

Valley Stream School District Twenty-four
Special Education District Plan 2019 – 2021



Valley Stream Union Free School District #24
Special Education District Plan 2019 – 2021

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INTRODUCTION

In accordance with the Federal Legislation (PL 94.142, IDEA Amendment 2004), New York State Education Law (Part 200) and New York State Law (Article 89), the Valley Stream Union Free School District Twenty-Four provides special education services that offer a free appropriate public education (FAPE) for students with disabilities.

Special education services are varied. The District is committed to providing these services to students in the least restrictive environment (LRE). In other words, to the greatest extent possible, students with disabilities are educated in their own District and in general education classes. Special education is an integrated component of the District's practices, procedures and graduation goals.

Programs are based on the individual needs of the students. These programs are under continual review by the staff and administration. The Valley Stream Union Free School District Twenty-Four staff is deeply committed to providing educational experiences that maximize the potential of the students it serves.

The District will attempt to provide general education support services, instructional modifications, and alternative instructional approaches in order to address the student's performance prior to a referral to the Committee on Special Education (CSE). No student may be determined eligible for special education services due to lack of instruction in reading and math or due to limited English proficiency.

The individual evaluation includes technically sound instruments that assess the relative contribution of cognitive, behavioral, physical and developmental factors. Selected evaluation materials will not be discriminatory with regard to a student's race, language or culture. Assessment tools are used to provide information that directly assists the evaluator with determining the educational needs of students.

A process is developed to ensure that all appropriate special education services, related services and program modifications will support the student's progress in the general curriculum.

DESCRIPTION OF SPECIAL EDUCATION PROGRAMS AND SERVICES

The District recognizes the right of every student with disabilities to receive a free appropriate public education in the least restrictive environment. Special Education services are recommended by a multidisciplinary team which, after consideration of the student's needs, develops an Individual Education Program (IEP). All students with disabilities have their programs reviewed at least annually and are provided with a comprehensive review of their needs every three years.

Students with disabilities are educated within the general education environment to the maximum extent possible and are entitled to participate in all appropriate general education activities.

The Special Education Department works with the Superintendent of Schools and the Board of Education to develop programs and service options that meet the various needs of students with disabilities. The District will continue in its efforts to educate as many of its students as possible in District-operated programs, ensuring that all pupils with disabilities have complete access to all educational programs. Programs are developed only in response to the needs of students and reflect the current population served.

IN-DISTRICT PROGRAMS

The District provides a continuum of programs and services as follows:

Related Services – Students receive all their instruction in the general education classroom but are provided with related services (i.e., speech, physical therapy, occupational therapy, or counseling). Students may receive related services only or may receive related services in addition to another program.

Consultant Teacher Services – Classified students may receive a minimum of two hours per week of either direct or indirect teacher consultation services. Direct service provides special education teacher support within the general education classroom or within a small group on a push-in basis. Indirect service provides consultation services between special education and general education teacher regarding the student's specific needs.

Resource Room– Students may receive resource room support to work with a special education teacher on academic skills, organizational skills, study skills and learning strategies that address individual needs and goals. Students with Resource Room specified as a program on their IEPs must receive this service a minimum of three hours per week.

Integrated Co-Teaching Class - Classified students in grades K-6 with a level of needs specified on their IEPs that require intervention throughout the school day may be placed in this program. The District's Integrate Co-Teaching model is comprised of a general education teacher and a special education teacher in the classroom. The amount of time the special education teacher is in the classroom is determined by need. According to New York State regulations, the number of classified students in this setting may not exceed twelve per class.

Self-contained Special Classes – Classified students in grades K–6 who require specialized learning techniques, individualized instruction, and a smaller class program as identified on their IEP are placed in self-contained special classes. Students may be mainstreamed in general education as appropriate.

Out-of-District Programs – Classified students whose needs cannot appropriately be met within the Valley Stream School District Twenty-Four program offerings are recommended by the Committee on Special Education to either a BOCES placement, neighboring school district programs or private schools.

