

# **SPECIAL EDUCATION PROGRAM PLAN FOR OXFORD ACADEMY AND CENTRAL SCHOOLS**



## **PRACTICES AND PROCEDURES FOR ASSURING APPROPRIATE EDUCATIONAL SERVICES IN EVALUATION AND PLACEMENT OF STUDENTS WITH DISABILITIES**

Updated December 2018 by Dawn A. Hover, Director of Special Programs

## **AVAILABILITY OF COPIES OF THIS:**

***The District Special Education Plan is on file for review in the District Office and the Special Education Office.***

## **SPECIAL EDUCATION PROGRAM OBJECTIVES**

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

- To ensure the establishment of a plan with building principals for implementing school-wide approaches and pre-referral interventions or response to interventions in order to remediate a student's performance prior to referral to special education.
- To provide a free appropriate education in the least restrictive environment for resident children between the ages of three and twenty-one or until a regular high school diploma has been achieved by the student, whichever occurs first.
- To ensure that students with disabilities have the opportunity to participate in District programs to the maximum extent appropriate to the need of each student, including access to general education curriculum and extracurricular programs and activities, which are available to all other students enrolled in the schools in the District.
- To establish a Committee on Preschool Special Education (CPSE), a Committee on Special Education (CSE) and an appropriate subcommittee on Special Education for the purpose of evaluating students suspected of having disabilities and for placement of students with disabilities in appropriate programs. The CPSE and CSE will monitor the progress of all students with disabilities and will report monthly to the Board of Education regarding the status of where students are at by location, by grade, and by disability.
- To ensure effective communication and collaboration between the Committee on Special Education, the Committee on Preschool Special Education, school staff and District administrators, and parents
- To ensure that parents are advised of their due process rights and to establish procedures in this regard.
- To ensure that each preschool student with a disability residing in the District has the opportunity to participate in an appropriate preschool program or services.
- To provide for the establishment of administrative practices and procedures to ensure that parents have received and understand the request for consent for evaluation of a preschool student.
- To ensure the establishment of administrative policies, practices and procedures to implement the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in and progress in the general education curriculum.
- To provide the personnel, space, and material resources necessary for the implementation of a continuum of programs and services to meet the

academic, social, physical and management needs of students with disabilities.

- To provide, to the greatest extent appropriate, accommodations, and/or modification of instruction and materials to enable students with disabilities to benefit from instruction within the general education setting, whenever appropriate.
- To ensure that students with disabilities have access to the full range of general education programs and services to the extent appropriate to their individual needs and to provide them appropriate opportunities to earn a high school diploma in accordance with the Regulations of the Commissioner of Education.
- To ensure that instructional materials used in the schools are available in an alternative format for a student with a disability, in accordance with the student's educational needs.
- To ensure that a discipline code for student behavior is in place, while protecting the rights to continuity of appropriate education for students with disabilities.
- To ensure the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school-age students with disabilities.
- To provide professional development for all personnel who work with students with disabilities in order to assure that they have the skills and knowledge necessary to meet the unique needs of these students.
- To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
- To ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.
- To ensure the establishment of guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of students with disabilities in the administration of District-wide and State assessments.
- To ensure that universal design principles are used, to the extent feasible, in developing and administering any District wide and State assessment programs.
- To ensure that students who reside in the District have received the protection of all other applicable State and Federal laws and regulations.

### **IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS**

In accordance with IDEA and Part 100, 117, and 200 of the Commissioner's Regulations, the District must develop a policy and implement a plan to establish pre-referral interventions to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the school's principals and building level student support teams (SST) to investigate all possible avenues of general

education support services that would enable the student to achieve the learning standards. SST provides a collegial format for meaningful discussion, brainstorming, and development of plans concerning how best to meet students' attendance, behavioral, academic, and/or health needs. Such services may include, but are not limited to, appropriate instruction in reading, writing, and mathematics, behavioral supports and interventions, screenings, benchmarking, and progress monitoring to determine the student's rate of learning relative to age/grade level standards or criterion-referenced benchmarks. Services are meant for all students at risk to be preventive, proactive, high efficiency, research-based interventions, small group and/or individual, assessment-based, and high intensity. These services must be afforded to all students who do not meet the minimum designated standards on NY State assessments, and to English Language Learners (ELL) who do not achieve the annual performance standards set in Commissioner's Regulations, Part 154. Supplemental instruction (AIS/RTI) in English language arts, math, social studies, and science, as well as support services to deal with barriers to student progress such as attendance, discipline, health, nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate state assessments or who score below the state designated performance levels on any one of the state examinations required for graduation.

All school-wide approaches to provide remediation for students who are at risk of not meeting state standards or graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include, but are not limited to, extra teacher and regular education programs or teacher assistant support, student or volunteer tutorial assistance, counseling, positive behavioral strategies, PT, OT, Speech, and agency involvement. The principal, or designee, shall notify each student's parents whenever AIS/RTI is provided. These school-wide approaches serve as pre-referral interventions prior to consideration of special education programs through the CSE.

The referral form(s) to the CSE from the SST will describe and document, in writing, intervention services, core programs or instructional methodologies, including any supplementary aids or support services provided to increase the student's rate of learning, data, and parent notification. The principal and/or building level SST shall maintain a record of all pre-referral interventions implemented and the response for each student, who provided them, and for how long they were implemented. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

Within ten days of receipt of referral to the CSE, the building administrator under Part 100 may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, speech and language improvement services, occupational therapy improvement services, physical therapy improvement services, other academic intervention/RTI services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At

this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student, if appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided, as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timelines of the CSE will be maintained.

These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services, but shall be used to assess the ability of the student to benefit from general education services as mandated in Part 100.

Refer to the AIS/RTI Plan on file with the district.

## **DEFINITIONS**

Students with disabilities are those whose special needs are significant enough to warrant provisions of special educational services in accordance with an individualized program. Effective October 30, 1990, Congress substituted the term "children with disabilities" for the term "handicapped children" in the Federal law establishing access to fair procedures and appropriate placements.<sup>1</sup>

*The following statutory and regulatory definitions are controlling:*

The term "**student with a disability**" means a student with a disability, who has not attained the age of 21 prior to September 1<sup>st</sup> 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 of Education. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is

- lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- lack of instruction in math; or
- limited English proficiency.

The term "**all students**" applies to every student listed on the registry of the District. The term "**special education**" means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the needs of students with disabilities.

- Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
- Such instruction includes specially designed instruction in physical education, including adapted physical education.

The term “***specially-designed instruction***” means adapting, as appropriate to the needs of an eligible student under this Part, the content, methodology, or delivery of instruction to address the needs that result from the student’s disability, and to ensure access of the student to the general education curriculum, so that he or she can meet the educational standards that apply to all students.

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

The term “***special services or programs***” may include:

- Special classes, transitional support services, resource room, related services, consultant teacher services and home instruction.
- Contracts with other Districts for special services or programs.
- Contracts for special services or programs provided by Boards of Cooperative Educational Services (BOCES).
- Appointment by the Commissioner to a state or state-supported school in accordance with Article 85, 87, or 88 of New York State law.
- Contracts with private non-residential schools, which have been approved by the Commissioner and which are within the state.
- Contracts with private non-residential schools, which have been approved by the Commissioner and which are outside of the state.
- Contracts with private residential schools, which have been approved by the Commissioner and which are within the state.
- Contracts with private residential schools, which have been approved by the Commissioner and which are outside of the state.
- Provision of educational services in a residential facility for the care and treatment of students with disabilities under the jurisdiction of a state agency other than the state Department of Education.
- Contracts for residential or non-residential placements with a special act District listed in Chapter 566 of the Laws of 1967.
- Contracts with New York State approved and funded schools (Article 89).

“*Related services*” means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language services, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, orientation and mobility services, medical services as defined in this section, parent training, school health services, school social work (if applicable), assistive technology services, other appropriate developmental or corrective support services, and appropriate support services and includes the early

identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, or the replacement of such device.

**Additional Definitions:**

- *“Business day”* means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).
- *“Change in placement”* means a transfer of a student to or from a public school, BOCES, or schools enumerated in articles 81, 85, 87, 88, or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student with a disability from the student’s current education placement under Education Law 3214, change in placement is defined in Part 201 of the Regulations of the Commissioner of Education (October 2008)
- *“Committee on Special Education”* (CSE) means a multidisciplinary team established in accordance with the provisions of Section 4402 of the NYS Education Law and Part 200 of the Commissioner’s Regulations.
- *“Committee on Preschool Special Education”* (CPSE) means a multidisciplinary team established in accordance with the provisions of Section 4410 of the NYS Education Law and Part 200 of the Commissioner’s Regulations.
- *“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).
- *“General education curriculum”* means the same curriculum for all students, including students with disabilities.
- *“Individualized Education Program”* (IEP) means a written statement, developed, reviewed and revised in accordance with Section 200.4 of the Commissioner’s Regulations, which includes the specified components to meet the unique educational needs of a student with a disability.
- *“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. *“Days”* means calendar days unless otherwise indicated as school day or business day.

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

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

## **SCHOOL CALENDAR**

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

## **LEAST RESTRICTIVE ENVIRONMENT (LRE)**

The District provides a wide continuum of services, ranging from placement in residential settings to placement in general education classes with support and related services. The District is committed to the policy of placing students in the least restrictive environment consistent with their needs.

*“Least Restrictive Environment”* means that the placement of students with disabilities in special classes, separate schools or other removal from the 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. The following guidelines apply:

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

## **PROCEDURES TO IMPLEMENT LRE REQUIREMENTS**

- The student will receive a comprehensive, nonbiased, individual evaluation in his or her dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student’s eligibility, the CSE shall not determine a student to be a student with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies; lack of instruction in math; or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications



- to special education services are needed to enable the student to participate, as appropriate, in the general education curriculum.
- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program, including academic intervention services and educationally related support services, have been considered and documented.
  - A student's educational program will be developed with the meaningful involvement of the student's parent or guardian, teacher, and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that not less than one of the student's regular education teachers must be a member of the CSE (if the student is, or may be, participating in the regular education environment). In addition, the representative of the District qualified to provide or supervise the provision of special education services must be knowledgeable about the general education curriculum and the availability of resources of the District. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
  - The CSE or CPSE will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general education curriculum; or for preschool students, how the disability affects the child's participation in appropriate activities.
  - The IEP will include measurable annual goals, including benchmarks or short-term objectives only for preschool students and students eligible for the New York State Alternate Assessment. These measurable annual goals must relate to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum and meeting each of the student's other educational needs that result from the disability.
  - Alternative placements, such as special classes, special schools or other removal from the general education environment, will be considered only when the CSE/CPSE determines that a student's education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.
  - The IEP of the student will include an explanation of the extent, if any, to which the student will not participate in regular education programs.
  - The parent or guardian and the Board of Education will be provided a recommendation from the CSE/CPSE, which describes the program and placement options considered for the student and a rationale for those options not selected.
  - The CSE/CPSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic achievement, functional performance and learning

characteristics, social development, physical development and management needs.

- The CSE/CPSE will conduct an annual review of the student's needs for continuation or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

The Oxford Academy and Central School District is committed to placing students in the least restrictive environment consistent with their needs. The District provides the continuum of services as described in the Commissioner's Regulations with the exception of Integrated Co-Teaching.

### **SIMILARITY OF NEEDS**

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

- 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, learning style, student strengths, preferences, interests, academic, and developmental and functional needs, including consideration of concerns of the parent.
- Social Development – The extent and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community, student strengths, and social development needs of the student, including consideration of concerns of the parents.
- Physical Development – The extent or quality of the student's motor and sensory development, health, vitality and physical skills or limitations which pertain to the learning process, student strengths, and physical development needs of the student, including consideration of concerns of the parents.
- Management Needs – The type and extent to which environmental and human or materials resources are needed to address the needs identified above.

### **PROVISION OF APPROPRIATE SPECIAL EDUCATION SERVICES TO ENABLE INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM**

All students with disabilities who reside in the District shall be provided with an appropriate Individual Education Program (IEP) that meets his or her educational needs as determined and recommended by the Committee on Special Education

(CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written measurable annual goals.

