a disability.
- **Independent educational evaluation** 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 public agency responsible for the education of the student.
- **Least restrictive environment (LRE)** means that 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 disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.
- **Prior written notice (PWN)** means written statements developed and provided to the parent(s)/guardian of a student with a disability in a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
- **Program modifications** may be used to describe a change in the curriculum or measurement of learning, for example, when a student with a disability is unable to comprehend all of the content an instructor is teaching (e.g., reduced number of assignments; alternate grading system).
- **Special class** means a class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction.
- **Specially designed instruction** means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.
- **Special transportation** means services and supports necessary for the student to travel to and from school and between schools; in and around school buildings; and includes specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation to a student with a disability. Examples of special transportation include: special seating; vehicle and/or equipment needs; adult supervision; type of transportation; and other accommodations. See <http://www.p12.nysed.gov/specialed/publications/policy/specialtrans.htm>
- **Transition Services** area coordinated set of activities for a student with a disability beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities.



Common Acronyms

- **ACCES** Adult Career and Continuing Education Services
- **ADA** Americans with Disabilities Act
- **ADD** Attention Deficit Disorder
- **ADHD** Attention Deficit/Hyperactivity Disorder
- **AEM** Alternate Educational Materials
- **AIS** Academic Intervention Services
- **AT** Assistive Technology
- **AU** Autism
- **BIP** Behavioral Intervention Plan
- **BOCES** Board of Cooperative Educational Services
- **BOE** Board of Education
- **CDOS** Career Development and Occupational Studies Learning Standards
- **CEIS** Comprehensive Early Intervening Services
- **CP** Cerebral Palsy
- **CPSE** Committee on Preschool Special Education
- **CSE** Committee on Special Education
- **CSEIS** Comprehensive Special Education Information System
- **CT** Consultant Teacher
- **CTE** Career and Technical Education
- **DB** Deaf-Blindness
- **DF** Deafness
- **DOH** Department of Health
- **ED** Emotional Disability
- **EI** Early Intervention (Program)
- **ELA** English Language Arts
- **ELL** English Language Learner
- **ENL** English as a New Language
- **ESSA** Every Student Succeeds Act
- **ESY** Extended School Year
- **FAPE** Free Appropriate Public Education
- **FBA** Functional Behavioral Assessment
- **FERPA** Family Educational Rights and Privacy Act
- **HI** Hearing Impairment
- **HOH** Hard of Hearing (sometimes written as HH)
- **ID** Intellectual Disability
- **IDEA** Individuals with Disabilities Education Act



- **IEE** Independent Educational Evaluation
- **IEP** Individualized Education Program
- **IESP** Individualized Education Services Program
- **IFSP** Individualized Family Service Plan
- **IHO** Impartial Hearing Officer
- **LD** Learning Disability
- **LEA** Local Educational Agency
- **LOTE** Language Other Than English
- **LRE** Least Restrictive Environment
- **MD** Multiple Disabilities
- **NYSAA** New York State Alternate Assessment
- **NYSED** New York State Education Department
- **OHI** Other Health Impairment
- **OI** Orthopedic Impairment
- **OPWDD** Office for People with Developmental Disabilities
- **OT** Occupational Therapist/Occupational Therapy
- **PT** Physical Therapist/Physical Therapy
- **PLP** Present Level of Performance (also PLEP or PLOP)
- **Pre-K** Pre-Kindergarten
- **PWD** Preschool Student with a Disability
- **RR** Resource Room
- **RT** Recreational Therapist
- **RTI** Response to Intervention
- **RS** Related Service
- **SED** State Education Department
- **SEIS** Special Education Itinerant Services
- **SEIT** Special Education Itinerant Teacher
- **SEQA** Special Education Quality Assurance Unit, SED
- **SI** Speech/Language Impairment
- **SLP** Speech Language Pathologist
- **SP** Services Plan
- **SPC** Special Class
- **SSI** Supplemental Security Income
- **TBI** Traumatic Brain Injury
- **UPK** Universal Pre-Kindergarten
- **VI** Visual Impairment
- **VR** Vocational Rehabilitation
- **504 Rehabilitation Act of 1973** (Public Law 93-112, Section 504)



EHCSO Board of Education and Policies Guiding Special Education District Plan

2021-2022 EHCSO Board of Education

Board Members	Term Expires
Joseph Sullivan Sr., President	2025
Michael Lepak, Vice-President	2024
Jody Buckley	2027
Christopher Callas	2027
Mikki Yesesky	2028
John Cole	2026
Terry Day	2024

Board officers

Erin Furstoss, Clerk
Kim Dykes, Tax Collector
Jennie Adriaansen, Treasurer



FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Elmira Heights Central School District.

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised.

Policy is a governing principle of management. It is a statement that has an effect on the interests of those who come under its jurisdiction. A policy may originate from the constitution, from statute, from local determinations and/or from customary patterns of formal behavior.

Policy should accomplish the following:

- a. State a position taken by the District;
- b. Grant the authority to act;
- c. Be sufficiently detailed to give adequate direction;
- d. Be achievable within the real environment of the school and community;
- e. Provide for impartial procedures.



In addition to the adopted policies, the operation of the School District is governed by and subject to all applicable Laws, Regulations of the Commissioner of Education, Civil Service requirements, Board of Education Resolutions, School Administrative Regulations and Contracts of Agreement.

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education. The official record of the adoption, amendment, or repeal of the by-laws and policies of the Elmira Heights Central School District shall be the minutes of the meetings of the Board of Education.

PHILOSOPHY STATEMENT

In preparing individuals to develop their fullest potential for living in the society of today and tomorrow, the Board of Education and the staff of the School District:

- I. Recognize their responsibility to help meet the physical, intellectual and emotional needs of children; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral and ethical values; and to relate satisfactorily to others in social situations involving family, work, government and recreation.
- II. Accept primary responsibility for giving students a mastery of the basic skills of learning, thinking and problem-solving; for teaching them to use the various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human endeavor.
- III. Acknowledge the importance of their supplemental role to the home and other social agencies in developing habits and attitudes which make for effective personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.