Hospital/Home Program – Students who are referred by the CSE to hospital or home programs receive their educational instruction through contact between the hospital education unit or home tutors and the Valley Stream Union Free School District Twenty-Four.

Residential Placement – Students who require a residential placement in order to benefit from educational programs are recommended to such schools. These placements are reserved for the District’s students with the most significant disabilities.

COMMITTEE ON SPECIAL EDUCATION

The Committee on Special Education (CSE) is a multidisciplinary team who considers a student’s eligibility for special education services, designs and recommends an Individualized Educational Program (IEP) for each student determined to have a disability, and reviews at least annually the programs and services of all students with disabilities residing in the Valley Stream Union Free School District Twenty-Four.

Membership - The Board of Education annually appoints members of the CSE. The membership of the CSE includes, but is not limited to: a school psychologist; a representative of the school District who is qualified to provide, administer, or supervise special education; the child’s teacher; a parent(s) or person(s) in parental relationship (*herein referred to as parent*) of a child receiving special education (if requested in writing at least 72 hours prior to the meeting); a general education teacher of the child if the child is or may be participating in the general education setting; and a physician (if requested within 72 hours of the meeting by the parent). The child’s parent(s) are included as decision makers in any Committee meeting.

Referral Procedures - School-aged students who are suspected of having an educational disability are referred in writing to the Director of Special Education. Such referrals can be made by a student’s parent; by a professional staff member of the school District; a licensed physician; a judicial officer; the Commissioner or designee of a public agency with responsibility for welfare, health or education of children; or the student, if over the age of 18 or an emancipated minor. When a referral is made by a staff member, the written referral must: State the reasons for the referral and include any test results, records or reports upon which the referral is based; describe attempts to remediate the student’s performance prior to the referral, including any supplementary aids or support services provided (such as an RTI plan), or state the reason why no such attempts were made; describe the extent of parental contact or involvement prior to the referral. A referral made by a staff member must be submitted to

and signed by the Building Principal or designee before it is forwarded to the Director of Special Education. Before making a referral to the CSE, the staff member presents the student's situation to the Instructional Support Team. Such a presentation may result in the implementation of other interventions and strategies designed to meet the student's needs.

Evaluation - Upon receipt of a referral, the Director of Special Education notifies the Building Principal and the parent in writing that a referral has been made. The parent is also sent written information regarding the evaluation process, notification of the parent's due process rights handbook, and a request for consent for the evaluation to begin. No evaluation can begin until written receipt of parental consent is received. (Prior Written Notice). Once parental consent is received, the Director of Special Education notifies evaluators and sets a date for the CSE to discuss the evaluation results. If the parent refuses consent for evaluation, the District may continue to pursue an evaluation by utilizing the mediation and due process procedures. The meeting date is set so that any recommended program can begin within 60 school days of the receipt of consent. A multidisciplinary individual evaluation is conducted at no cost to the parent and must consist of:

A physical examination;

An individual psychological evaluation;

A social history;

An educational evaluation;

A classroom observation;

Other appropriate assessments or evaluations as necessary to ascertain the psychological, physical, mental and emotional factors which contribute to the suspected disability (e.g., speech, physical or occupational therapy).

The evaluation is conducted in a manner that meets the individual child's needs must assess all areas related to the suspected disability. The tests and assessments must be (a) administered in the child's dominant language or other mode of communication, (b) administered by trained personnel and have been validated for the purpose for which they are being used, and (c) presented to the CSE in writing and to the parent in the dominant language or other mode of communication. The evaluation information must include information related to enabling the student to be involved in and progress in the general curriculum.

Eligibility: At the CSE meeting the Committee reviews all referral and evaluation information and makes a determination of whether the student meets the eligibility requirements for special education as detailed in Part 200 of the Regulations of the Commissioner of Education.