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

The District will ensure equal access to a diploma for all students with disabilities through its establishment of Regents classes, consultant model and/or resource room classes and special education classes that provide equivalent instruction. Appropriate academic intervention services/ RTI shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires an alternative assessment (Skills and Achievement Credential) program. If the student has the potential to achieve a regular high school diploma but requires a restrictive environment outside the District, the CSE will seek placement in a program that provides equivalent instruction in a local BOCES first.

The District will also ensure equal access for students with disabilities to after school activities such as clubs, sports, or evening activities and will provide, as recommended by the CSE, appropriate services to enable this participation. Students, who are receiving education in out-of-district facilities, as recommended by the CSE, shall also have an equal opportunity to participate in these activities if eligible.

## **CSE AND CPSE APPOINTMENT AND TRAINING**

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Special Education (CSE), a Subcommittee on Special Education, and a Committee on Preschool Special. Major functions of the CSE and CPSE include:

- Identifying, evaluating, and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided for each student;
- Maintaining an annually revised register of all students with disabilities who reside in the District and who are eligible to attend preschool or public school during the coming school year;
- Establishing a network for communication and sharing of resources with other educational and community service agencies;
- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the District, and, for preschool students, by public and private agencies within the County of Chenango;
- Reporting to the State Education Department on the number of preschool students, if any, within the District who are not receiving appropriate preschool services and the reasons for any such lack of service.

## **RESPONSIBILITIES**

The Committees have the responsibility to ensure that all necessary procedures for the identification, evaluation, classification, placement and annual review of the status and progress of every student with a disability are carried out in accordance with federal and state law and regulations. Subcommittees are authorized to perform the functions of the Committee on Special Education except when a student is considered for a more restrictive environment or initial placement in:

- a special class; or
- a special class outside of the student's school of attendance; or
- a school primarily serving students with disabilities in a school outside the student's District.

The CSE is responsible for oversight and monitoring of the activities of the subcommittee to assure compliance with federal and state law and regulations.

- conducting District-based training and participating in CSE/CPSE training provided by the New York State Education Department/BOCES/outside agency;
- providing copies of written guidelines pertaining to District practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- utilizing Region Special Education Technical Assistance Support Center (RSE TASC) as a training resource; and
- utilizing the District's attorney as a resource person

## **STAFF DEVELOPMENT**

As part of an ongoing effort to assist special and general education teachers to better understand the needs of students with special needs, staff development plays a critical role in preparing teachers to work with diverse learners. In addition to staff meetings, in-service workshops at BOCES or through other agencies, Superintendent's Conference Days, as well as individual meetings between special and general education teachers, the State Education Department has directed Districts to include, as part of its professional development plan, a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities. Oxford Academy has a program of professional development for its personnel and each building has a LINKS/CDEP plan that is updated annually.

Refer to Professional Development Plan in the district.

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

At its yearly reorganization meeting, the Board of Education shall appoint a Committee on Preschool Special Education comprised of at least the following mandated members:

- the parents of the preschool child (parents are invited several times but may choose not to come to the meeting);
- one general education teacher of the child if the child is, or may be, participating in the general education environment;
- one special education teacher or related service provider of the child;
- the Director of Special Programs/CPSE Chairperson who is a representative of the District qualified to provide, or supervise the provision of specially-designed instruction to meet the unique needs of students with disabilities who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency;
- an additional parent called a parent member (only when specifically requested by the parent);
- for a child in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program; and
- a representative of the municipality is invited to attend

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, including outside evaluations and reports with the Committee. Meetings of the CPSE are held in the Special Education Conference Room in the Middle School or the Conference Room in the Primary School, as needed, throughout the school year and summer months.

### **CPSE Eligibility Criteria**

“Preschool Student with a Disability” refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the District. To be identified as having a disability, a preschool student shall either:

- exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor development which adversely affects the student’s ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student’s performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:
  - a 12-month delay in one or more functional area(s), or
  - a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas, or
  - if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviation below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
- meet the criteria set forth in Commissioner’s Regulations for students who are identified with Autism, Deafness, Deaf-Blindness, Hearing Impairment, Orthopedic Impairment, Other Health Impairment, Traumatic Brain Injury, or Visually Impairment.

“First Eligible for Services” is the earliest date on which a student becomes eligible for services as defined in current regulations. A student first becomes eligible for preschool programs and services on January 2<sup>nd</sup> of the calendar year in which the student becomes 3 years of age, provided the student’s birthday falls before July 1<sup>st</sup>, otherwise, a student first becomes eligible on July 1<sup>st</sup> in the calendar year, except that a student who, as of his or her 3<sup>rd</sup> birthday is already receiving services pursuant to the Family Court Act or Section 4204-a of the Education Law, may, if the parent so chooses, continue to receive such services through August 31<sup>st</sup> of the calendar year in which the student first becomes eligible to receive services pursuant to Section 4410 of the Education Law. A student shall be deemed to be a preschool student with a disability through the month of August of the school year in which the student first becomes eligible to attend school.

### **CPSE Referral**

The Committee on Preschool Special Education (CPSE) is responsible for arranging for an evaluation of any student who is suspected of having a disability

with a county approved evaluation site, who meets the age eligibility requirements specified in the Regulations, and is a resident of the District. The evaluation process begins when a written request for evaluation made by either:

- the child's parent or person in parental relationship;
- a designee of the school district in which the student resides, or the public-school district the student legally attends or is eligible to attend;
- the commissioner or designee of a public agency with responsibility for the education of the student; and/or
- a designee of an education program affiliated with a child care institution with committee on special education responsibility pursuant to section 4002(3) of the Educational Law.

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

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

The referral can be made at any time during the school year and should specify the extent to which the preschool student has received any services prior to referral. When the Director of Special Programs receives a referral, the Director will notify the parent describing the evaluation procedures and request parental consent for the evaluation. A list of County approved evaluation sites will be provided to the parent. Translations will be provided as needed. The district maintains a listing from Chenango County for all evaluation sites and providers that have contracted with the county for this purpose.

### **CPSE Withdrawal of Referral**

Written consent of the parent or guardian is required prior to initiating an evaluation for a student who has not previously been identified as having a disability. In the event that parent permission is withheld, the parent shall be given the opportunity to attend an informal conference with a designated professional most familiar with the proposed evaluation. If, at this meeting, the parent decides that the referral is not warranted, the referral shall be withdrawn since CPSE services are voluntary and not mandatory on the part of the parent.

### **CPSE Evaluation and Recommendation**

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

The CPSE evaluation has to be completed within 60 calendar days and a meeting held. The initial evaluation does not apply if the parent repeatedly fails to make the student available for the evaluation. Services have to start no later than 30 school days from the CPSE recommendation and within 60 school days from receipt of consent to evaluate.

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

- a physical examination in accordance with sections 903, 904, and 905 of Educational Law;
- an individual psychological examination;
- an observation;
- a social history; and
- other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors that contribute to the suspected disabilities.

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

The CPSE will arrange for specialized evaluations where necessary and justified. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, cognitive examinations, speech, fine motor, gross motor, audiological evaluations, visual evaluations, and assistive technology assessments. When completed, the evaluation reports will be submitted to the Director of Special Programs and a CPSE meeting will be scheduled. The parents will be provided with a copy of the summary reports. The results of the evaluation will be provided to the parent in their native language or other mode of communication used by the parent, unless it is not feasible to do so.

Reasonable measures will be made to ensure that the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior to advising them of the meeting. The parent may elect to receive the notice of meetings by an electronic mail (e-mail) communication if the District makes this option available.
- At least one additional attempt is made to notify the parents. This may mean additional written notice or a telephone call.



- The parent and the District may agree to use alternative means of meeting participation, such as conference telephone calls.

Prior written notice developed in accordance with Part 200 Commissioner's Regulations, will be provided to the parents of a student with a disability a reasonable time before the District proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

Prior to making any recommendation that would place a child in an approved program of the agency that conducted the initial evaluation, the committee may, at its discretion, obtain a second evaluation of the child from another approved evaluator if they deem necessary.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student. If the Committee determines the student is ineligible for the special education, written notification will indicate the reasons for the finding. If the Committee determines that a student has a disability, an Individualized Education Program (IEP) is prepared, which specifies the nature of the disability, the student's current levels of functioning, including how the disability affects the student's participation in age-appropriate activities, measurable annual goals, including benchmarks or short-term objectives, and the type of special education program and/or services recommended. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student.

If, for any reasons, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notice will also indicate that, in the event that the parent does not provide consent for placement, no further action will be taken by the CPSE until such consent is obtained. Participation in services at this level is voluntary on the part of the parent/guardian.

### **CPSE Placement**

Upon receipt of the CPSE's recommendation, the Board of Education will arrange for the student to receive appropriate special programs and services through the Director of Special Programs. Services will not be provided without parental consent but if the parent disagrees with the recommendation of the Board, he/she may request special education mediation or an impartial hearing review and may appeal the decision to the Commissioner of Education. Review of placement decisions will be conducted in accordance with the same rules of procedural due process applicable to the placement of school-aged students. The parent may also obtain an independent educational evaluation at public expense.

Placement in an approved program or service will take place as soon as possible following Board approval. Services have to start no later than 30 school days from the recommendation of the committee or 60 school days from receipt of consent to evaluate. It is the responsibility of the Director of Special Programs to arrange for all services/providers and to notify the county representative of who is providing the services and to fill out the appropriate forms for the county and evaluation site to be reimbursed for the evaluation. If the Board of Education disagrees with the Committee's recommendation, it may remand the recommendation back to the Committee for further review with notice to the parent and committee as to why. Timelines are still in effect and may cause the District to be out of compliance. Chenango County has contracts with available agencies and providers in the areas of SEIT, OT, PT, Speech, Counseling, and Integrated Preschool.

### **CPSE Annual Review**

An annual review is conducted for every preschool student who has been classified as having a disability. Annual reviews are usually held for preschool students in May and June of each year. The purpose of the annual review is to determine the appropriateness of each student's Individualized Education Program (IEP) and the need to continue or modify the student's preschool special education program/service. This review considers the educational progress and achievement, the student's ability to participate in instructional programs in regular education and continued eligibility for special education services. Parents will receive a written notice, at least five days prior to the meeting that indicates the time, date, location and persons expected to attend. Reasonable measures will be taken to ensure that the parent attends the meeting. This notice must also inform the parents that they may invite other persons to attend the meeting, who have knowledge or special expertise regarding the student.

### **CPSE CONTINUUM OF SERVICES**

The CPSE must consider the appropriateness of services to meet the student's needs in the least restrictive environment in the following order:

- related services only
- special education itinerant teacher services only (SEIT)
- related services in combination with special education itinerant teacher services
- an integrated special education preschool program

The Committee shall first consider providing special education services in a setting where age appropriate peers without disabilities are typically found. 12-month services may be considered to prevent substantial regression if the student presents with severe multiple disabilities, highly intensive management needs, need for habilitation and treatment in the home, and/or need for high degree of individualized attention.

## **RELATED SERVICES**

Related services, as defined in the Commissioner's Regulations, may include speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, educational audiology, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Related services are provided at a site determined by the Board of Education including, but not limited to:

- Universal Pre- Kindergarten or other preschool location
- a Head Start Program
- the worksite of the provider
- the student's home \*
- a hospital
- a state facility
- a childcare/daycare location as defined in section 4410 of Ed. Law

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

\*If the board determines that documented medical or special needs of the preschool student indicate that the student should not be transported to another site the student shall be entitled to receive related services in the preschool student's home.

## **SPECIAL EDUCATION ITINERANT TEACHER (SEIT) SERVICES**

Special Education Itinerant Teacher Services are services provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the Board of Education including, but not limited to:

- Universal Pre-Kindergarten or other preschool location
- the work site of the provider
- a Head Start program
- a student's home \*
- a hospital
- a state facility
- a childcare location

SEIT services are provided in one-hour increments, 2x/60 per week is the minimum.

The purpose of Special Education Itinerant Service is to provide direct and/or indirect service for preschool students with disabilities. The Family Enrichment Network from Johnson City NY is the only SEIT provider for Chenango County.