Realizing that education, as here defined, is a lifelong process, the School System seeks to orient its graduates toward various types of post-secondary education and further formal training and study of many types; and to provide educational opportunities particularly suited to the needs of adults, both as individuals and as citizens in a democracy.

DISTRICT POLICY REGARDING RESPONSE TO INTERVENTION (RTI) PROCESS

Policy #7600

In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

Minimum Requirements of District's RTI Program

The District's RTI process shall include the following minimum requirements:



- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- b) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;
- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;
- e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and
- f) Written notification to the parent(s)/guardian when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
 - 1) The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;
 - 2) Strategies for increasing the student's rate of learning; and
 - 3) The parent(s)/guardian's right to request an evaluation for special education programs and/or services.

Structure of Response to Intervention Program

The District's RTI program will consist of three tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

School Based Intervention Teams, whose members may include, but are not limited to, general education teachers, special education teachers, the school psychologist, reading and math coordinators, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RTI process.

The School Based Intervention Team's responsibilities shall include, but are not limited to, the following:



- a) Determining the level of interventions/student performance criteria appropriate for each tier of the RTI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- c) Determining whether to make a referral for special education programs and/or services.

Criteria for Determining the Levels of Intervention to be Provided to Students

The District will provide three tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research-based instruction in the areas of reading and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom.

Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting. Tier Two instruction may be provided by specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the School Based Intervention Team.

At the conclusion of Tier Two instruction, the School Based Intervention Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student returned to the general education classroom if satisfactory progress is shown; or referred for Tier Three instruction.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three



instruction may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the School Based Intervention Team, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

Amount and Nature of Student Performance Data to be Collected

The School Based Intervention Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the District's RTI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The School Based Intervention Team shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RTI program from the initial screening to completion of the RTI process as applicable. Parent(s)/guardian may also request that the progress of their child be reviewed by the School Based Intervention Team.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RTI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RTI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RTI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

Parent Notification

Written notification shall be provided to parent(s)/guardian when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:



- a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RTI process;
- b) Strategies for increasing the child's rate of learning; and
- c) The parent(s)/guardian' right to request an evaluation for special education programs and/or services.

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

CHILDREN WITH DISABILITIES

Policy #7611

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Education in general classes with or without support services, supplemental services in a resource room, subject specific education in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- e) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

20 United States Code (USC) Sections 1400-1485, Individuals with Disabilities Education Act (IDEA) State Law - Education Law Sections 4401-4407

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5 and .9, 200.2(b)(3) and (c)(2)(v), and 200.6(a)(1)



STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

Policy #7620

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parent(s)/guardian/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(1) and (2)

GROUPING BY SIMILARITY OF NEEDS CHILDREN WITH DISABILITIES

Policy #7612

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Education in general classes with or without support services, supplemental services in a resource room, subject specific education in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- e) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).



- b) The Committee shall determine written goals and corresponding short-term instructional objectives when applicable for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 - (1) Academic or educational achievement and learning characteristics;
 - (2) Social needs;
 - (3) Physical development; and
 - (4) Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students 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 students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

LEAST RESTRICTIVE ENVIRONMENT

Policy #7615

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or other removal from the general educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in general classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home. The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment.



The School District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the general educational environment only when the nature or severity of the student's disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the general class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

20 United States Code (USC) Sections 1400-1485, Individuals with Disabilities Education Act (IDEA) 34 Code of Federal Regulations (CFR) Part 300 State Law - Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5 and .9, 200.1(cc), 200.2(b), 200.4 and .6

THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

Policy #7613

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to



be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parent(s)/guardian/guardians with a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, 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, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to



review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(d)(1), 200.4(c) and (d),
200.5 and 200.16(e)

APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Policy #7631

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) general education teacher of such student (if the student is, or may be, participating in the general education environment);
- c) At least one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;



- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the general education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parent(s)/guardian or School District) who invited the individual to be a member of the committee;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parent(s)/guardian of the student or the School District; and
- j) A parent of a student with a disability residing in the District or a neighboring school district, provided that the parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member if the parent(s)/guardian of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

From time to time it may be necessary to allow sub-committees to operate. The Membership of each subcommittee shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) general education teacher of such student (if the student is, or may be, participating in the general education environment);
- c) At least one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parent(s)/guardian or School District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and



h) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Education Law Section 4402

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3 20 United States Code (USC) Sections 1400-1485, Individuals with Disabilities Education Act (IDEA) 34 Code of Federal Regulations (CFR) Sections 300.342-344

APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Policy #7632

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) At least one (1) general education teacher of such child (if the child is, or may be, participating in the general education environment);
- c) At least one (1) special education teacher of the child or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District (who shall serve as Chairperson of the CPSE);
- e) 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, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parent(s)/guardian or School District) who invited the individual to be a member of the committee;



g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parent(s)/guardian of the child request, in writing, that the additional parent member not participate in the meeting.

h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

A representative of the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Education Law Section 4410

20 United States Code (USC) Sections 1400-1485, Individuals With Disabilities Education Act (IDEA) 34 Code of Federal Regulations (CFR) Part 300

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

SECTION 504 OF THE REHABILITATION ACT OF 1973

Policy #7621

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools or designee. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.



Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS

Policy #7642

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) 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; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction 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; or

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 in the home; or

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and 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; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)] Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 etseq. Education Law Section 4408

8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES

Policy #7650

The policy of the Board of Education is to participate in the Child Find process in order to have all children with disabilities, within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

Register of Children with Disabilities

It is the policy of the Board of Education of the Elmira Heights Central School District to maintain a register containing the data requirements as indicated in the Commissioner's Regulations.