In addition, under 2004 IDEA Amendments, a student's prior instruction in reading, math and English proficiency is reviewed. The terms used in the definition are defined as follows:

1. *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3), which adversely affect a

student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities, stereotyped movements, and 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 paragraph 4 of this subdivision. 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, which 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: An inability to learn that cannot be explained by intellectual, sensory or health factors; An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; Inappropriate types of behavior or feelings under normal circumstances; A generally pervasive mood of unhappiness or depression; or A tendency to develop physical symptoms or fears associated with personal or school problems.

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

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

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. The term includes but is not limited to 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; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage.

7. *Intellectual Disability* means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a student's educational performance.

8. *Multiple disabilities* means concomitant impairments, the combination of which causes educational needs that 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 a 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 (OHI)* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that result in limited alertness with respect to the educational environment. A classification of OHI 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 (ADD) or Attention Deficit Hyperactivity Disorder (ADHD); 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, language impairment or a voice impairment, which 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 and anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, sensory, perceptual and motor abilities, psychological behavior, physical functions, information processing and speech. The term does not include injuries that are congenital or caused by brain trauma.

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

Recommendations: If the CSE finds that the student does not meet the eligibility guidelines for special education, the Director of Special Education sends written notification to the parent and the Building Principal indicating the reasons for the decision. Alternatively, an Individualized Education Program (IEP) is developed for any student who is deemed eligible for services.

The Director of Special Education forwards a summary of the CSE's recommendations to the Board of Education. The Board reviews each case and arranges for the initiation of services. If the Board disagrees with the recommendations, it may return the case to the CSE along with a statement detailing the Board's concerns. The CSE must then reconvene to reconsider the Board's concerns and resubmit an appropriate recommendation to the Board. The Board may appoint a second CSE to review the case if it is dissatisfied with the original CSE's recommendation. The entire evaluation and placement process must be completed within 60 days from the receipt of consent to evaluate. Once the Board has agreed to arrange for services, copies of the IEP are provided to the parent and a request for parental consent to initiate the program is made. Upon of parental consent, copies of the IEP are provided to all pertinent staff under Chapter 408 of the Regulations of the Commissioner.

THE INDIVIDUALIZED EDUCATION PROGRAM

The IEP must include:

1. Present levels of performance and the individual needs of the student according to each of the four need areas, namely social and physical development and academic and management needs. Include how the disability affects involvement and progress in the general curriculum; or for preschool students, how the disability affects the student's participation in age appropriate activities. If appropriate, include information on how a student's behavior impedes his/her learning or that of others. For a student with limited English proficiency, include information on the language needs of the student. For a student who is blind or visually impaired, the IEP must include information on the student's need for instruction and the use of Braille. For a student who is deaf or hard of hearing, include information on the student's language and communication needs and opportunities for direct communication with peers and professional personnel in the student's language and communication mode.

2. Classification of the disability.

3. Annual goals, including benchmarks for preschool students and those eligible for alternate assessment, which are measurable, intermediate steps between present levels of educational performance and the annual goals. Include evaluative criteria, evaluation procedures and schedules to be used to measure progress toward the annual goals. Ensure annual goals, benchmarks and short-term objectives related to meeting the student's needs that result from the student's disability enable them to be involved in and progress in the general education curriculum to the greatest degree possible. Ensure annual goals, benchmarks and short-term objectives related to meeting each of the student's other educational needs that result from the student's disability are defined.

4. The recommended special education program and services from the options set forth in section 200.6 of the Regulations of the Commissioner, including class size, if appropriate. Include supplementary aids and services to be provided to the student or on behalf of the student. Include, as appropriate, strategies, including positive behavioral interventions and supports to address behaviors that may impede a student's learning or that of others. Include, as appropriate, strategies or services to address the language needs of a student with limited English proficiency as such needs relate to the implementation of the IEP. Include, as appropriate, instruction in Braille and the use of Braille for a student who is blind or visually impaired. Include, as appropriate, opportunities for direct instruction in the student's language and communication mode for students who are deaf or hard of hearing.