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

Special Education Itinerant Teacher Services are provided not less than two hours per week, and the total number of students with disabilities assigned to the special education teacher should not exceed 20.

Related services may be provided in addition to SEIT services in accordance with the student's IEP.

### **INTEGRATED SPECIAL CLASS**

This is a special class of preschool students which is staffed by at least one special education teacher and one paraprofessional. Family Enrichment Network provides an integrated preschool program for students for 3.5 hours per day.

### **SPECIAL CLASS (Half or Full Day)**

A special class is defined as a class consisting of students with the same disabilities who have been grouped together because of similar individual needs for the purpose of being provided a special education program in a special class. Springbrook and programs in the Binghamton area would be approved by the county for this type of class.

### **IN STATE RESIDENTIAL SPECIAL EDUCATION PROGRAMS AND SERVICES**

This program is seven days a week, for twelve months. Placements in residential programs must be approved by the Commissioner in accordance with the Commissioner's Regulations.

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

### **CSE MEMBERSHIP**

At its yearly (July) reorganization meeting, the Board of Education shall appoint a Committee on Special Education comprised of at least the following mandated members according to Part 200 of the Commissioner's regulations:

- the parents or persons in parental relationship to the student;
- not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- not less than one special education teacher or special education service provider of the student;
- a school psychologist;
- the CSE chairperson who is a representative of the District qualified to provide, or supervise the Provision of, specially-designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum and about the availability of the resources of the local educational agency;
- the school physician, if specifically requested in writing by the parent of the student or by a member of the school at least 72 hours prior to the meeting;
- an additional parent of a student with a disability (upon request only) who resides in the District or a neighboring District.
- other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the District or the parents shall designate; and
- if appropriate, the student. Students start participating once in the Middle School in their CSE meetings at least at grade 6 and on.

Consensus is the preferred decision-making process. Parents of the student being reviewed and other knowledgeable persons are encouraged to share information, including outside evaluations and reports with the Committee. Written notice of meetings is provided to the parents at least five days in advance of the meeting date. Meetings of the CSE are held in the CSE Conference Room in the Middle School, in the guidance conference room in the High School, and in the Special Education Conference Room in the Primary School, throughout the calendar year.

### **Membership of the Subcommittee on Special Education**

Subcommittees are utilized, as appropriate and in accordance with Commissioner's Regulations, to conduct reviews. The Subcommittee consists of the following members appointed by the Board of Education:

- the parents or persons in parental relationship to the student;
- not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
- not less than one special education teacher, or where appropriate, not less than one special education service provider of the student;

- the Subcommittee Chairperson who is a representative of the District who is qualified to provide, administer or supervise special education and who is knowledgeable about the general education curriculum and who is knowledgeable about the availability of resources of the District; and
- the student, if appropriate.

Therefore, no parent member is required and the school psychologist does not need to attend if it is not a reevaluation meeting or a more restrictive environment recommended for the student.

### **Definitions: “Student with a Disability” -13 Categories**

The term “student with a disability” includes the following classifications categories in Part 200:

(1) *Autism* means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in the definition of *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.

(2) *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student’s educational performance.

(3) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(4) *Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student’s educational performance:

- (i) an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (iii) inappropriate types of behavior or feelings under normal circumstances;
- (iv) a general pervasive mood of unhappiness or depression; or
- (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

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

(5) *Hearing impairment* means impairment in hearing, whether permanent or fluctuating, which adversely affects the child's educational performance but that is not included under the definition of deafness in this section.

(6) *Learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. This term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

(7) *Mental retardation* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.

(8) *Multiple disabilities* means concomitant impairments (such as mental retardation, blindness, mental retardation-orthopedic impairments, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

(9) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

(10) *Other health-impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.

(11) *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance.

(12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical

functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

(13) *Visual impairment including blindness* means impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

1 Legal Reference: Regulations of the Commissioner of Education, Section 200

### **CSE Referral**

In accordance the Commissioner's Regulations, the CSE is responsible for evaluating all school-age students suspected of having a disability, identifying a disability or determining that no disability exists, and recommending placement and type of special education programs and/or services within 60 calendar days of the date of receipt of consent for evaluation. Referrals can be made at any time during the twelve-month year though most are made through the 10-month school year.

A student suspected of having a disability that substantially affects his/her education shall be referred in writing to the chairperson of the CSE or to the building administrator of the school which the student attends or is eligible to attend for an individual evaluation and determination of eligibility for special education programs or services.

A referral for initial evaluation may be made only by:

- a student's parent, guardian or person in parental relationship including an individual so designated who is acting in the place of a birth or adoptive parent including a grandparent, stepparent, or other individual with whom the child resides;
- the designee of the school district- Director of Special Programs; or
- the commissioner or designee of a public agency with responsibility for the welfare, health or education of children

A request for a 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, health or education of children; or
- a student who is 18 years of age or older, or an emancipated minor.

The referral must state the specific reasons for the referral and include any test results, records or reports upon which the referral is based. It must also describe efforts made by the school and parent to resolve the difficulties leading to referral or to meet the needs of the student in the general classroom setting, including intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral. If a referral is received by the building administrator, it must be forwarded to the Director of Special Programs



immediately. If a referral is received by the Director of Special Programs, a copy will be forwarded to the building administrator within five business days of its receipt for signing and to see if a prereferral meeting was held. The Committee will notify the parent or persons in parental relationship to the student that a referral for an evaluation has been received and will request consent for the evaluation. The parent will be provided with information regarding the evaluation, the procedural safeguards notice which includes a listing of free or low-cost legal and other relevant services in the area and sources to obtain assistance in understanding the referral and evaluation process. Translations are provided to assist parents as needed.

### **CSE Withdrawal of Referral**

Within ten business days following receipt of CSE referral or copy of a referral, the building principal should, if they have not met with the family prior, meet with the parent/guardian and/or student to discuss educational services presently being offered and to determine whether the student would benefit from additional general education support services as an alternate to special education, including the provision of Educationally Related Support Services, Speech/Language Services, and Academic Intervention Services. The professional staff member who made the referral should also attend this meeting. If at the meeting, the parent or person in parental relationship and the building administrator agree in writing that, with the provision of additional general education support services, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator shall provide the Director of Special Programs, the person who made the referral if a professional staff member of the District, the parent or person in parental relationship to the student, and the student, if appropriate, with copies of the agreement. All such agreements about withdrawal of a CSE referral must be in writing and must specify the alternative services to resolve the identified learning difficulty of the student and provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress. A copy of the agreement becomes a part of the student's cumulative educational record. A copy of the agreement must be in the native language of the parent or person in parental relationship.

If the referral to the CSE is not withdrawn by agreement, and the parent/guardian does not consent to the evaluation within thirty days of the date of receipt of referral, the Director of Special Programs shall document attempts made to obtain parental consent. The district is not in violation of its obligation to initially evaluate the child in these circumstances, it is not in violation of the requirement to make FAPE available for the child, and it is not required to have an IEP meeting. Parents can inform the school district in writing that they wish to revoke (take back) consent to provide special education and services and the district is not required to provide such services, use due process procedures, is not in violation of FAPE, is not required to have an IEP meeting, and is not required to

amend a child's educational records to remove any reference of special education or services because of the revocation of consent.

### **CSE Evaluation and Recommendation**

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability and the content of the student's individualized education program, including information related to enabling the student to participate and progress in the general education curriculum.

The individual evaluation of the referred student must include, at no cost to the parent, at least:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which shall be reviewed by the committee;
- an observation of the student in the current educational setting;
- a social history;
- other appropriate assessment or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

The initial evaluation to determine if a student is a student with a disability must be completed within 60 calendar days of receiving parental consent for the evaluation. The 60-day calendar timeframe shall not apply if:

- a student enrolls in a school served by the District after the relevant timeframe in this paragraph has begun and prior to a determination by the student's previous school district as to whether the student is a student with a disability, provided the District is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent District agree to a specific time when the evaluation will be completed; or
- the parent of a student repeatedly fails or refuses to produce the student for the evaluation.

The District will ensure through the Regulations that:

- assessments and other evaluation materials used to assess a student:
  - (a) are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
  - (b) are used for purposes for which the assessments or measures are valid and reliable;
  - (c) are administered by trained personnel in accordance with the instruction provided by those who developed such assessments; and
  - (d) are selected and administered so as not to be discriminatory on a racial or cultural basis;
    - tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a general intelligence quotient;
    - tests are selected and administered to ensure that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are factors which the test purports to measure;
    - materials and procedures used to assess a student with limited English proficiency be selected and administered to ensure that they measure the extent to which the student has a disability or needs special education, rather than measure the student's English language skills;
    - no single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student;
    - the evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or the specialist with certification or knowledge in the area of the suspected disability;
    - the evaluation is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified;
    - technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;
    - assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the student;
    - the student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status, and motor abilities;
    - students age twelve and those referred to special education for the first time who are age twelve and over, shall receive an assessment that includes a

- review of school records and total assessments, and parent and student interview to determine vocational skills, aptitude and interests (Level 1);
- the results of the evaluation are provided to parents or persons in parental relationships in their native language or mode of communication unless it is clearly not feasible to do so;
  - assessments of students with disabilities who transfer from one District in the same academic year are coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations; and
  - no student shall be required to obtain a prescription for a drug or other substance as a condition of receiving an evaluation.

Existing evaluation data on the student will be reviewed, including evaluations and information provided by the child's parents, current classroom-based assessments, local or State assessments, classroom-based observations, and teacher and related service provider's observation.

The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the District. These assessments may include, but are not limited to: bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, and assistive technology assessments.

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

- a written notice will be sent to parents at least five days prior advising them of the meeting. The parent may elect to receive the notice of meetings by electronic mail (e-mail) communication if the District makes this option available.
- at least one additional attempt will be made to notify the parents. This may mean additional written notice or a telephone call.
- the parent and the District may agree to use alternative means of meeting participation, such as videoconferences and conference telephone calls.

### **CSE Eligibility Determination**

When an evaluation is completed, the committee, including the parent and, if appropriate, the student, meets to review the evaluation information to determine eligibility for special education and, if appropriate, develop an Individualized Education Program (IEP). The CSE will consider evaluation information including evaluations provided by the parent. The CSE must ensure that all general education resources including educationally related support services and academic intervention services have been considered prior to determining that the student should receive special education services. In making a determination of eligibility for special education and related services, a student shall not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral

reading skills) and reading comprehension strategies, lack of instruction in math or limited English proficiency.

In determining whether a student has a learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures (RTI). The District is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation or mathematical reasoning. A student with a disability remains eligible to receive special education services even if the student is advancing from grade to grade.

The CSE will ensure that parents receive and understand all evaluation reports and documentation of eligibility in their native language, including the results of required evaluations when the student is determined no longer to be eligible for special education. Whenever feasible, the evaluation results are shared with the parents before any meeting to discuss the identification, evaluation or educational placement of the student. Consensus is the preferred decision-making process.

When evaluations are conducted for the purpose of determining a student's eligibility or continuing eligibility for special education, the CSE must give a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent. The results of the evaluation will be provided to the parent in their native language or other mode of communication.

If the committee determines that the student is **ineligible** for special education:

- The committee will provide notice to the parent of the recommendation. The parent will receive procedural safeguards, a copy of the evaluation report and the documentation of determination for ineligibility.
- The committee will provide a copy of the recommendation and appropriate evaluation information to the building administrator for consideration of educationally related support services to address student's needs.
- The committee will provide the recommendation to the Board of Education.

If the student has been receiving special education services, but it is determined by the Committee on Special Education that the student **no longer needs special education (declassified)** services and can be placed in a regular education program on a full-time basis, the recommendation shall:

- identify the declassification support services, if any, to be provided to the student, and/or the student's teachers; and
- indicate the projected date of initiation of the services, the frequency of provision of the services, provided that these services shall not continue

for more than one year after the student enters the full-time regular education program.

If the committee determines that the student is **eligible** for special education, the committee will:

- develop a written recommendation (IEP);
- document least restrictive environment considerations; and
- document special considerations for students whose behavior impedes learning, students who are deaf or hard of hearing, students who are blind or visually impaired, students with limited English proficiency and students who need assistive technology devices or services.