Education Law Sections 3240-3242 and 4402(1)(a) 8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a) and 200.4



PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

Policy #7660

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parent(s)/guardian/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Definition of Parent

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parent(s)/guardian

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re- evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parent(s)/guardian or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice

Prior written notice must be given to parent(s)/guardian 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. Prior written notice must also be provided informing the



parent(s)/guardian when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

Parental Consent

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parent(s)/guardian or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private insurance. Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):



- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parent(s)/guardian of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Procedural Safeguards Notice

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parent(s)/guardian of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing; and
- c) Upon request by a parent.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA) 20
United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300 Education
Law Sections 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1 and 200.5

DUE PROCESS COMPLAINTS; SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS

Policy #7670

The School District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities.



In the event such disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to such student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notices that meets the requirements set forth in law for such notice. Any and all due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide a procedural safeguard notice to the parent(s)/guardian. The District will also inform parent(s)/guardian in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parent(s)/guardian and the relevant member or members of the committee on special education or committee on preschool special education who have specific knowledge of the facts identified in the complaint. Such meeting will provide the parent(s)/guardian with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parent(s)/guardian of the student with a disability are present at the resolution meeting and will notify parent(s)/guardian of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is physically accessible to the parent(s)/guardian. The District will ensure that all resolution meetings conform to the requirements set forth in the Regulations of the Commissioner of Education.

The parent(s)/guardian and the District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

In the event a due process complaint notice is filed pursuant to the Individuals with Disabilities in Education Act (IDEA), the Board of Education will arrange for an impartial due process hearing to be conducted. In such instances, the Board will immediately-but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent-initiate the process to select an impartial hearing officer



(IHO) through a rotational selection process. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from such list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department.

The District will be responsible for compensating the IHO for prehearing, hearing and post hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

Administrative procedures will be developed governing the implementation of this policy.

Individuals with Disabilities Education Act (IDEA),
20 USC Section 1400 et seq. 34 CFR Part 300
Education Law Sections 4005, 4205, 4404(1) and 4410(7)
8 New York Code of Rules & Regulations (NYCRR) Sections 200.2 & 200.5

INDEPENDENT EDUCATIONAL EVALUATIONS

Policy #7680

Parent(s)/guardian of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parent(s)/guardian and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 New York Code of Rules and
Regulations (NYCRR) Sections 200.1(z)
and 200.5(g) 34 Code of Federal
Regulations (CFR) Sections 300.12 and
300.503

SPECIAL EDUCATION MEDIATION

Policy #7690

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education



(CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process.

Parent(s)/guardian or persons in parental relationship to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parent(s)/guardian or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

34 Code of Federal Regulations
(CFR) Sections 300.500-
300.515
Education Law Section 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1 and .5

ADDITIONAL BOARD POLICIES

<https://www.heightsschools.com/boardpolicy.cfm>



Appendices

- A. District IEP Document**
- B. 504 Accommodation Plan**
- C. Behavior Improvement Plan**
- D. Comparison of EI and Preschool Special Education Program Components**
- E. Testing Accommodation Decision-Making Tool for “Tests Read”**
- F. Prior Written Notice**
- G. Chapter 408 Summary: IEP Distribution and Review**
- H. Resources**



Appendix A

District IEP Document

School District Identifying Information

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

STUDENT NAME:	DISABILITY CLASSIFICATION:
DATE OF BIRTH: LOCAL ID #:	
PROJECTED DATE IEP IS TO BE IMPLEMENTED:	PROJECTED DATE OF ANNUAL REVIEW:

PRESENT LEVELS OF PERFORMANCE AND INDIVIDUAL NEEDS

DOCUMENTATION OF STUDENT'S CURRENT PERFORMANCE AND ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS

EVALUATION RESULTS (INCLUDING FOR SCHOOL-AGE STUDENTS, PERFORMANCE ON STATE AND DISTRICT-WIDE ASSESSMENTS)

ACADEMIC ACHIEVEMENT, FUNCTIONAL PERFORMANCE AND LEARNING CHARACTERISTICS

LEVELS OF KNOWLEDGE AND DEVELOPMENT IN SUBJECT AND SKILL AREAS INCLUDING ACTIVITIES OF DAILY LIVING, LEVEL OF INTELLECTUAL FUNCTIONING, ADAPTIVE BEHAVIOR, EXPECTED RATE OF PROGRESS IN ACQUIRING SKILLS AND INFORMATION, AND LEARNING STYLE:

STUDENT STRENGTHS, PREFERENCES, INTERESTS:

ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

SOCIAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S RELATIONSHIPS WITH PEERS AND ADULTS; FEELINGS ABOUT SELF; AND SOCIAL ADJUSTMENT TO SCHOOL AND COMMUNITY ENVIRONMENTS:

STUDENT STRENGTHS:

SOCIAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:



PHYSICAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S MOTOR AND SENSORY DEVELOPMENT, HEALTH, VITALITY AND PHYSICAL SKILLS OR LIMITATIONS WHICH PERTAIN TO THE LEARNING PROCESS:

STUDENT STRENGTHS:

PHYSICAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

MANAGEMENT NEEDS

THE NATURE (TYPE) AND DEGREE (EXTENT) TO WHICH ENVIRONMENTAL AND HUMAN OR MATERIAL RESOURCES ARE NEEDED TO ADDRESS NEEDS IDENTIFIED ABOVE:

EFFECT OF STUDENT NEEDS ON INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL STUDENT, EFFECT OF STUDENT NEEDS ON PARTICIPATION IN APPROPRIATE ACTIVITIES

STUDENT NEEDS RELATING TO SPECIAL FACTORS

BASED ON THE IDENTIFICATION OF THE STUDENT'S NEEDS, THE COMMITTEE MUST CONSIDER WHETHER THE STUDENT NEEDS A PARTICULAR DEVICE OR SERVICE TO ADDRESS THE SPECIAL FACTORS AS INDICATED BELOW, AND IF SO, THE APPROPRIATE SECTION OF THE IEP MUST IDENTIFY THE PARTICULAR DEVICE OR SERVICE(S) NEEDED.