5. An explanation of the extent, if any, to which the student will not participate in regular education programs including: Physical education or adaptive physical education, extracurricular or nonacademic activities; The student's requirement to take a Language other than English; for preschool students, an explanation of the extent, if any to which the student will not participate in extra-curricular or nonacademic activities; Special transportation if appropriate.

6. If the student will not participate in the State or local assessments, why the assessment is not appropriate and how the student will be assessed.

7. A statement of the program modifications or supports for school personnel that will be provided for the student to: Advance appropriately toward attaining the annual goals listed on the IEP; Be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and To be educated and participate with other students in physical education or adaptive physical education, occupational education if appropriate, the regular education classes, State or local assessments and regular education.

8. A description of any specialized equipment and adaptive devices needed.

9. Testing accommodations to be used consistently by the student in the recommended educational program.

10. The projected date for initiation of special education, related services and supplementary aids and services.

11. The frequency, location and duration of special education and related services and supplementary aids and services.

12. Eligibility for 12-month special service or program and the identity of the provider of services during the months of July and August.

13. The projected date of the review of the student's need for special education, related services and supplementary aids and services and, if appropriate, 12 month special services or programs.

14. Recommended placement.

15. A statement of how the student's parents will be regularly informed of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

16. Annual and Reevaluation Reviews. Each student who has been classified as having a disability and requiring special education services has his/her program and placement reviewed annually. An earlier review can be schedule at the written request of either the parent, teacher or administrator. Each student who has been classified as having a disability and requiring special education services will participate in updated individual psychological evaluations every three years, and educational evaluations annually. If the Committee determines that additional data is needed, the school District must notify the child's parents and the reasons for the determination and the right of such parents to request an assessment to determine whether the child continues to be a child with a disability. The school District is required to conduct such assessment if requested by the child's parents. Such evaluations must focus on the appropriateness of the program for that child. If updated evaluations cannot be conducted due to the child being unavailable (physically, emotionally, or behaviorally) or are declined by the parent, the Committee will conduct a review of records for the Reevaluation utilizing prior evaluations, progress reports, report cards, class or district-wide standardized assessments and any other relevant documents to determine recommendations. Before a student is declassified, an evaluation must be conducted.

17. CSE Subcommittees. Annual reviews or other program reviews may be held by a Subcommittee of the Committee on Special Education. Subcommittee members are appointed by the Board of Education. The CSE Subcommittee is composed of the same membership as the CSE with the exception of the parent representative and school psychologists (except when a new psychological is reviewed). Each Subcommittee is authorized to perform the functions of the CSE except when a student is considered for initial eligibility, reevaluation meeting, or annual review at which a more restrictive placement is recommended. The CSE is responsible for the oversight and monitoring of the Subcommittee and will review any decision made by the Subcommittee when a written request from the parent is received.

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

The District ensures that preschool students with disabilities (ages 3-5) are provided with appropriate educational opportunities through special education programs and services. A preschooler with a disability is one who, as determined by an individual evaluation, qualifies as such under the criteria set forth in Part 200 of the Regulations of the Commissioner of Education and for whom the Committee recommends a special education program and/or service(s). The Board of Education annually appoints members of the Committee on Preschool Special Education (CPSE).

The membership of the CPSE includes, but is not limited to: an appropriate professional employed by the school District who is qualified to provide or supervise the provision of special education (this person acts as the Chairperson), a parent of a child receiving special education (by parent request, at least 72 hours prior to the meeting), a representative from the evaluation site, the child's teacher if the child has one, and a general education teacher if the child is or may be participating in a general education program. In addition, all initial CPSE meetings may include a representative of Nassau County. Parents are participants in any team that makes evaluation, program, and placement recommendations.

Referral Procedures: Preschool students who are suspected of having a disability are referred, in writing, to the Coordinator of the CPSE. Such referrals can be made by (a) a student's parent or person in parental relationship, (b) a professional staff member of the school District, (c) a licensed physician, (d) a judicial officer, (e) the Commissioner or his/her designee of a public agency with responsibility for welfare, health or education of children, (f) an Early Childhood Direction Center (ECDC), (g) approved preschool programs, or (h) approved programs providing special instruction to children from birth to three years of age.