The committee will provide written notice to parents, which includes:

- a recommendation, including options considered and a rationale for rejecting those options not selected;
- a copy of the evaluation report and the documentation of determination of eligibility;
- procedural safeguards notice; and
- request parental consent for initial placement (including, if appropriate, initial recommendation for twelve-month programs and services).

The committee will also provide notice to the Board of Education in the form of minutes of the meetings.

If the committee determines that the student is **eligible** for special education, an IEP is prepared. In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents; the 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 tests; and other factors unique to the student's disability.

The IEP indicates the classification of the disability, the recommended placement and/or services, and includes a statement of:

- the student's present level of academic achievement, functional performance and individual needs in academic, social, physical and management areas, including how the disability affects the child's involvement and progress in the general education curriculum;
- measurable annual goals, which will include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal during the period beginning with placement and ending with the next scheduled review by the committee;
- the frequency of periodic reports to the student's parents on the progress the student is making towards the annual goals, such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards;

- for a student who takes a New York State Alternate Assessment and for each preschool student with a disability, the IEP will include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal;
- special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for the child to advance appropriately toward attaining annual goals, to be involved and progress in general education curriculum, and to be educated and participate in activities with other students with and without disabilities;
- the recommended program and services shall, to the extent practicable, be based on peer reviewed research;
- the general education classes in which the student will receive consultant teacher services;
- a statement of supports for school personnel on behalf of the student;
- the extent to which the student's parents will receive parent counseling and training, when appropriate;
- any assistive technology devices or services needed for the student to benefit from education, including the use of the devices in the student's home or in other settings;
- the extent, if any, to which the student will not participate with non-disabled students in the general education class and in other activities;
- If a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education, including adapted physical education;
- If the student will participate in an alternate assessment on a particular State or District-wide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student;
- a statement of any individual testing accommodations to be used consistently for 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 that are necessary to measure the academic achievement and functional performance of the student; and
- the projected date for the initiation of special education, related services and modifications, the anticipated frequency, location, and duration of those services and the projected date of review of the student's need for such services. For those students beginning not later than the first IEP to be in effect when the student is age 15, and at a younger age, if determined appropriate, and updated annually, the IEP shall include:
  - a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;

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

At the beginning of each school year, the special education teacher or provider meets with all general education teachers that work with the student to discuss each student's IEP and review the accommodations that may need to be made for each student. Each regular education teacher is provided with an electronic copy of the IEP through Powerschool and Cleartrack and informed of his or her responsibility to implement the recommendations on the student's IEP. Teachers need to be aware of each student's area of disability, test accommodations, special needs with regard to specialized equipment, such as enlarged print, books in alternate forms, or use of a calculator, and any other special accommodations as stipulated in the IEP. Teachers are also informed by the school psychologist if any of their students have behavioral intervention plans (BIPS).

### **Consideration of Special Factors**

The CSE shall:

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



communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(5) consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education;

(6) include a statement in the IEP if, in considering the special factors listed above, the committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

### **IEP Implementation, Distribution and Placement**

Within 60 school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability, the Board of Education shall arrange for appropriate special programs and services through the Director of Special Programs as the designee.

If a recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within 30 school days of the Board's receipt of the recommendation of the committee. Notice of the recommendation will be provided to the parent, including procedural safeguards notice. If on review of the recommendation of a committee on special education or a subcommittee on special education, the Board of Education disagrees with such recommendation, in accordance with Commissioner's Regulations, the Board may:

- remand the recommendation to the committee or subcommittee 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; or
- establish a second committee or subcommittee to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to such second committee or subcommittee 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 Director of Special Programs must ensure that:

- each student with a disability has an IEP in effect at the beginning of each school year;
- each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the

- implementation of a student's IEP, is provided a paper or electronic copy of the IEP prior to the implementation of such IEP;
- supplemental support personnel and other providers responsible for assisting in the implementation of a student's IEP, have the opportunity to review a copy of the student's IEP prior to the implementation of the program, and have ongoing access to a copy of the IEP;
  - each regular and special education teacher, related service provider, other service provider, teacher assistant, aide, and other provider and support staff person has been informed, prior to the implementation of the IEP, of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, program modifications, supports and/or services that must be provided for the student in accordance to the IEP; and
  - an initial copy and subsequent amendments of the IEP is provided at no cost to the student's parents.

The District must provide special education and related services to a student with a disability in accordance with the student's IEP and make a good faith effort to assist the student to achieve the annual goals and, if appropriate, short-term instructional objectives or benchmarks listed in the student's IEP.

### **Transfer Students**

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

*Transfer from outside New York State:* In the case of a student with a disability who transfers Districts within the same academic year, who enrolls in a new District and who had an IEP that was in effect in another state, the District shall provide the student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the District conducts an evaluation, if determined to be necessary by the District, and develops a new IEP if appropriate.

### **CSE Annual Review, Reevaluation and Declassification**

The IEP of each student with a disability shall be reviewed, and if appropriate, revised, periodically, but not less than annually to determine if the annual goals for the student are being achieved.

Parents are notified by mail of the meeting; reasonable measures are taken to ensure that the parent attends the meeting. This review is conducted to determine the child's present levels of performance and educational needs, continued eligibility and need for special education service, and whether any

modifications or additions to the special education and related service program are needed to enable the child to meet the measurable annual goals of the IEP. The annual review will consider the:

- strengths of the student;
- concerns of the parents for enhancing the education of their child;
- results of the most recent evaluations including, as appropriate,
- results of any general State or District-wide assessments;
- student's academic, developmental and functional needs; and
- educational progress and achievement of the student and the student's ability to participate in instructional programs in regular education and in the least restrictive environment.

The CSE must obtain informed parental consent prior to conducting any new test or assessment as part of a reevaluation of a student with a disability, except that informed parent consent need not be obtained if the District can demonstrate that it took reasonable measures to obtain such consent and the student's parent failed to respond. Reasonable measures will be defined as at least one telephone contact attempted and one additional note sent home either via mail or with the student. If the parent refuses consent, the District must resolve the matter through a mediation agreement or an impartial hearing before conducting the new test or assessment as part of the reevaluation.

As part of any reevaluation, a review of existing evaluation data, including evaluations and information provided by the student's parents, current classroom-based assessments, local or State assessments, classroom-based observations, and teacher and related service provider's observations, is conducted to determine what additional data, if any, is needed. This review shall not constitute a CPSE/CSE meeting. If no additional data is needed to determine whether the student continues to be a student with a disability, the parents are notified of the determination and the reasons for it. The parent is notified of the right to request an assessment and that the District is not required to conduct such an assessment unless requested by the student's parents.

The CSE will arrange for an appropriate reevaluation of each student with a disability if the District determines that the educational or related service needs, including improved academic achievement and functional performance of the student warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year, unless that parent and representative of the District appointed to the CSE agree otherwise. A reevaluation shall take place at least once every three years and will be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialists with knowledge in the area of the student's disability. The triennial evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing

eligibility for special education. The results of any reevaluations must be addressed by the committee on special education in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the District shall encourage the consolidation of reevaluation meetings and other committee on special education meetings for the student.

When evaluations are conducted with the purpose of determining continuing eligibility for special education, the CSE will provide a copy of the evaluation report and the documentation of the determination of eligibility to the student's parent.

Amendments to an IEP made after annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP. The parents shall receive prior written notice of any changes to the IEP as well a copy of the document that amend or modifies the IEP. Upon request, that parent will be provided with a revised copy of the entire IEP with the amendments incorporated.

Before determining that a student is no longer eligible to receive special education services, an evaluation needs to be conducted. When the CSE determines that a student no longer requires special education services, the Committee may recommend declassification support services to the student for no more than the first year in regular education. Such services may include psychological, speech and language services, counseling, or the assistance of an aide, consultant to the classroom teacher, or resource room services. Continuation of test accommodations upon declassification is not automatic. The CSE may determine the test accommodations previously documented in a student's IEP may or may not continue to be consistently provided to the student for the balance of his or her public-school education. The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regent's diploma or exceeding the age eligibility for a free appropriate public education, but is required to provide the student with a summary of his or her academic achievement and functional performance, which includes recommendations on how to assist the student in meeting his or her post-secondary goals.

## **CSE CONTINUUM OF SERVICES:**

### **1. TRANSITIONAL (DECLASSIFICATION) SUPPORT SERVICES**

Students exiting special education may be considered for declassification services. Declassification support services, as defined in the Part 100 Regulations, include services provided by persons appropriately certified to a student or such student's teacher to aid in the student's move from special education to full-time regular education, including:

- psychological services, speech/language services, counseling, and other support services by a special education teacher or provider
- test accommodations may be continued as recommended by the CSE. Accommodations are not assumed to last for the duration of the student's time in education.

## **2. CONSULTANT TEACHER SERVICES**

Consultant teacher services shall be for the purpose of providing direct and/or indirect services to students with disabilities enrolled full-time in general education classes including career and technical education. Such services shall be recommended by the Committee on Special Education to meet specific needs of such students and shall be included in the student's individualized educational program (IEP). Consultant teacher services shall be provided in accordance with the following provisions:

- Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week.
- The total number of students with disabilities assigned to a consultant teacher shall not exceed twenty.

## **3. RELATED SERVICES**

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services and psychological counseling services, educational audiology, parent counseling and training, school health services, assistive technology services, other appropriate developmental or corrective support services, and appropriate support services and includes the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, or the replacement of such device.

- The frequency, duration and location of each service shall be in the IEP based on the individual student's need for the service.

## **4. RESOURCE ROOM**

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

- The instructional group in each resource room period does not exceed 5 students, who are grouped according to their similarity of need in terms of academic or educational achievement and learning characteristics; social development; physical development and management needs.
- Students shall spend a minimum of 3 hours per week and not more than 50 percent of the day in the resource room program.

- The total number of students assigned to a resource room teacher shall not exceed 20 at the elementary level and 25 at the middle and high school levels.
- Resource room services may be provided either in a pull-out or push-in program or a combination of both.
- If the student needs a combination of both consultant teacher and resource room the minimum is 3 hours per week.

#### **5. SPECIAL CLASSES: 12:1:1 and 15:1:1 AT OXFORD ACADEMY AND CENTRAL SCHOOLS**

A special class is defined as a class consisting of students with the same disabilities or with differing disabilities that have been grouped together based on similarity of need in terms of academic or educational achievement and learning characteristics; social development; physical development and management needs. The chronological age range of students who are less than 16 years of age shall not exceed 36 months. The age range for students over 16 years of age and older is not limited. The maximum class size, determined on the basis of students' needs, will not exceed 15 students. Upon application to the commissioner, approval may be granted for a variance to exceed those numbers or age range. Oxford Primary School has a 12:1:1 Special Class. The Oxford Academy Middle and High Schools have a 15:1:1 Special Class.

#### **6. OUT-OF-DISTRICT PLACEMENT: 12:1:1, 8:1:1, 6:1:1 BEN, SEN, TEACCH at BOCES**

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

- special class operated by another District if the other district takes non-resident students on a tuition basis
- a BOCES program
- an approved private school
- 4201 or State Operated School
- an approved Residential Placement by the Commissioner

#### **7. HOME AND HOSPITAL INSTRUCTION**

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

- elementary school students will be provided a minimum of 5 hours per week;
- secondary school students will receive a minimum of 10 hours of instruction per week.

#### **ARRANGEMENT OF SPECIAL EDUCATION PLACEMENTS CPSE AND CSE**

The Board of Education shall, upon receipt of the IEP recommendation, arrange for programs and services to be provided to a student with a disability after

consideration of the recommendation of the CSE or CPSE. The Board shall notify the parent that this has been arranged through the Office of Special Programs. The Board authorizes the Superintendent of Schools or his/her designee the Director of Special Programs, to act as its agent in making necessary arrangements to implement the appropriate recommended program/services prior to Board of Education review.