Does the student need strategies, including positive behavioral interventions, supports and other strategies to address behaviors that impede the student's learning or that of others? Yes No

Does the student need a behavioral intervention plan? No Yes:

For a student with limited English proficiency, does he/she need a special education service to address his/her language needs as they relate to the IEP?

Yes No Not Applicable

For a student who is blind or visually impaired, does he/she need instruction in Braille and the use of Braille? Yes No Not Applicable

Does the student need a particular device or service to address his/her communication needs? Yes No

In the case of a student who is deaf or hard of hearing, does the student need a particular device or service in consideration of the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode?

Yes No Not Applicable

Does the student need an assistive technology device and/or service? Yes No

If yes, does the Committee recommend that the device(s) be used in the student's home? Yes No



BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE IF DETERMINED APPROPRIATE)

MEASURABLE POSTSECONDARY GOALS

LONG-TERM GOALS FOR LIVING, WORKING AND LEARNING AS AN ADULT

EDUCATION/TRAINING:

EMPLOYMENT:

INDEPENDENT LIVING SKILLS (WHEN APPROPRIATE):

TRANSITION NEEDS

In consideration of present levels of performance, transition service needs of the student that focus on the student's courses of study, taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities:

MEASURABLE ANNUAL GOALS

THE FOLLOWING GOALS ARE RECOMMENDED TO ENABLE THE STUDENT TO BE INVOLVED IN AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM, ADDRESS OTHER EDUCATIONAL NEEDS THAT RESULT FROM THE STUDENT'S DISABILITY, AND PREPARE THE STUDENT TO MEET HIS/HER POSTSECONDARY GOALS.

<p>ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT</p>	<p>CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED</p>	<p>METHOD HOW PROGRESS WILL BE MEASURED</p>	<p>SCHEDULE WHEN PROGRESS WILL BE MEASURED</p>

REPORTING PROGRESS TO PARENT(S)/GUARDIAN

Identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parent(s)/guardian:



ALTERNATE SECTION FOR STUDENTS WHOSE IEPs WILL INCLUDE SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS
(REQUIRED FOR PRESCHOOL STUDENTS AND FOR SCHOOL-AGE STUDENTS WHO MEET ELIGIBILITY CRITERIA TO TAKE THE NEW YORK STATE ALTERNATE ASSESSMENT)

MEASURABLE ANNUAL GOALS

THE FOLLOWING GOALS ARE RECOMMENDED TO ENABLE THE STUDENT TO BE INVOLVED IN AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL CHILD, IN APPROPRIATE ACTIVITIES, ADDRESS OTHER EDUCATIONAL NEEDS THAT RESULT FROM THE STUDENT'S DISABILITY, AND, FOR A SCHOOL-AGE STUDENT, PREPARE THE STUDENT TO MEET HIS/HER POSTSECONDARY GOALS.

ANNUAL GOAL WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED

SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):

ANNUAL GOAL	CRITERIA	METHOD	SCHEDULE

SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):

ANNUAL GOAL	CRITERIA	METHOD	SCHEDULE

SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):

(DUPLICATE TABLE/ROWS AS NEEDED)



REPORTING PROGRESS TO PARENT(S)/GUARDIAN

Identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parent(s)/guardian:

RECOMMENDED SPECIAL EDUCATION PROGRAMS AND SERVICES

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING/SERVICE DATE(S)
SPECIAL EDUCATION PROGRAM:					
RELATED SERVICES:					
SUPPLEMENTARY AIDS AND SERVICES/PROGRAM MODIFICATIONS/ACCOMMODATIONS:					
ASSISTIVE TECHNOLOGY DEVICES AND/OR SERVICES:					
SUPPORTS FOR SCHOOL PERSONNEL ON BEHALF OF THE STUDENT:					

* Identify, if applicable, class size (maximum student-to-staff ratio), language if other than English, group or individual services, direct and/or indirect consultant teacher services or other service delivery recommendations.



12-MONTH SERVICE AND/OR PROGRAM – Student is eligible to receive special education services and/or program during July/August: No Yes

If yes:

Student will receive the same special education program/services as recommended above.

OR

Student will receive the following special education program/services:

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS	FREQUENCY	DURATION	LOCATION	PROJECT ED BEGINNING/SERVICE DATE(S)

Name of school/agency provider of services during July and August:

For a preschool student, reason(s) the child requires services during July and August:

TESTING ACCOMMODATIONS (TO BE COMPLETED FOR PRESCHOOL CHILDREN ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL CHILDREN): INDIVIDUAL TESTING ACCOMMODATIONS, SPECIFIC TO THE STUDENT'S DISABILITY AND NEEDS, TO BE USED CONSISTENTLY BY THE STUDENT IN THE RECOMMENDED EDUCATIONAL PROGRAM AND IN THE ADMINISTRATION OF DISTRICT-WIDE ASSESSMENTS OF STUDENT ACHIEVEMENT AND, IN ACCORDANCE WITH DEPARTMENT POLICY, STATE ASSESSMENTS OF STUDENT ACHIEVEMENT

TESTING ACCOMMODATION	CONDITIONS*	IMPLEMENTATION RECOMMENDATIONS**
<input type="checkbox"/> NONE		

*Conditions – Test Characteristics: Describe the type, length, purpose of the test upon which the use of testing accommodations is conditioned, if applicable.

**Implementation Recommendations: Identify the amount of extended time, type of setting, etc., specific to the testing accommodations, if applicable.



BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE, IF DETERMINED APPROPRIATE).