Evaluation: Upon receipt of referral, the Coordinator of the CPSE notifies the parent and requests written consent for an evaluation (Prior Written Notice). The parent is provided with a list of approved evaluation sites within Nassau County from which the parent may select an evaluator. An individual evaluation must consist of a psychological evaluation, social and developmental histories, a medical evaluation, and an observation of the child. Other evaluation (e.g., speech, occupational therapy, etc.) may be requested based on the nature of the suspected disability. Documentation of the completed individual evaluation must be sent to the Coordinator of the CPSE. The report must include the preschool child's individual needs and must be provided in English or in the parent's dominant language or other mode of communication, unless it is clearly not feasible to do so.

Recommendations: The Coordinator of the CPSE schedules a meeting within 60 calendar days of receipt of the consent for evaluation and invites the student's parent, a representative from Nassau County, and a Board appointed parent representative (by parent request, in writing at least 72 hours prior to the meeting), and a regular education teacher if the child is or may be participating in a general education program.

The CPSE makes a determination regarding whether the student has an educational disability. If such a disability is found, the CPSE develops an IEP which includes recommendations for appropriate special education services. Recommendations must take into account the least restrictive environment, the student's academic/educational needs, the student's social and physical development, and the student's management needs. This recommendation is then forwarded to the Board of Education and provided in writing to the parent. A parent is required to give written consent before the recommended program can be initiated. If a parent disagrees with the decision of the Committee, the parent may exercise due process rights and request Mediation or an Impartial Hearing.

Service Options: The continuum of service options for preschoolers with disabilities includes:
Related Services (e.g., speech therapy, physical therapy, etc.)

Special Education Itinerant Services (SEIS) provided by a certified special education teacher for a minimum of two hours per week. SEIS services are provided by a special education itinerant teacher (SEIT) and may be combined with related services.

A half-day special education program (up to 2 1/2 hours)

A full- day special education program (up to 5 hours)

Related services and SEIS services are provided at a site initially determined by the Committee and approved by the Board of Education, including but not limited to (a) an approved or licensed prekindergarten, (b) the work site of the provider, (c) a Head Start program, (d) a child's home, (e) a hospital, (f) a state facility, (g) a child care location, (h) a location within the community (e.g. the public library), or (i) a District public school.

EVALUATION OF PROGRAMS AND SERVICES

Methods of evaluation include:

Yearly review of the PD Indicator State Education Department Reports and on-going assessment of programs to reflect student needs. The District utilizes several methods to evaluate the extent to which the objectives of their programs and services for special needs students have been achieved. Methods include the IEP process for individual students, District-wide and State standardized testing, and reevaluation individualized diagnostic testing, teacher-initiated procedures with regard to program planning towards the awarding of IEP, local, or Regents diploma to classified students.

The Committee on Special Education and Committee on Preschool Education are responsible for reviewing and evaluating, at least annually, the progress of each classified student. Students may be reviewed sooner and a new IEP is developed if the need arises.

TRAINING ACTIVITIES

During each school year, members of the CSE, CPSE, instructional services staff, general education staff, and administrators are involved in a variety of training activities. Training activities may include: (a) presentations at staff meeting regarding regulations and instructional practices, (b) half or full day workshops regarding instructional and assessment strategies and programs, (c) staff development regarding collaboration and curriculum modifications, and (d) attendance at conferences. Topics for training are determined through formal and informal needs assessments and evaluations of ongoing training. Parent workshops are held when appropriate by special education staff. Parent members of the CSE/CPSE Committees attend training at BOCES.

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

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

It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs 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 Board of Cooperative Education Services (BOCES). At least once per year, a staff member from the District's Special Education Department will visit each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

In an attempt to provide the least restrictive environment for all students, the District will continue to provide placements, to the extent available, for school-age students from other school districts who

need special programs not available in their home schools. Educational services with grade-appropriate space for non-resident students will be provided if such space is available and appropriate, with tuition collected from the home district.