### **DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The CPSE/CSE will give regular consideration to declassifying students, when appropriate. As declassification constitutes a significant change of identification and placement, the CPSE/CSE shall reevaluate the child prior to making this recommendation. The CPSE/CSE shall also provide prior notice, in the native language or other mode of communication of the home, to the child's parent or guardian and request written consent for this evaluation. If the initial request for consent for reevaluation is unsuccessful, alternate measures will be taken to obtain consent and will be documented. If reasonable attempts have been made to obtain consent and have been documented, but no response is received from the parent or guardian, the CPSE/CSE shall reevaluate the child without consent. In order to determine the nature of this reevaluation, the school staff including members of the CPSE/CSE and other qualified professionals may review the existing evaluation data on the student including evaluations provided by the parents or guardians, current class assessments, observations by teachers, reports by related services providers and other professionals. This review shall not constitute a CPSE/CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CPSE/CSE shall notify the parents or guardians that further assessment has been deemed unnecessary and that they have a right to request further assessment to determine if their child continues to be a student with a disability. If the parent or guardian does not request further assessment, the CPSE/CSE may meet to review the existing information and to consider declassification. A copy of this informal evaluation report shall be made available to the parent or guardian.

In conducting its review, the CPSE/CSE will consider the student's ability to participate in instructional programs in regular education, the student's need for special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEA, the Part 200 Commissioner's Regulations and the District's existing policies and procedures. The CPSE/CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CPSE/CSE shall identify any declassification support services including the projected date of initiation of such services and the duration of these services. Declassification services shall be provided for no more than a year following the declassification date

## **SECTION 504**

The definition of a “handicapped person” under section 504 of the Rehabilitation Act is broader than the definition of “a child with a disability” under the Individuals with Disabilities Education Act and Article 89 of the New York State Education Law. Under section 504, a “handicapped person” includes anyone who:

- has a physical or mental impairment which substantially limits one or more of such person’s major life activities (caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, digestive, urinary, circulatory), or
- has a record of such impairment, or
- has or is regarded as having such impairment
- Temporary or episodic impairments that will significantly disrupt the student’s education can be made on a case by case basis 504 plans are evaluated annually. The Director of Special Programs oversees the development of these plans.

## **SAFETY NET**

Students that qualify for the local diploma safety net are:

- students with disabilities identified through the CSE with an IEP
- students identified by the 504 committee and documented on accommodation plan
- students declassified while in grades 8-12 and documented by the CSE

## **ACCOMMODATIONS**

Accommodations/modifications provide students with disabilities with an equal opportunity to participate in tests and classroom situations and to demonstrate their knowledge and abilities. Accommodations can change the way in which tests are presented to the student, the student’s method of responding, or the process a student uses to derive responses. There is no comprehensive list of accommodations that may be appropriate for each student, since student needs and educational characteristics are too diverse to attempt to address all possible situations.

There are four circumstances in which students with disabilities may be eligible to receive accommodations:

- written on the IEP for that student
- declassified with accommodations on the IEP
- written on the 504 Accommodation Plan for that student
- for students given Principal’s accommodations shortly before a test administration

Areas that the committees look at for accommodations are in the following categories:

- flexible scheduling/timing
- flexible setting



- method of presentation
- method of response

Common accommodation examples:

- extended time for tests and assignments
- separate location with minimal distractions
- preferential seating
- directions read to student
- language in directions simplified
- access to a word processor
- listening section repeated more than the standard number of times
- tests passages, questions, items, and multiple-choice responses read to student
- use of calculator/math tables
- amanuensis/scribe for writing
- waive spelling, punctuation, or grammar requirement
- Scantron answer sheet waived, write directly into test booklet
- breaks for tests longer than 40 minutes in length
- large print Reference Tables can be used

This is just a small list of accommodations for example purposes only.

## **PROCEDURES FOR ASSESSING ENGLISH LANGUAGE LEARNERS (ELL STUDENTS)**

### **Screening**

As part of the Kindergarten screening, students who present as English Language Learners (ELL), formerly known as Limited English Proficient (LEP), will be screened by a contracted teacher of English as a Second Language (ESL) or a person trained to give the screening tests in district. One method that is used to determine the student's predominant language is the Home Language Survey which is presented to parents when they register their child in the district. If the responses on the Home Language Survey reflect the student's knowledge of, or exposure to, another language, the contracted ESL teacher or trained personnel administers the NYSITELL to determine language proficiency. If the student scores at or below the cut-off point on the NYSITELL, the student is determined to be limited in oral proficiency and ESL services will be arranged for. The maximum amount of ESL services per week is 360 minutes. ESL services are purchased by the school through DCMO BOCES.

ELL students who are suspected of having an educational disability may be referred for a bilingual assessment. Traditionally, the referral comes from the contracted ESL teacher who discusses their concerns about the student's progress with the SST building team, guidance counselor, and/or the school psychologist with regard to the possibility of a disability interfering with the acquisition of academic and/or language skills.

### **Pre-Referral Interventions**

Prior to a referral, general education supports are attempted to determine if the student can make progress through these interventions.

These supports may include:

- Academic Intervention Services/Response To Intervention Services in Reading and Math
- Speech/Language Improvement Services
- ESL Services if applicable
- Occupational Therapy Improvement Services
- Physical Therapy Improvement Services
- Counseling
- Extra help sessions with a general or special education teacher afterschool/lunch

### **EXTENDED SCHOOL YEAR (ESY) SERVICES**

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

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;
- Students who are recommended for home and 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;
- Students whose needs are so severe that they can be met only in a seven-day residential program; or
- Students receiving other special education services, who, because of their disabilities exhibit the need for a 12-month special service and/or program provided in a structured learning environment of up to 12-months duration in order to prevent substantial regression.

Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and programs. A student is eligible for a twelve-month service or program when the period of review or re-teaching required to recoup the skill or knowledge level attained by the end of the prior school year is beyond the time ordinarily reserved for that purpose at

the beginning of the school year. The typical period of review or re-teaching ranges between twenty and forty school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight weeks or more would indicate that substantial regression has occurred.

Nothing shall prevent the CPSE or CSE from recommending, or the Board of Education from selecting, a special service or program for July and August that is different in type, intensity, frequency, location or duration than the service or program that the child was provided between the months of September and June.

Parent consent is required for initial placement in a 12-month program or service.

### **ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES**

The District is committed to ensuring that assistive technology devices and/or services are made available to a student with a disability, when appropriate, as part of the student's Individualized Education Program (IEP). The IEP must describe any specialized equipment and adaptive devices needed for the student to benefit from instruction. IDEA requires each District to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education, related services or supplementary aids or services as described in the IEP. IDEA defines assistive technology devices and assistive technology services, as follows:

Assistive technology devices 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 child with a disability. This 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. The term includes:

- evaluation of the needs of a child with a disability, including a functional evaluation of the student in the student's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for a child with a disability, or if appropriate, that child's family; and
- training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other

individuals who provide services to employ, or are otherwise substantially involved in the major life functions of that student.

A student's need for assistive technology is determined through the individual evaluation. The District's CSE/CPSE is responsible for making sure the student has access to things such as FM systems, room amplification systems, iPads, Word Processors, spelling and grammar aids, apps for iPads, books in alternate formats such as on Audible.com or Bookshare.org. The need to conduct an assistive technology component of an evaluation must be considered for students on a case-by-case basis. Since assistive technology services are provided as part of the student's special education instruction, related services and/or other supplementary aids and services, they must be provided by an appropriately licensed or certified individual in accordance with the Regulations of the Commissioner of Education.

### **EXEMPTION FROM FOREIGN LANGUAGE REQUIREMENT**

Students are required to complete one high school credit in a language other than English in order to earn a Regents diploma. This requirement is established for all schools by Part 100 of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education Program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibit other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP.

At annual review for all students who are completing 6<sup>th</sup>, 7<sup>th</sup>, or 8<sup>th</sup> grade, the CSE will consider the child's area(s) of disability in relation to the following guidelines. A child at Oxford Academy and Central Schools may be exempt but not excluded from a foreign language if he/she exhibits one or more of the following:

- severe auditory processing and/or severe auditory memory deficit;
- significant discrepancy between the verbal and performance areas on intelligence testing, where the profile suggests significant verbal difficulties, significant reading comprehension difficulties, significant memory difficulties, or significant sound-symbol association difficulties;
- functioning four years below age or grade level expectations in that area of language and/or reading comprehension;
- hearing impairment of a significant degree;
- inability to express ideas in written form; expressive writing skills four years below age or grade expectations;
- significant speech impairment or intelligibility;

- severe emotional factors which may be relevant to child’s ability to benefit from foreign language instruction; or
- severe physical handicaps and/of limitations with regard to strength, vitality or alertness.

If the CSE concludes the exemption is warranted, reasons for the exemption will be noted in the IEP. These are guidelines were established from discussions with other regional directors of special education and the state education department. There are no specified guidelines in the regulations so each school district is allowed to determine their own set of criteria. 504 students are not eligible for exemption from a foreign language.

### **EXEMPTION FROM NYS ASSESSMENTS (QUALIFYING FOR ALTERNATE ASSESSMENTS)**

The following is the criteria used by the CSE to determine if the student should participate in the alternate assessment program offered through the state:

- student has a severe cognitive disability; and
- student has significant deficits in communication/language; and
- student has significant deficits in adaptive behavior; and
- student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments; and
- student must require educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

Only a small percentage of students qualify for this in and out of district. Teachers of these students attend yearly training to give the alternate assessment and collect samples of student work based on specific alternate standards and compile a portfolio of the work. These portfolios are peer reviewed and then evaluated by the state. At that point they are assessed a score of 1 to 4 based on the sample, the independent level, and the degree of difficulty of the skill.

### **TRANSITION PLANNING SERVICES FOR STUDENTS WITH DISABILITIES**

#### **Definition:**

“Transition Services” are defined in the Commissioner’s Regulations as a coordinated set of activities for a student with a disability, 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 including, but not limited to, post-secondary education, vocational education, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of

activities must be based upon the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include needed activities in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

### **Individualized Transition Plans:**

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

For students age 15 and older, the IEP must demonstrate the use of a coordinated set of activities as the means by which the student can achieve the long-term adult outcomes. At age fifteen or older, the coordinated set of activities must address instruction, related services, community experiences and the development of employment or other post-school adult living objectives. At all meetings for the purpose of discussing the need for transition services, the student will be invited. In addition, a representative of the agencies likely to provide or pay for transition services will be invited if applicable. Other knowledgeable school personnel, such as the administrator, psychologist, related service provider, and general education teacher, may be asked to participate in the process. All seniors with an IEP or 504 are referred at the end of junior or beginning of senior year for Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR). Representatives meet with students and parents in school and at the CDO Workforce and see what programs, services, and aids they need to reach employment and college goals.

### **Coordinated set of activities:**

- **Instruction** – Education to be provided to the student to achieve the stated outcome(s), such as general and/or special education course instruction, occupational education and advanced placement courses.
- **Related Services** – These are specific related services, as defined in the Commissioner's Regulations, such as rehabilitation counseling services, which will support the student in attaining the stated outcome(s).
- **Employment and Other Post-School Adult Living Objectives** – Educational services that will be provided to the student to prepare for employment or other post-school activity. Post school activities will determine what other skills or supports will be necessary for the student to succeed as independently as possible. Examples include participation in a work experience program, information about colleges in which the student has an interest and travel training.

- **Community Experiences** – Community-based experiences that will be offered or community resources utilized as part of the student’s school program, whether utilized during school hours or after school hours, to achieve the stated outcome(s).
- **Activities of Daily Living Skills (ADL)** (if appropriate) – ADL skills, such as dressing, hygiene, self-care skills, and self-medication, necessary to be worked on to achieve the stated outcome(s).
- **Functional Vocational Assessment** (if appropriate) – If the vocational assessment has not provided enough information to make a vocational program decision, additional assessment activities can be performed to obtain more information about the student’s needs, preferences and interests.

## **VOCATIONAL ASSESSMENTS**

The goal of the vocational assessment process is the successful transition of students to postsecondary education or employment. The process serves to help students, parents, and staffs focus on long-term planning leading to realistic outcomes. The ultimate goal is for the school, the family and community agencies to work cooperatively to identify appropriate destination statements and to determine and implement plans for reaching these outcomes.