COORDINATED SET OF TRANSITION ACTIVITIES

NEEDED ACTIVITIES TO FACILITATE THE STUDENT'S MOVEMENT FROM SCHOOL TO POST-SCHOOL ACTIVITIES	SERVICE/ACTIVITY	SCHOOL DISTRICT / AGENCY RESPONSIBLE
Instruction		
Related Services		
Community Experiences		
Development of Employment and Other Post-school Adult Living Objectives		
Acquisition of Daily Living Skills (if applicable)		
Functional Vocational Assessment (if applicable)		

PARTICIPATION IN STATE AND DISTRICT-WIDE ASSESSMENTS

(TO BE COMPLETED FOR PRESCHOOL STUDENTS ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL STUDENTS)

- The student will participate in the same State and district-wide assessments of student achievement that are administered to general education students.
- The student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement.
 Identify the alternate assessment:
 Statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student:

PARTICIPATION WITH STUDENTS WITHOUT DISABILITIES

REMOVAL FROM THE GENERAL EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES, EDUCATION CANNOT BE SATISFACTORILY ACHIEVED.

FOR THE PRESCHOOL STUDENT:

Explain the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers (e.g., percent of the school day and/or specify particular activities):



FOR THE SCHOOL-AGE STUDENT:

Explain the extent, if any, to which the student will not participate in regular class, extracurricular and other nonacademic activities (e.g., percent of the school day and/or specify particular activities):

If the student is not participating in a regular physical education program, identify the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education:

EXEMPTION FROM LANGUAGE OTHER THAN ENGLISH DIPLOMA REQUIREMENT: No Yes - The Committee has determined that the student's disability adversely affects his/her ability to learn a language and recommends the student be exempt from the language other than English requirement.

SPECIAL TRANSPORTATION

TRANSPORTATION RECOMMENDATION TO ADDRESS NEEDS OF THE STUDENT RELATING TO HIS/HER DISABILITY

- None.
- Student needs special transportation accommodations/services as follows:

- Student needs transportation to and from special classes or programs at another site:

PLACEMENT RECOMMENDATION



Appendix B

504 Accommodation Plan

Elmira Heights Central School District

100 Robinwood Avenue
 Elmira, NY 14903
 607-734-5078

504 Accommodation Plan

Student Name: _____ **504 Meeting Date:** _____
Student ID: _____ **Teacher:** _____
Date of Birth: _____ **Grade:** _____
School: _____
Parent Name: _____

1. Describe the student's mental or physical impairment.
2. How does the impairment substantially affect a major life function?
3. What evaluations have been completed? Include dates of completion.

Test	Subtest	Score	Score Type	Date Administered

b. What state evaluations have been completed? Include dates of completion.

Test	Date	Score	Level

4. List reasonable accommodations necessary to ensure the student's right to a free and appropriate public education (FAPE).

Test Accommodations	Conditions	Specification	Start/End Dates

Program Modifications	Frequency	Location	Start/End Dates

Related Services	G/I	Frq	Min	Location	Initiation Date

5. Eligible for Safety Net:

6. Review / Reassessment Date:

Implementation Date:

Meeting Participants:

<u>Name</u>	<u>Role</u>

Date:

<u>Contact Person</u>	<u>Role</u>



Appendix C

BEHAVIOR IMPROVEMENT PLAN

*Compliance disclaimer: While this format contains the components required for New York State regulatory compliance,
it is the student-specific individualized content that determines a BIP's compliance and quality*

Student's Name:	Date of Plan Development/Revision:
Teacher:	BIP Support Team Members:

NOTE: Select one priority problematic behavior to target. Focus on the Function of that behavior. Develop a support plan to positively satisfy that function.

Define the **Strengths, Motivators, Interests** of the student [*information from FBA*]

Describe in detail the **Priority Problematic Behavior** [copy Functional Theory from *FBA*]. Document the following:

- **Baseline data:** frequency, duration, intensity of the behavior
- **Pertinent contextual factors:** such as antecedents, triggers, settings, time-of-day, activities, people, reinforcers

Identify the **Function/Communication** of this Behavior [from FBA] – *What need is the student fulfilling by this behavior?* Select **one function** based on your analysis of the behavioral data.

<input type="checkbox"/>	Attention	<input type="checkbox"/>	Power/Control	<input type="checkbox"/>	Revenge
<input type="checkbox"/>	Avoidance of Failure/Escape	<input type="checkbox"/>	Fun/Play		

Identify **Positive Strategies** for meeting this Function, to **Prevent** this Behavior

Identify **Positive Replacement Behavior(s)** to meet the student's need (same function as the misbehavior)

Identify Strategies for **Teaching and Reinforcing** the Positive Replacement Behavior(s) – If using specific programs, identify them as such (e.g. Skill Streaming, social skills, curriculum; TEACCH methodology for students with communication disorders)



Identify **Student-Specific Strategies for Responding** effectively (adult's responses) when this problematic behavior reoccurs

Per IEP, if use of a **Time Out Room** is part of this plan:
Identify behaviors for which Time Out Room will be implemented:

Indicate Maximum Time permitted in the Time Out Room:

Identify **Schedule and Method for Evaluating** effectiveness of this plan. *Cite specific data that will be used to evaluate this behavior.*

Attach Progress Monitoring Form. Use provided format or one with required content.

Data to Used	
<input type="checkbox"/>	Behavior Count
<input type="checkbox"/>	Student Observations
<input type="checkbox"/>	Student Self-Evaluation
<input type="checkbox"/>	Teacher/Parent Communications (e.g. daily behavior sheets)
<input type="checkbox"/>	Team meeting
<input type="checkbox"/>	Other (specify)

Plan Evaluation Schedule

How often will the BIP Support Team evaluate how the plan is working?