SPECIAL EDUCATION PROGRAMS BY SCHOOL

All three buildings in our district offer Resource Room, Integrated Co-Teaching classes (on an as-needed basis), and direct Related Services.

In addition, special class programs are located in the following Valley Stream Union Free School District Twenty-Four buildings:

Robert W. Carbonaro School: Kindergarten Special Class 12:1:2
Special Class 12:1:2 (Primary)

William L. Buck School: Special Class 12:1:2 (Intermediate)
Special Class 15:1:2 (Intermediate)

NUMBER OF STUDENTS WITH DISABILITIES AS OF SEPTEMBER 2019

Total Number of School-Age Students with Disabilities: 133

Number of School-Age Students Served in District Operated Special Classes: 32

Number of School-Age Students Served in BOCES Programs: 7

Number of School-Age Students Served in a State Supported Schools: 1

Number of School-Age Students Served in Other Public School Districts: 3

Number of School-Age Students Served in Private Schools: 4

Total Number of Pre-School Students with Disabilities: 32

DISTRICT COMMITTEE ON SPECIAL EDUCATION

Laura M. Peterson, Director of Special Education

School Psychologist from student's home school:

- Shira Greenblatt (R. W. Carbonaro School)
- Suzanne Dalal (Brooklyn Avenue School)
- Kerriann Cunningham Pieper, Kerry Michel (W. L. Buck School)

Speech Therapists from student's home school:

- Karen Brass, Michele Knight (R. W. Carbonaro School)
- Maria Herzner (Brooklyn Avenue School)
- Catherine Herr (W. L. Buck School)

General Education Teacher

Special Education Teacher

Parent(s)

Parent Member (by parent request only)

DISTRICT COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

Laura M. Peterson, Preschool Special Education Chairperson

Parent(s)

General Education Teacher, if applicable

Special Education Teacher, if applicable

Related Service Provider, if applicable

Evaluating agency

Nassau County Dept. of Health Preschool Special Education Representative

Parent Member (by parent request only)

DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The recommendation to declassify students with disabilities is the responsibility of the Committee on Special Education (CSE) as declassification constitutes a significant change of identification and placement. Therefore, the CSE shall reevaluate the child prior to making this recommendation. The CSE shall also send prior written notice to the child's parent of such 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, consent will be implied and the CSE shall reevaluate the child.

In order to determine the nature of this reevaluation, the school staff, including members of the CSE and other qualified professionals, may review the existing evaluation data including evaluations provided by the parents; current class assessments; observations by teachers; and reports by related services providers and other professionals. This review shall not constitute a CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CSE shall notify the parents 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 does not request further assessment, the 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.

In conducting its review, the CSE will consider the student's ability to participate in general education instructional programs, the student's benefits from 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 CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the 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. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional educationally related support services, academic intervention services or other services that may be appropriate for the child.

According to State and Federal regulations, the District is not required to conduct a reevaluation of a student who is graduating with an IEP or Regent's diploma or exceeds the age eligibility requirement for a free appropriate public education (FAPE), even though this is a significant change of placement.

DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education of the Valley Stream Union Free School district Twenty-Four recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board of Education also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by the District's Code of Conduct; administration of Regulations, as well as all applicable laws and regulations. (Policy #5406)

Suspension Procedures for Students with Disabilities

Provisions Applicable to All Students

The public schools of the District are established and maintained in order that all eligible students residing in the District may attend them. However, in those instances where the student may be insubordinate, disorderly or is endangering the safety, morals or welfare of him/herself or others, or refuses to comply with the compulsory attendance law, the privilege of attendance may be temporarily withdrawn.

The building Principal maintains the responsibility for investigating all cases of reported student misconduct. If, after investigation, sufficient cause for concern has been established and, after the student has been given an opportunity to present his/her point of view and, after the parent(s) have been so notified of the student's misconduct and actions to be taken, the Building Principal may administer a suspension of one to five days.