Vocational assessment is an ongoing process involving the systematic collection of information about a student’s vocational aptitudes, abilities, expressed interest and occupational awareness. Based on the age, abilities, interests and needs of each student, an appropriate vocational assessment may include:

- the review of existing school information;
- the completion of informal interviews;
- parent questionnaires;
- one or more formal vocational evaluations; and
- job and student performance analysis made in real and/or simulated work settings.

Though the amount and type of information collected on each student may vary, it must be sufficient for the CSE to make and substantiate appropriate occupational education programs decisions.

## **LEVEL OF VOCATIONAL ASSESSMENT**

Vocational assessment is conducted – for special education students starting at age twelve and those referred to special education for the first time that are age twelve or older.

**Level I (mandated)** vocational assessment includes a structured collection of information and analysis of existing information about the student. This assessment involves the participation of the student, the student’s parent(s) or guardian(s), a special

education teacher, and the student's guidance counselor. Other appropriate professionals may also participate in this assessment.

**Level II (non-mandated)** vocational assessment is more focused and involves administration of standardized tests, which look in further detail at interests, vocational skills, and specific aptitudes and abilities. This assessment builds upon information that was recorded in the Level I assessment. Specialized vocational evaluation instruments, such as a vocational interest inventory, vocational aptitude battery and selected work samples, may be introduced at this level.

**Level III (not mandated)** vocational assessment is a situational assessment conducted while a student is actually engaged in work related/vocational activities. This may require resources such as those available in a vocational rehabilitation facility, an occupational assessment center or in an actual work setting. This type of assessment is usually reserved for more multi-disabled students whose disabilities are very severe.

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

### **PROCEDURES FOR AWARDING DIPLOMAS**

The District encourages students with disabilities to pursue high school diplomas. Access must be provided to required courses, electives and tests as specified in Part 100 of the Regulations of the Commissioner. The CSE must consider the high school credentials the student will seek to attain: A Regent's with Advanced Designation, Regent's, or local high school diploma, CDOS, or Skills and Achievement Credential. To ensure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma or credential, the District has the following procedures in place:

- The CSE will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the Middle School, the CSE will make an assessment as to whether or not the student's capabilities indicate probable success in a course of study leading to a Regents diploma or higher, or whether his or her needs could be better met in an individualized education program with alternate assessments designed to culminate in a Skills and Achievement Credential. Where appropriate, the student will participate in this decision-making process. The guidance counselor is also invited to the meeting.
- The decision will be reviewed annually. The CSE will consider the following factors: current levels of achievement; learning rate; and preference of student and his/her family. The CSE will consider if the student requires test accommodations to participate in state or District-wide assessments. These accommodations will be clearly stated on the student's IEP.
- The District will offer appropriate AIS/RTI/special education instruction for all students.
- The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.



- If the student's special education needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the District in special education classes. Instruction in subjects granting credit toward graduation and a Regent's, local, CDOS diploma, or Skills and Achievement credential will be provided in accordance with curriculum objectives and required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught.
- Evaluation of student work will be completed in accordance with the individual educational needs of the student.
- The school district will identify the student populations that have access to each type of diploma and non-diploma high school exiting credential. Students will be awarded a diploma/credential based on fulfilling requirements specified by the New York State Education Department. These include: Regents Diploma, Local Diploma, Career and Occupational Studies (CDOS) Commencement Credential and Skills and Achievement Commencement Credential. Regents and Local Diplomas may be granted, when appropriate, through an appeal process or Superintendent's Determination. Updated diploma/credential requirements can be found at:  
<http://www.nysed.gov/common/nysed/files/programs/curriculuminstruction/diplomaandcredentialsummary1.18edit6.18.3.pdf>

## **GUIDELINES FOR ISSUANCE OF A SKILLS AND ACHIEVEMENT CREDENTIAL**

The District subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. It is expected that students with disabilities will be guided towards a course of study that will lead to the achievement of a high school diploma. It is recognized, however, that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. The awarding of a Skills and Achievement Credential is authorized for such students under the following conditions.

- No student shall be denied the opportunity to earn a high school diploma as defined by the Commissioner of Education. The IEP of a student of age 13 or over shall stipulate the type of diploma to which achievement of the goals specified will lead.
- Such credential shall be awarded at the end of the school year in which the student reaches age 21 provided that the educational goals in the student's current IEP have been achieved.
- Alternately, upon notification by the student or parent, such credential may be awarded upon the completion of 12 years of attendance or its equivalence, excluding kindergarten, provided that the educational goals in the student's current IEP have been achieved.
- Any student under age 21 who is awarded such credential shall receive written notice of his/her entitlement to attend the District until the end of

the school year in which that age is reached or a high school diploma is earned.

- The Skills and Achievement Credential document shall be in conformance with the Regulations of the Commissioner of Education. Prior receipt of a Skills and Achievement Credential does not preclude subsequent granting of a regular diploma if passing of appropriate assessments and necessary credits are achieved before the end of the school year in which a student reaches his/her 21<sup>st</sup> birthday. In all cases in which a credential is issued, parents will receive written notice that a student is entitled to receive a free, appropriate public education until the end of the school year in which he/she reaches his/her 21<sup>st</sup> birthday or obtains a high school diploma, whichever shall occur first.

## **PROCEDURAL SAFEGUARDS**

### **Due Process**

A mandatory Procedural Safeguards Notice has been provided to Districts by the New York State Education Department. This Procedural Safeguards Notice must be provided to the parents of a student with a disability, at a minimum one time per year and also upon:

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

### **Prior Written Notice**

Prior written notice means written statements provided to the parents of a student with a disability a reasonable time before the District proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

Prior written notice must include a description of the action proposed or refused by the District, an explanation of why the District proposes or refuses to take the action, a description of other options considered and rejected, a description of the evaluations and reports used as a basis for the decision, and a description of the factors relevant to the proposal or refusal. Prior written notice must also inform parents of their protection under procedural due safeguards and how a copy of these safeguards may be obtained. Parents are also provided sources to contact to obtain assistance in understanding these provisions.

Prior written notice must be written in language understandable to the general public and in the native language of the parents unless it is clearly not feasible to do so. A parent of a student with a disability may elect to receive prior written notice and other required communication by electronic mail (e-mail) communication if the District makes this option available.

## **Informed Consent (CSE and CPSE)**

### **“Consent” means:**

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

### **Written Parental Consent is Required Prior To:**

#### **Initial Evaluation**

Upon receipt of a referral to the CSE/CPSE of a student who is suspected of having disability, parental consent for evaluation is requested. The parent is contacted by a representative of the CSE/CPSE regarding the referral. The reason for the referral and the evaluation process are explained. The parent is also provided with a copy of due process rights, information describing the components of a comprehensive evaluation. Translations are provided to the parent, as needed.

If the parent does not consent, the parent is invited to an informal conference to discuss the evaluation process. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent. If the parent of a preschool child does not provide consent for initial evaluation, no further action will be taken by the by the CPSE until such consent is obtained.

If the parent of a school-age child does not provide consent for an initial evaluation within 30 days of the dated receipt of the referral, the chairperson will document attempts to obtain parental consent and will notify the Board of Education that they may utilize the due process procedures to permit the District to conduct an evaluation of the student without the consent of the parent. The initial evaluation to determine if a school-age student is a student with a disability must be completed within 60 days of receiving parental consent for the evaluation. The 60-day timeframe shall not apply if:

- a student enrolls in District after parental consent has been received and prior to a determination by the previous District as to whether the student is a student with a disability. The District will ensure prompt completion of the evaluation. The parent and District will agree to a specific time when the evaluation will be completed; or
- the parent of the student repeatedly fails or refuses to produce the student for the evaluation.

### **Initial Provision of Special Education Services**

If the CSE/CPSE determines the student has a disability and recommends special education services, parental consent to initial placement is requested. If a parent refuses to give written consent, the District may not deny the parent or child any other service, benefit, or activity of the District, except for the recommended special education service. Translations are provided as necessary. Parents are given the opportunity for further discussion with the Director of Special Programs, if needed. Outreach efforts are made, when necessary, to ensure the parent has received and understands the request for consent for placement. If the parent of the student refuses to consent or fails to respond to a request to provide consent to the provision of special education programs and services, the District shall not provide special education services to the student and shall not use due process procedures to challenge the parent's refusal to consent. The District will not be considered to be in violation of the requirements to make available a free appropriate public education for the failure to provide the student with the special education program and services for which the District requests consent. The District will not be required to convene a meeting of the Committee on Special Education or develop an IEP for the special education program and services for which the District requests consent.

### **Initial Provision of a Twelve (12) Month Program or Service**

Parent consent is required for initial placement in a 12-month program or service.

### **Reevaluation**

Parental consent will be requested prior to conducting a reevaluation of the student with a disability; however, the District may proceed with the reevaluation if the parent guardian does not respond and reasonable measures have been taken to obtain such consent. Reasonable measures are interpreted as:

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

### **Withdrawal of Referral**

Parental consent will be requested if a parent decides to withdraw a referral for special education in writing.

### **Requests for Records/Other Communications**

Parent consent is requested for the following:

- release of CSE records to an agency/individual;
- request for copies of reports/evaluations from an agency/individual;
- request for verbal communications with an agency/individual;

- to access a parent's private insurance for the provision of any special device or evaluation.

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students. Consent is not required to send records between one educational agency (school) to another.

### **INDEPENDENT EVALUATIONS**

At the time of CSE initial or reevaluation, the Special Education Office will inform parents regarding their right to an independent evaluation by providing them with a copy of the Procedural Safeguards Notice. If the parents disagree with the initial or reevaluation conducted by the CSE, parents may request an independent evaluation at District expense. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained will be provided upon request.

The District may ask for the parent's reason why he or she objects to the public evaluation. The District has a right to initiate an impartial hearing to demonstrate that its reevaluation is appropriate or that the evaluation obtained by the parent does not meet District criteria. If a hearing officer determines that the District's evaluation was appropriate or the evaluation obtained by the parent did not meet District criteria, the parent has the right to an independent evaluation, but not at public expense.

Any independent evaluation whether paid for by the parent or by the District, will be reviewed by the CSE and taken into consideration in its decision with respect to the provision of a free appropriate public education.

If parents intend to seek funding for the cost of the evaluation, they must adhere to following criteria:

- request in writing stating specific reasons why the district's evaluation was not satisfactory;
- a response from the school district representative in writing to whether it will be agreed to and amounts paid for prior to getting the evaluation performed;
- a contract must be issued between the school and the evaluator through the district's business office before any IEE will be scheduled;
- the qualifications of the evaluator(s) shall be the same as the criteria which the District uses when it initiates an evaluation.
- psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting;

- other evaluators should be appropriately certified in the area of their specialty by the State Education Department, must have experience in the area of their specialty and must have experience with students of a similar age;
- the tests performed must be current and norm-referenced for individual evaluation appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as District tests;
- the cost of an independent evaluation requested by a hearing officer shall be at District expense; and
- reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances costs will be deemed reasonable and allowable in accordance with the following fee schedule established by the BOE:

Refer to the BOE policy that outlines the fee schedule

### **SPECIAL EDUCATION MEDIATION**

If the parents disagree with the decision of the CSE/CPSE regarding the student's program or services, they have the option to participate in mediation. Choosing to participate in mediation does not limit other alternatives, such as requesting a meeting with the Committee or requesting an impartial hearing. Mediation is a process in which the parents of a student with a disability and representative(s) of the District meet with an independent person, a mediator, to resolve disputes involving any matter for which an impartial due process hearing may be brought. Unlike an impartial hearing at the end of which the impartial hearing officer makes a decision, the mediator does not make a decision. The mediator helps the parents and District representative(s) reach a more complete understanding of each other's concerns in an effort to reach an agreement about the special education programs and services that the student will receive. The following procedures apply:

- The mediation process is voluntary on the part of the parent and District;
- The mediation process is not used to deny or delay a parent's right to a due process hearing or to deny any other rights;
- The mediation session is conducted by a qualified and impartial mediator who is trained in effective mediation techniques, is knowledgeable in laws and regulations relating to the provision of special education services and who is selected by the community dispute resolution center on a random (i.e., rotation basis);
- Each session in the mediation process is scheduled in a timely manner and is held in a location that is convenient to the parties to the dispute;
- Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may

- be required to sign a confidentiality pledge prior to the commencement of the process; and
- In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding written agreement that sets forth the resolution and that states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The agreement shall be signed by both the parent and a representative of the school district who has the authority to bind the District. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.
  - If the written agreement reached by the parties in mediation is inconsistent with the student's IEP, then the student's IEP must be immediately amended to be consistent with the mediation agreement.