Appendix D

Comparison of EI and Preschool Special Education Program Components

Program Area	Early Intervention	Preschool Special Education
Purpose	Provides family centered services to meet the developmental needs of eligible children.	Provides special education and related services to meet the educational needs of identified preschool students with disabilities.
Lead Agency Responsible for the State Program	New York State Department of Health (DOH)	New York State Education Department (NYSED)
Eligible Children	Eligible children are infants and toddlers ages birth through age two years who, through a multidisciplinary evaluation, are identified as having a developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in developmental delay and meet the eligibility criteria established by the Department. Children who are found eligible for services under section 4410 of the Education Law by their third birthdays can remain in the Early Intervention Program (EIP) until they age out under section 2541(8) of the Public Health Law.	Eligible preschool students with disabilities ages three to five. A preschool student with a disability is identified because of mental, physical or emotional reasons, based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure and administered by a multidisciplinary team. (Section 200.1(mm)(1-2) of the Regulations of the Commissioner of Education)
Service Coordination	The Early Intervention Official (EIO) designates an initial service coordinator to assist the family in the child's evaluation and individualized family service plan (IFSP) development. The parent selects an ongoing service coordinator who is responsible for implementation of the IFSP, coordinates services, and assists the family in accessing other services and supports.	When a child's individualized education program (IEP) includes two or more related services only, the board of education must designate one of the service providers to coordinate the provision of services. If the IEP includes special education itinerant services (SEIS) and one or more related services, the SEIS provider is responsible for the coordination of services.
Cost to Families	No out-of-pocket costs to families. Third party insurance is billed if the insurer is subject to New York State Insurance Law.	No out-of-pocket costs to families. The use of third party payment (using Medicaid or private insurance) is at the discretion of parent(s)/guardian.
Service Availability	Services must be available all year.	Services must be available 180 days during the ten-month school year and at least 30 school days during July and August (when 12-month extended school year services are recommended for eligible children by the Committee on Preschool Special Education (CPSE)).
Evaluation	The multidisciplinary evaluation must include: <ul style="list-style-type: none"> • an evaluation/assessment of the child's level of functioning in the following developmental domains: physical development, including vision and hearing; communication development; cognitive development, social/emotional development; and, adaptive development. • a review of pertinent records related to the child's current health and medical status, with parental consent. 	The individual evaluation must include: <ul style="list-style-type: none"> • a physical examination • an individual psychological evaluation • a social history • an observation of the student • other appropriate assessments as necessary to ascertain the factors which contribute to the suspected disabilities • a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others.



Program Area	Early Intervention	Preschool Special Education
	<ul style="list-style-type: none"> • a parent interview about the family’s resources, priorities and concerns related to the child’s development and developmental progress. • an assessment of the child’s unique needs in each developmental domain. • an evaluation of the transportation needs of the child. <p>At the family’s option, a family assessment may be conducted.</p>	
Evaluators	Parent(s)/guardian choose an evaluator from a list of providers approved by the NYSDOH to provide early intervention evaluations.	Parent(s)/guardian choose an evaluator from a list of evaluators approved by the NYSED to provide preschool special education evaluations.
Written plan of services	<p>Individualized Family Service Plan (IFSP)</p> <p>A written plan is developed jointly by the IFSP team, which includes the parent, EIO, service coordinator, evaluator, and other participants invited by the parent.</p>	<p>Individualized Education Program (IEP)</p> <p>A written statement of the programs and services to meet the individualized needs of a preschool student with a disability, that is developed at a meeting of the CPSE, which includes the child’s parent, a regular education teacher, a special education teacher, parent member, the CPSE chairperson, an individual who can interpret instructional implications of the evaluation results and other persons having knowledge or special expertise regarding the child; and for a child in transition from EIP, at the request of the parent, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child.</p>
Review of Individual Programs	IFSP outcomes must be reviewed at six-month intervals and more frequently if needed. The IFSP must be evaluated annually to determine the degree to which progress toward achieving the outcomes is being made and whether or not there is a need to amend the IFSP to modify or revise the services being provided or the anticipated outcomes.	Progress in meeting IEP goals must be reviewed by the CPSE at least annually. The CPSE, with the parent(s), describes in the IEP measurable goals, including short-term and long-term goals, and the manner and schedule for the parent(s) to be informed of the students' progress, at least as often as parent(s)/guardian are informed of non-disabled students' progress. A parent and the school district may agree not to convene a meeting of the CPSE to make changes to the IEP and may develop a written document to amend or modify the child’s current IEP.
Services	Services designed to meet the developmental needs of eligible children and the needs of families related to their children’s development, including but not limited to, special instruction, physical therapy, occupational therapy, speech therapy, social work, family counseling, family training, family support groups, psychological services, vision services, and nutrition services, as agreed to by participants in the IFSP meeting.	Special education programs including special education itinerant teacher services, special classes in an integrated setting and special classes and/or related services. Related services include, but are not limited to physical therapy, occupational therapy, speech therapy, parent counseling and training, assistive technology and psychological services.
Where	In natural environments, which include the child’s home and settings where children under three years of age are typically found including day care centers, and family day care homes.	In the least restrictive environment (LRE) where age-appropriate peers without disabilities are typically found in a setting as close as possible to the student’s home.



Appendix E

Testing Accommodation Decision-Making Tool for “Tests Read”

The chart below may be used by school personnel to facilitate collaborative decision-making related to the recommendation of “tests read” (via human reader or technology) as a testing accommodation for students with disabilities in grades 3 through 8. The questions in this tool should be considered each time a student’s individualized education program (IEP) or Section 504 Accommodations Plan (504 plan) is reviewed to determine the appropriateness of this accommodation. After completing the chart, check the box below indicating the recommended testing accommodation for the Committee on Special Education (CSE) or Section 504 Committee to review and consider when developing the student’s IEP/504 plan. This tool is for local use, only. Do not submit this form to the New York State Education Department (NYSED).