Suspension of 5 days or less (short-term suspension)

In-School suspensions:

For major infractions of school rules, such as insubordination, disruptive behavior, etc., the Building Principal may assign a student to an in-school suspension. Such suspensions shall provide for student removal from classes and assignments to "in-school suspension" where special suspension is provided for the duration of the assignment. During this assignment, every effort will be made to provide for the ongoing education of the student. In such cases the parent(s) shall be notified.

Out-of-School suspensions:

This measure will be used for students whose behavior is either disruptive and/or poses a danger to the order and safety in the school, or where repeated offenses indicate that adjustment cannot be made within the available school resources. It is the purpose of the suspension procedure to provide the school and the student with a period of time to correct serious behavior problems. The administrator will make an effort to bring the teaching staff and parent together to prevent further disciplinary actions. In addition, every effort will be made to provide the student with some alternative form of instruction for the duration of the suspension.

In reference to all suspensions of less than 5 days, a Building Principal may initiate said suspension, however, only the Superintendent of Schools may suspend a child from school, unless the board of Education delegates such authority to the Building Principals (NYS Education Law 3214.(3)b.)

In short term suspensions of this type, the student and parent shall have the opportunity for an informal conference with the Building Principal at which time the parent shall be authorized to ask questions of complaining witness (NYS Education Law 3214.(3)d.)

Suspensions in Excess of 5 Days

Suspensions in excess of 5 days are considered unusual and are administered for gross misconduct and when it has been determined that the presence of a student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. No student may be suspended for a period in excess of 5 days without an opportunity for a fair hearing before the Superintendent of Schools, or said designee (NYS Education Law 3214.(3)c.) The student and parent have a right to receive prior written notice of the hearing including specific charges against the student. The student shall have the right to representation by counsel with the right to question witnesses against said student and to present witnesses and other evidence on his/her behalf. A record of the hearing must be maintained. Such hearing shall be held before the Superintendent of School and/or Board appointed hearing officer who shall present his/her advisory report to the Superintendent and/or the Board of Education. The hearing officer report is considered advisory and Superintendent or Board may accept or reject all or any parts of such report. Pupils have a right to appeal a suspension to the Board of Education. An appeal may be made to the Commissioner of Education under education Law 310 within 30 days of a Board of Education review.

Suspension of Students with Disabilities

In accordance with case law, Building Principals are advised that students with disabilities may not be suspended, except in emergency situations, for exhibiting behaviors related to their handicapping conditions. (Emergency situations are those considered to be a threat to the health and safety of his/herself or others.)

A disciplinary exclusion of more than 5 days constitutes a change of placement (*Honig vs. Doe, 1988*). If a suspension of more than 5 days is recommended by the Superintendent or designee after a fair hearing, the CSE must convene within a 10-day period to consider whether this change of placement is appropriate.

The CSE should consider whether the current change is appropriate; whether further evaluation is necessary; whether the behavior exhibited is related to the disability; whether a modification of the IEP (i.e., increase in related services, an aide, limiting mainstreaming opportunities, etc.) would enable the student to remain in current educational placement and whether a change in placement should be recommended.

If a change in placement is recommended, the CSE must follow the procedures under NYCRR200.5, including a detailed written notice to the parent regarding the opportunity to

challenge the proposed change by requesting an impartial hearing. The notice must also explain that “during the pendency of any proceedings conducted pursuant to this section, unless the Commissioner of Education of local Board of Education and the parents agree, the pupil shall...remain in the then current education placement...” If the parent challenges the proposed change of placement by requesting an impartial hearing, the child must remain in the current educational setting pending the appeal process unless the parents agree to an interim placement.

Determine if the conduct in question was caused by or had a direct and substantial relationship to the student’s disability or; Determine if the conduct in question was the direct result of the school District’s failure to implement the IEP.

If the response is “yes” to any of the aforementioned items, the manifestation team must find a nexus between the child’s behavior and the disability. The suspension will be terminated and the child will be returned to the placement unless the parent and the school District agree to an alternative setting or unless the offense is due to a weapon or carrying, selling or soliciting illegal drugs.