When conducting meetings under this provision, the parties may agree to use alternative means of meeting participation, such as video conferences and conference calls. Special education mediation will be conducted by the Dispute Resolution Center (DRC) in Chenango County. Each center is staffed by a number of highly qualified mediators who are not employed by the District and who are not selected to be mediators by the District. Mediation occurs at no cost to either the parents or the District.

### **RESOLUTION SESSION**

Prior to an impartial due process hearing, the District shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting where the parents of the student discuss their complaint and the facts that form the basis of their complaint, and the District has the opportunity to resolve the complaint. The participants of the meeting shall include the parents and relevant members of the CSE who have specific knowledge of the facts identified in the complaint, including a representative of the District who has decision-making authority on behalf of the District.

This meeting may not include the attorney of the District unless the parent is accompanied by an attorney. The parent and District may agree to use alternative means of meeting participation, such as video conferences and conference calls.

The parent and the District may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute. If the parent and District reach an agreement to resolve the complaint at a resolution session, a legally binding agreement shall be signed by both the parent and a representative of the District who has the authority to bind the District. This agreement shall be enforceable in any State or District court of the United States. Either the parent or District may void the agreement within three business

days of the agreement's execution. If the District has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint notice, the impartial due process hearing may occur and all the applicable timelines for an impartial due process hearing shall commence.

## **SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY**

### **Notice of Rights Concerning Student Records**

The federal Family Educational Rights and Privacy Act (FERPA) provides parents/guardians, or a student age 18 or older, with rights concerning school records

- Parents of a student under 18, or a student age 18 or older, have a right to inspect and review any and all official records, files and data directly related to their student, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to the student's school records, in writing, to the principal of the building to which such student is assigned or to the guidance counselor in the secondary school. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Superintendent of Schools.
- Student records and any material contained therein which is personally identifiable are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain state and federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The District shall maintain information regarding its students, including students' names, addresses, telephone listings, dates and places of birth,



major fields of study, dates of attendance, degrees and awards received and previous educational institutions attended.

### **Transmittal of Records**

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

### **Release of Student Records to Third Parties**

1. **Release with Consent** – Except under certain limited circumstances set forth in this policy and permitted by the Family Educational Rights and Privacy Act, education records will be released to third parties only with the prior written consent of the parent or eligible student.

2. **Release without Consent** – Records may be released without consent only under the following circumstances:

a. Educational records concerning a particular student may be released only to staff members who have responsibility for the student, and then only if it is educationally necessary to consult the records.

b. Records in the custody of the Special Education Office may be released to school officials and members of the CSE or CPSE only for purposes of the identification of a student's disability and development of an IEP.

c. Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school under the circumstances indicated below:

- If the principal of the school maintaining the record has received written notification of the student's intent or attempt to enroll there, or
- If the CSE has recommended placement in such school.

d. Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs or enforcement of federal requirements. Persons reviewing records under this provision must sign a written form, to be kept in the student's folder, indicating their interest in the records.

e. With the approval of the Superintendent, records may be released without consent to organizations, public and private, conducting studies for or on behalf of educational agencies for institutions. The District shall require recipients of such information to provide written assurances that personally identifiable information will not be further released and that all the information received will be destroyed when no longer needed for the study.

f. Records may be released without consent to accrediting organizations to carry out their accrediting functions.

g. Records may be released without consent to comply with judicial orders or lawfully issued subpoenas. A subpoena will be considered to be "lawfully issued" when it is issued by a court, or when counsel to the school has reviewed it and

found it to be “lawfully issued.” Before making such a disclosure, the District must send written notice to the parent or eligible student.

h. Records may be released without consent in health or safety emergencies, if such disclosure is deemed by the official making the disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons and if the information is necessary to meet the emergency. Such records will be released without written consent only in the event that the person to whom the information is disclosed, is qualified to deal with the emergency and time is an important factor in dealing with the emergency.

### **Procedure for Maintaining Confidentiality of CSE/CPSE Records**

CSE/CPSE records and files are maintained in a secure location in the Special Education Office. The secretary monitors access to student files. Personnel acknowledge and are familiar with all staff that has access. Professionals visit the CSE/CPSE office when they need access to a file. The CSE/CPSE secretary obtain the file and the professional proceeds to a designated area where review can take place. When the professional review is complete, the file is returned to the CSE/CPSE secretary and signed.

Only professionals who are working with the student and parents who are members of the CSE or CPSE are allowed access to the records. Specified support staffs are also allowed access to student files in order to complete tasks such as filing, sending and receiving records. The student’s original record shall not be removed from the office at any time except for review meetings.

### **SCHOOL CONDUCT AND DISCIPLINE**

In accordance with the Regulations of the Commissioner of Education, the Oxford Academy and Central School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. A copy of the policy is on file in each school building and is available for review by any resident of the District.

Students with disabilities who are educated in the schools of the District are expected to meet District standards for school conduct and are subject to District-wide policy. However, when a student with a disability repeatedly violates school rules, the student will be reevaluated by the CSE to determine whether the inappropriate conduct is related to the disability and whether a change in services or placement is appropriate.

The following definitions apply:

**Behavioral intervention plan (BIP)** means a plan that is based on the results of the 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 to address the behavior.

**Disciplinary change in placement** means a suspension or removal from a student’s current education placement that is either:

- For more than ten (10) consecutive school days; or
- For a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern

because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

When a student with a disability is suspended or removed from his or her current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the CSE shall:

- conduct a functional behavioral assessment and implement a behavioral intervention plan, provided that the District had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change of placement, or
- if the student already has a behavioral intervention plan, the CSE shall meet to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior that resulted in the change of placement.

**Functional behavioral assessment (FBA)** means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment includes, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation so a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequence that serve to maintain it.

**Interim alternate education setting (IAES)** means a temporary educational placement determined by the CSE, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall:

- continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP; and
- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

**Manifestation team meeting** means a meeting, which shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE, as determined by the parent and the District. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

**Superintendent's hearing** means a disciplinary hearing conducted pursuant to Education Law by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than 5 consecutive school days.

### **CSE Responsibilities**

When a student with a disability is suspended or removed from the student's current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the committee on special education shall:

- conduct a functional behavioral assessment and implement a behavioral intervention plan for such student, provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change in placement; or
- if the student already has a behavioral intervention plan, the CSE shall meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change in placement.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

A special education student may be suspended by a building principal more than once during a school year, but a series of short-term suspensions adding up to or close to ten days in the same school year may be considered a disciplinary change in placement, requiring prior evaluation and CSE review. Therefore, building principals, in consultation with the Director of Special Programs, will monitor the total days and pattern of suspensions with respect to each special education student. If a student has already been suspended on multiple occasions, or if his/her behavior suggests that a "revolving door" pattern of suspensions is developing, the principal is expected to consult with the Director before again suspending a student for disciplinary reasons and a manifestation meeting can be called due to a pattern of behaviors. The parent is invited to the meeting. The Committee, after reevaluation or review of records, may determine that the student requires a different program, within or outside the District. The CSE may develop a behavioral intervention plan at that time or review the existing plan and its implementation to determine if modifications are necessary. The parent has the right to seek an independent evaluation or to appeal. The

student's class setting will not be changed during the course of the review or appeal procedures unless conditions are so significant to warrant it.

### **Superintendent's Hearing on Disciplinary Charges Against a Student with a Disability**

Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:

- The Superintendent or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty, the Superintendent or hearing officer shall determine whether a suspension or removal in excess of 10 consecutive school days in a school year or a disciplinary change in placement should be considered. If such a suspension or removal is considered, before the Superintendent orders or the hearing officer recommends any such removal, the Superintendent's hearing shall be adjourned until a manifestation determination is made by the Manifestation Team, except in cases where an interim alternate education setting (IAES) has been ordered. If the superintendent or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
- Upon a determination by the Manifestation Team that the behavior of a student with a disability was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability, except that the student shall continue to receive services. Upon receipt of notice of the determination, the superintendent or hearing officer shall proceed with the penalty phase of the hearing. If the Manifestation Team determines that the behavior was a manifestation of the student's disability, the Superintendent or hearing officer shall dismiss the superintendent's hearing, except in cases when IAES has been ordered.
- The penalty phase of a superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student, including the admission of anecdotal evidence of past instances of misconduct. The District shall assure that copies of the special education and disciplinary records of the student are transmitted to the Superintendent or hearing officer in the superintendent's hearing for consideration. Such records shall be transmitted whether or not the Manifestation Team has determined that the student's behavior is a manifestation of the student's disability.
- Upon a determination that the student is guilty of the alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the Superintendent may order, or the hearing officer in the superintendent's hearing may recommend, such change in placement to

an IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the length of time that a non-disabled student would be suspended for the same misconduct under the District's student discipline policy. The Superintendent may order such change in placement of a student with a disability to an IAES, directly or upon recommendation of a hearing officer in the superintendent's hearing, even where the Manifestation Team determines that the student's behavior is a manifestation of the student's disability.

### **Manifestation Determination Review**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after or before:

- a decision is made by the Superintendent to change the placement of a student to an interim alternative educational setting; or
- a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting; or
- a decision is made by the Board of Education, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.

If a disciplinary action involving a change in placement for more than 10 school days is contemplated for a student with a disability who has engaged in any behavior that violated any rule or code of conduct of the District that applies to all children, a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action was made. This review will take place by a Manifestation Team in a meeting, which shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parents and relevant members of the CSE as determined by the parent and the District. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parent of the purpose of the meeting, the names of the individuals expected to attend and inform the parent of his or her right to have relevant members of the CSE participate at the parent's request.

The Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if:

- the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or

- the conduct in question was the direct result of the District's failure to implement the IEP.

If the Manifestation Team determines that the above criteria are applicable to the student, the behavior shall be considered a manifestation of the student's disability. If the Manifestation Team determines that the conduct was a manifestation of the student's disability, the CSE shall:

- conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and
- except as provided for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, return the student to the placement from which he or she was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavior intervention plan.

If, in its review, the Manifestation Team identifies deficiencies in the student's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

### **Determination of Setting**

Students with disabilities who have been suspended or removed from their current placement for more than 10 school days may be placed in an interim alternative educational setting (IAES). The IAES shall be an educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall: (1) continue to receive educational services so as to enable the student to participate in the general education curriculum, although in another setting, and to progress toward the goals set out in the student's IEP; and (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **Parent Notice of Disciplinary Removal**

No later than the date on which a decision is made to change the placement of a student with a disability to an IAES, or a decision is to impose a suspension or removal that constitutes a disciplinary change in placement, the parent shall be notified of the decision and shall be provided the procedural safeguards notice.

### **Parent Appeal**

If the parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement, the parent may request a hearing. The District shall arrange for an expedited hearing in any case described in this section when requested by a parent.

In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the student's behavior was not a manifestation of such student's disability consistent with the requirements for a manifestation determination review. In reviewing to place a student in an interim alternative educational setting, the hearing office shall apply the standards indicated in "Determination of Setting." When a parent requests a hearing to challenge the IAES or the manifestation determination, the student shall remain in the IAES pending the decision of the hearing officer or until the expiration of the time period discussed in sections "Authority of School Personnel" and "Authority of a Hearing Officer," whichever occurs first, unless the parent and the District agree otherwise.

If the student is placed in an IAES and school personnel propose to change the student's placement after the expiration of the IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (the student's placement prior to the IAES), except where the student is again placed in an IAES by an Impartial Hearing Officer in an expedited hearing described below.