Student:	Date:			
Persons Involved in Decision-Making:				
Questions	YES	NO	N/A	Comments/Evidence
Is there evaluative information indicating that, even after explicit and systematic reading instruction, the student’s disability precludes or severely limits the student’s ability to decode print?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the student been provided systematic, explicit, research-based reading intervention(s) to improve decoding skills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is blind or visually impaired, is he or she learning to read braille?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is blind or visually impaired, has it been determined that his or her disability precludes or severely limits the ability to access and/or develop proficiency in braille?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the student is deaf or hard of hearing, is there evidence demonstrating that the student’s disability precludes or severely limits his or her ability to decode printed text (possibly due to other co-occurring disabilities or long-term language deprivation in early childhood)?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence that the student’s access to and/or performance on print-based tasks improves when information is presented to the student in auditory formats (by way of human reader or the use of assistive technology)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the student use read-aloud accommodations during instruction and/or classroom testing (by way of human reader or the use of assistive technology)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the student provided instructional materials in auditory formats?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the student provided input to inform specific recommendations related to the “tests read” testing accommodation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are there additional considerations for recommending “tests read” for this student, specific to his or her unique disability-related needs? If so, explain in the space below:				

*If the answer to this question is “YES”, and the student also understands sign language, the CSE may consider recommending a sign language interpreter to translate text if appropriate to the needs and skills of the student.

Check the recommendation that is most appropriate in meeting the needs of this student:

- “Tests read” is not an appropriate testing accommodation for this student.**
- “Tests read” should be recommended for this student on State and local tests, except tests of reading comprehension.**
- “Tests read” should be recommended for this student on all State and local tests, including tests of reading comprehension.

**These recommendations indicate that the Grades 3-8 ELA Assessments will not be read to the student.



Appendix F

Prior Written Notice

ELMIRA HEIGHTS CENTRAL SCHOOL DISTRICT
 COMMITTEE ON SPECIAL EDUCATION
 2083 COLLEGE AVENUE
 ELMIRA HEIGHTS, NY 14903

**Prior Written Notice
 (Notice of Recommendation)**

Date: _____

Dear Parent or Guardian of _____

Student's DOB: _____

The purpose of this notice is to inform you, in writing, of the school district's recommendation(s) regarding the identification, evaluation, educational placement and/or provision of special education services to your child.

SUBJECT OF THIS NOTICE: ~~Distance Learning Plan Notification~~

DESCRIPTION OF ACTION PROPOSED OR REFUSED:

~~Implementation of the enclosed Distance Learning Plan per review you completed with your student's special education case manager.~~

EXPLANATION OF WHY THE ACTION IS PROPOSED OR REFUSED:

~~These actions are done as a result of fully virtual programming required by state.~~

DESCRIPTION OF EACH EVALUATION PROCEDURE, ASSESSMENT, RECORD, OR REPORT USED IN THE DECISION TO PROPOSE OR REFUSE THE ACTION:

~~-record review
-IEP review
-building specific virtual learning programming~~

FOR AN INITIAL OR REEVALUATION - DESCRIPTION OF THE PROPOSED INITIAL OR REEVALUATION AND THE USES TO BE MADE OF THE INFORMATION:

~~N/A~~

DESCRIPTION OF ANY OTHER OPTIONS CONSIDERED AND THE REASONS WHY THOSE OPTIONS WERE REJECTED:

~~N/A~~

DESCRIPTION OF OTHER FACTORS THAT ARE RELEVANT TO THE PROPOSED OR REFUSED ACTION:

~~N/A~~



YOU HAVE PROTECTION UNDER THE PROCEDURAL SAFEGUARDS OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION.

- A copy of the Procedural Safeguards Notice is enclosed.
- A copy of the Procedural Safeguards Notice may be obtained by: Accessing the Special Education page on the district's website at www.heightsschools.com or by calling the Student Services Office at (607) 733-8039.

SOURCES YOU MAY CONTACT TO OBTAIN ASSISTANCE IN UNDERSTANDING THE SPECIAL EDUCATION PROCESS:

Megan Molina, CSE/504 Chairperson, Elmira Heights School District
2083 College Ave, Elmira Heights, NY 14903
607-733-8039

Parent Technical Assistance Center, c/o Southern Tier Independence Center
135 E. Frederick St., Binghamton, NY 13904
607-724-2111 ptac@stic-cil.org

Southern Tier Independence Center (STIC)
135 East Frederick St., Binghamton, NY 13904
607-724-2111 (Voice/TTY), 607-772-3600 (FAX)
1-877-722-9150 (toll-Free), 607-238-2694 (VP)
<http://www.stic-cil.org/ecdc.html>

ADDITIONAL INFORMATION RELATED TO THE SUBJECT OF THE NOTICE:

N/A

You have the right to address the Committee, either in person or in writing, on the appropriateness of the Committee's recommendations. If you have any questions or would like to request a meeting to further discuss information contained in this notice, please contact Megan Molina, CHR at (607) 733-8039.

Sincerely,

Megan Molina, CHR

Enclosures:



APPENDIX G

Chapter 408 Summary: IEP Distribution and Review

Chapter 408 Summary: IEP Distribution and Review

- ❖ You are signing that you have been informed, prior to implementation of the IEP, of your responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP and
- ❖ you have electronic access or received a copy of the IEP for each student listed below and that you are aware of how to access the IEP through IEP Direct or Cleartrack and
- ❖ you have been informed that the contents of the IEPs must be reviewed with all paraprofessionals who provide service to the student. This includes all classroom and IEP-mandated paraprofessionals. You are advised to ensure that all paraprofessionals who work under your direction understand the needs of the student as it relates to their role as paraprofessionals and to review the IEP with them on an ongoing basis.
- ❖ you have been informed that student IEPs must remain confidential and should not be disclosed to any other person(s) consistent with the school district's policy for ensuring confidentiality of student records.
- ❖ IEPs must be kept in a secure locked location.