#### **Authority of an Impartial Hearing Officer**

An impartial hearing officer may order a temporary change in placement of a student with a disability to an IAES, determined by the CSE, in a dangerous situation, for not more than 45 school days if the impartial hearing officer:

- determines that the District has demonstrated substantial evidence that maintaining the current placement is likely to result in injury to the student or to others;
- considers the appropriateness of the student's current placement;
- considers whether the District has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
- determines that the interim alternative educational setting meets the requirements.

#### **Expedited Hearing**

If school personnel maintain that it is dangerous for the student to be in the current placement during the pendency of the due process proceedings, the District may request an expedited hearing. An expedited due process hearing shall be completed within fifteen business days of receipt of the request for a hearing, provided that the impartial hearing officer may grant specific extensions of times at the request of either the District or the parent.

#### **ACCESSIBILITY**

##### **Access to Academic and Disciplinary Conferences**

Oxford Academy assures access for parents of students with disabilities to



school-initiated conferences with respect to educational planning or school discipline. Accordingly, a sign language interpreter will be provided, upon request, to hearing-impaired parents who require such assistance. Parents requiring this or other accommodations such as a translator or barrier-free site, to participate in meetings of the Committee on Special Education or Committee on Preschool Special Education are requested to notify, in writing, the Special Education Office at the beginning of the school year, at the time of enrollment, or at least ten days prior to the scheduled meeting or activity.

### **Access to Programs and Extra-Curricular Activities**

Students with disabilities residing in the District have the opportunity to participate in all programs and activities administered by the District and available to the students enrolled in District public schools, providing that the students seeking to participate are otherwise qualified to participate in such programs and activities. These may include regular classroom instruction, occupational education programs, ESL programs, laboratory instruction, support services, extracurricular activities and programs, special assemblies and events and career education programs.

### **Provision of Special Education Services for Students Attending Non-Public Schools by Parental Choice:**

The public District where the nonpublic school is located must develop procedures for the evaluation and provision of special education services to students with disabilities enrolled in nonpublic schools located in their District for the school year in accordance with the new federal regulations. In this process, the District must consult with nonpublic school representatives and representatives of parents of parentally placed private school students with disabilities for nonpublic schools located within the boundaries of the District. The district of location bills back the district of origin for these services.

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

It is the policy and practice of the Board of Education of the District to ensure, to the fullest extent possible, that students with disabilities residing in the District shall be educated within the District and to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs and providers that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space.

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the DCMO Board of Cooperative Educational Services (BOCES). At least once per year, the Director of Special Programs will visit the placement of

each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

**DCMO BOCES Classrooms and Programs:**

Chenango Campus (Center-based)-

6:1:1 BEN  
8:1:1 SEN  
Integrated Preschool run by FEN  
GAIN TASC/GED

Harrold Campus (Center-based)-

12:1:1 BEN  
12:1:1 SEN  
6:1:1 BEN  
8:1:1 SEN  
GAIN TASC/GED

Unadilla Valley-

8:1:1 TEACCH

Eaton Center-

12:1:1 BEN

Guilford Elementary-

8:1:1 TEACCH

Gilbertsville- Mount Upton-

8:1:1 SEN

Sidney

8:1:1 SEN

**METHODS FOR EVALUATING PROGRAM OBJECTIVES**

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

The goal of the special education program in the District is to provide each student with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential.

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

- ongoing evaluation of student achievement using various standardized diagnostic tests and other teacher-made assessments;
- annual reviews of students' progress and programs, resulting in revised comprehensive IEPs;
- qualitative techniques such as teacher observations and conferences, classroom observations;
- triennial reevaluation of each pupil with a disability as outlined in Commissioner's Regulations;

## **PLAN TO ENSURE AVAILABILITY OF INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS**

The Board of Education established a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same or similar time to those available to non-disabled students. "Alternative format" is defined to mean any medium or format for the presentation of instructional materials, other than traditional print textbooks, that is needed as an accommodation for a disabled student enrolled in the District. It would include, but not be limited to, Braille, large print, open and closed caption audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

### **Access to and Conversion of Electronic Files**

Instructional materials provided in electronic files can offer many flexible options for a student with a disability to access the curriculum when the files are used with a variety of technology and tools such as computer screens using highlighted and enlarged text, screen readers or Braille printers. Students will have access to appropriate software and hardware in order to provide these materials in an alternative format. This would include, but not be limited to, computers, printers, scanners, alternative keyboards, Braille note takers, tape recorders, screen readers, speaking browsers, screen magnification devices, scan and read, and Braille translation. The District will also access appropriate agencies and resource centers to assist in the conversion of materials into Braille format. Southern Tier Independence Center is a valuable resource for this and translation services.

## **TRANSPORTATION**

Transportation for students with disabilities will be provided in accordance with District policy and comply with all applicable laws, regulations and policies established by federal, state and local authorities. If the CSE determines that, on the basis of the student's disability, transportation to an in-district program is required, specific recommendations will be made on the student's IEP (special transportation). If the CSE recommends placement of a student with a disability to a school or program outside the District, transportation will be provided. Whenever possible and appropriate, transportation is provided with non-disabled peers or on a small bus with or without an attendant. Special transportation is indicated on the IEP when the student needs specific transportation due to reasons such as behavior, medical, supervision, or low cognitive understanding.

## **OXFORD ACADEMY SPECIAL EDUCATION CLASSES**

Each of the District's schools provides Consultant Teacher, Resource Room and related services for students with disabilities who have been recommended for such services by the CSE. Both the Oxford Primary School and Middle School each have consultant teachers that can also provide resource room time. The

High School has two teachers that provide resource room time. All the buildings have one self contained special class.

### **Consultant Teacher Model**

Consultant teacher services are defined as specially designed individualized or group instruction provided by a special education teacher to a pupil with a disability within (pushed into) the regular education classes to help the student benefit from the regular education class. The majority of students in the district receive their program through Consultant Teacher Services. Consultant teacher services are for grades K-8.

### **Resource Room Model**

The district currently operates pull out resource room services for students K-4 if needed per the IEP and in all grades 5-12. These programs function for the purpose of supplementing the regular education instruction and consultant teacher. Students who have moderate needs in skill building in areas of reading, writing, and/or mathematics are placed into Resource Room time. Teachers also help students with homework, projects, organization, study skills, accommodations, and test taking strategies.

### **Special Class Programs**

The district currently operates three special class programs. Special Class 12:1:1 is located in the Primary School. A special Class 15:1:1 is located in the Middle and High School. When determining if a special class program is appropriate for a given student, the Board of Education and the Committee on Special Education will consider the least restrictive environment. Therefore, unless a student's disability requires special classes, the student will be educated in regular classes with appropriate supportive supplementary instruction/assistance. Where special class placement is recommended, the pupil with a disability will participate in programs of, and utilize the facilities of, the Oxford Academy School District to the maximum extent deemed beneficial for the student's individual needs. The emphasis of the instructional program in the special classes is for the acquisition of basic academic skills. Students will be mainstreamed as specified in the IEP into either academic, for specials, or social opportunities (art, music, media, chorus, home and careers, technology, playground, physical education, lunch, recess, homeroom). Additional support related services may include speech, OT, PT, Teacher of the Hearing Impaired, Educational Audiology, Teacher of the Visually Impaired, and psychological counseling and counseling.

Oxford Academy's special classes may be composed of students with differing disabilities, but with similar needs. A student with a disability will be placed in the special class for instruction on a daily basis to the extent indicated on the student's IEP. Some students that are placed into a special class have core instruction taking place there, while others maybe mainstreamed more depending on strengths.

The chronological age range within the special classes of students with disabilities shall not exceed three years unless under a variance from NYSED or with the exception of those students who are 16 and older. If a student in the district is referred to the CSE and is subsequently recommended for a special class placement, or if a transfer student enters the district that was previously receiving special class instruction, and the chronological age exceeds the range previously established, then:

1. The student's needs will be examined based on the four areas of the IEP- academics, social, physical, and management, and a variance will be applied for by the Director of Special Programs with the Commissioner of Education, or
2. If the student's needs are not similar to those students currently in the special class, then the CSE will explore other possibilities for placement.

**IDENTIFICATION OF STUDENTS WITH DISABILITIES  
NUMBER OF PUPILS SERVED LISTED BY TYPE OF DISABILITY  
AS OF OCTOBER 6, 2018 VR REPORT SCHOOL-AGE STUDENTS BY  
DISABILITY # OF STUDENTS was 109 total; CLASSIFICATION RATE 14.4%**

Autism 5  
Emotional Disturbance 4  
Learning Disability 44  
Intellectual Disability 9  
Deafness 0  
Hearing Impaired 2  
Speech or Language Impairment 12  
Visual Impairment (includes Blindness) 0  
Orthopedic Impairment 0  
Other Health Impairment 26  
Multiple Disabilities 5  
Deaf-Blindness 0  
Traumatic Brain Injury 2

**PRESCHOOL CHILD COUNT RECEIVING SERVICES AS OF OCTOBER 6,  
2018 BEDS Count was 9 total**

**STUDENTS WITH DISABILITIES ATTENDING VARIOUS BOCES PROGRAMS  
OUT OF DISTRICT STUDENTS As of October 6, 2018 was 20 total**

**STUDENTS WITH DISABILITIES ATTENDING PRIVATE SCHOOL OUT OF  
DISTRICT STUDENT AS OF OCTOBER 6, 2018 was 1 total**

**STUDENTS WITH 504 ACCOMMODATION PLANS AS OF OCTOBER 6, 2018  
was 34 total**

**SUMMARY REPORT OF ALL STUDENTS WITH IEPS RECEIVING SERVICES  
ON OCTOBER 6, 2018 BEDS Count**

**In Regular Education:**

**80% or more** 70 students

**40%-79%** 21 students

**Less than 40%** 18 students

**FUNDING FOR SPECIAL EDUCATION**

- STAC/ High Cost Aid- public and private cost aide for 10- and 12-month students
- Transportation aid for extended school year students
- Medicaid- from eligible students getting specific services
- 611 and 619 (Title) Federal Grants
- General Fund which gets monies from taxpayers and NYS state aid

**2017-2018 GRADUATES THAT ARE STUDENTS WITH DISABILITIES**

- Regents diploma with advanced designation-1
- Regents diploma- 11
- Local diploma- 3
- CDOS diploma- 0
- TASC- 0
- Skills and Achievement Credential- 0

**2017-2018 POST SECONDARY PLANS FOR STUDENTS WITH DISABILITIES**

- College-7
- Military- 0
- Workforce-8

**SPECIAL EDUCATION DEPARTMENT OXFORD ACADEMY AND CENTRAL  
SCHOOLS: 18-19 SCHOOL YEAR**

K-2 Hannah Vincent- Special Education Teacher

3-4 Paige Lavine- Special Education Teacher

12:1:1- Elisa Heggenstaller- Special Education Teacher

Kathy Ryan- LTA

PS 2:1 aides- Angela Tracy, Andrew Everard

PS 1:1 aide- Lilliana Ferreira

5 Julia Bogardus- Special Education Teacher

6 Katie Kappauf- Special Education Teacher

7/8- Ashley Fisher- Special Education Teacher

15:1:1/7- Rhonda Burnside- Special Education Teacher

Robin Wright- LTA

MS 1:1 aide- Heaven Parrish

MS 2:1 aide- Leon Hartwell

15:1:1 aide- Denise Moore

15:1:1 aide- Kim Marshman

9-12 Kathy Hodge- Special Education Teacher

RR aide- Deb Copeland  
9-12 Karen Swayer- Special Education teacher  
RR aide- Chris Hinman  
15:1:1 Jon Carey- Special Education Teacher  
Jeanette Dunckel- LTA  
1:1 aide-Melissa Brown  
2:1 aide- Dawn Finnegan, Teresa Quigley  
School Psychologist -Jennifer Ostrom  
Speech Therapist-Terri Woodford  
OT- Denise Shaver and Patty Griffiths (part time) United Therapeutics  
PT- BOCES itinerent Amy Vankuren  
Counselor- BOCES itinerent Franci Grossman  
BOCES Speech itinerant supervisor- Deb Kurtz  
Inclusion room aides: Michelle Reynolds, Diana Mead, Karen Green  
Kim Boyer, Secretary for the Office of Special Programs  
Dawn A. Hover, Director of Special Programs