Student Name:	School Year:	Current IEP Date:	School: Grade:
Program and Services:		Signature of Primary Provider/Principals:	
Print Name of teacher or related service provider:	Role/Relationship to student: (i.e.: counselor, phys. Ed, math teacher etc)	Date & Indicate <u>C</u> (copy of IEP) or <u>A</u> (electronic access):	Signature:

The completed form must be maintained in the student's confidential file in the school building. This distribution process must be completed and is repeated throughout the year at any time a new IEP is developed.

FYI: Chapter 408 Information Overview

Providing Copies of IEPs to Teachers and Related Services Providers and Informing School Personnel of Their IEP Implementation Responsibilities

The IEP describes the school's obligation to provide specially designed instruction, related and other support services to students with disabilities. In order for students to achieve the full benefit of the IEP planning process, school personnel with responsibility for implementing the IEPs of students with disabilities must understand their responsibilities and have students' IEPs readily available to them. State Education Law and the Regulations of the Commissioner of Education were recently amended to require that this occur.

Accordingly, the principal shall implement procedures to ensure that

1. Each general education teacher, special education teacher and related service provider who is responsible for implementing the student's IEP is provided a paper or electronic access of the IEP prior to implementation of such IEP.
 - a. Every teacher responsible for implementing a service, accommodation and/or program modification on a student's IEP must receive a copy or electronic access of the IEP.
 - b. The determination of which teachers must be provided a copy or electronic access of the IEP should be made at the IEP meeting for such student.
 - c. Teachers of declassified students who continue to receive accommodations, modifications and/or other support services must receive a copy of the student's last IEP.
2. Each paraprofessional responsible for assisting in the implementation of a student's IEP is provided the opportunity to review a copy of the student's IEP prior to implementation of such program.
3. Each paraprofessional responsible for assisting in the implementation of a student's IEP has ongoing access to a copy of the IEP. Such copy may be
 - a. the copy provided to the student's special education teacher;
 - b. the copy provided to the teacher or related service provider under whose direction the paraprofessional or teacher's aide works; or
 - c. a copy maintained in another location in the school building that is readily accessible to the paraprofessional.
4. **Each general education teacher, special education teacher, related service provider, paraprofessional, and other support staff has been informed, prior to implementation of the IEP, of his or her responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP.**
 - a. The principal shall designate an individual who is an employee of the NYCDOE and who is familiar with the contents of the student's IEP, such as the Instructional Support Specialists, a school psychologist or a teacher, to ensure that appropriate staff is so informed.
 - b. Any teachers and/or related service providers who were present at the meeting at which the IEP was finalized shall be assumed to be familiar with the contents of the IEP and of their specific duties in implementing the IEP.
 - c. In order to provide flexibility to address administrative, supervisory, timeliness, workload responsibilities, unique needs of the student and other issues, more than one individual can be designated. For example, the principal could designate the special education teacher to inform paraprofessionals, the school psychologist to inform related service providers, him or herself to inform general education teachers, and/or related service providers to inform paraprofessionals who assist in the implementation of a related service.
5. A copy of the IEP is provided at no cost to the student's parents.
 - a. If the IEP is finalized at a school level IEP meeting, the student's parents shall be provided a copy at the conclusion of the meeting.
 - b. If the IEP is finalized at the Regional Committee on Special Education, the Regional Chairperson is responsible for ensuring that a copy of the student's IEP is provided to the student's parents and the principal of the school that the student attends.
6. Student IEPs remain confidential and are not disclosed to any other person(s) consistent with the school district's policy for ensuring confidentiality of student records.
 - a. All persons who receive copies of IEPs or have access to IEPs must be instructed regarding their legal obligation to maintain the confidentiality of student records.
 - b. Personally identifiable information in a student's education records, including the student's IEP, may be disclosed to school personnel with "legitimate educational interests."
 - c. School personnel responsible for implementing a student's IEP have a "legitimate educational interest" in accessing the IEPs of the students they serve.
 - d. Teachers and related service providers who receive a copy of a student's IEP shall not disclose personally identifiable information from the IEP without consent of the parent.



APPENDIX H

A PARENT’S GUIDE: Special Education in New York State for Children Ages 3–21
<http://www.p12.nysed.gov/specialed/publications/policy/parentsguide.pdf>

A RESOURCE TO SPECIAL EDUCATION SUPPORT SERVICES: From Birth to Third Grade
<http://www.p12.nysed.gov/earlylearning/documents/AResourcetoSpecialEducationSupportServices.pdf>

CONTINUUM OF SPECIAL EDUCATION SERVICES FOR SCHOOL-AGE STUDENTS WITH DISABILITIES
<http://www.p12.nysed.gov/specialed/publications/policy/schoolagecontinuum.pdf>

PROCEDURAL SAFEGUARDS NOTICE: New York State Education Department Procedural Safeguards Notice July 2017 Rights for Parents of Children with Disabilities, Ages 3-21
<http://www.p12.nysed.gov/specialed/formsnotices/documents/NYSEDProceduralSafeguardsNoticeJuly2017v2.pdf>

REGULATIONS OF THE COMMISSIONER OF EDUCATION: Pursuant to Sections 207, 3214, 4403, 4404 and 4410 of the Education Law. Part 200 Students with Disabilities and Part 201 Procedural Safeguards for Students with Disabilities Subject to Discipline
<http://www.p12.nysed.gov/specialed/lawsregs/documents/regulations-part-200-201-oct-2016.pdf>

TESTING ACCOMODATIONS FOR STUDENTS WITH DISABILITIES: Policy and Tools to Guide Decision-Making and Implementation
<http://www.p12.nysed.gov/specialed/publications/documents/testing-accommodations-guide-feb-2018.pdf>