The CSE shall be responsible for determining the nature of the 45-day interim alternative educational setting (IAES) as well as the services to be provided to the suspended students. This setting shall enable the child to continue to make progress in the general curriculum and to receive services and modifications included in the current IEP. This setting shall also be designed to enable the child to meet IEP goals and objectives and shall include services and modifications to address the behavior and prevent its recurrence. In cases where there is substantial evidence that maintaining the current placement of the student is likely to result in injury to the student or to others, the Board of Education may request an expedited impartial hearing which shall be conducted within 15 school days, unless a time extension is requested by either the parent or the District. If the Hearing Officer determines that the District has substantial evidence that maintaining the placement, even with efforts to minimize the risk of harm, is likely to result in injury to the student or to others, the Hearing Officer may order a change of placement to an IAES proposed by school personnel, in consultation with the child’s special education teacher, for 45 calendar days. If the Hearing Officer decides that the potential risk of harm can be minimized by behavioral supports, aids or services provided within the school setting and makes the decision to return the student, the suspension shall be terminated. A parent may also request an impartial hearing when in disagreement with the manifestation determination or the placement decision. If the student has been placed in an IAES, this placement will remain the placement during the course of the hearing until expiration of the time period. If the District and the parent agree, the student may remain in the IAES longer than the 45 days but will return to the prior setting if the parent challenges a subsequent proposed change of placement. The Hearing Officer, however, may return the child to the IAES if the District maintains that it is dangerous for the student to remain in the current placement.

A student who is presumed to have a disability under 34 C.F.R., part 300 (Code of Federal Regulations, 1999) is entitled to the same rights and privileges in regard to discipline as a student previously identified as having a disability. This determination shall be made if the District had knowledge that the student had a disability before the behavior occurred. The District will be deemed to have had this knowledge if:

The parent expressed concerns in writing (unless the parent is not able to write and presents this concern orally) to school personnel that the child is in need of special education and related services.

The behavior of the child demonstrated the need for special education. The parent requested an evaluation of the child prior to the event that caused the suspension. The teacher or other staff members expressed concern about the child to the Director of Special Education or other District or Building Administrator in accordance with the District's established child find or special education referral program.

ACCESS TO AND CONFIDENTIALITY OF SPECIAL EDUCATION RECORDS

It is the policy of the District, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, to assure parental access to student records and to protect the confidentiality of such records. Procedures established by the District are fully consistent with FERPA, Section 615 of the Individuals with Disabilities Act (IDEA), and the Regulations of the Commissioner of Education. The following section describes practices and procedures for assuring access to and protecting confidentiality of records:

- Parents of a student under 18 years of age, or a student 18 years of age or older, have a right to inspect and review any and all official records, files and data directly related to the student. This includes 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; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor observations; and verified reports of serious recurrent behavior patterns. Parents 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 Superintendent or his/her designee. Upon receipt of this request, arrangements shall be made to provide access to such records in a reasonable period of time, but no more than forty-five (45) days after the request has been received.

Parents and students over 18 are entitled to an opportunity to challenge the content of such records in order to ensure that they are not inaccurate, misleading or contain otherwise inappropriate data. The parent of a student shall notify the Principal or the Director of Special Education of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such a statement, the Principal or the Director of Special Education will hold an information conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the Principal or the Director of Special Education finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.

The Principal or Director of Special Education will also advise the student or parent of the right to place in the education record a statement commenting on the challenged information and/or setting forth any reason for disagreeing with this decision. The District, as part of the education record, shall maintain the explanation placed in an education record under this paragraph as long as the District maintains the record. The education record will be released whenever the provisions of this policy authorize such release.

A hearing will be held upon request and the parents will receive timely notice of the place, date and time of the hearing. The Hearing Officer may be the Superintendent of Schools or a designated school official having no interest in the hearing's outcome. The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney, and will be afforded a full and fair opportunity to present evidence. After taking evidence, the Hearing Officer shall render a written decision stating the disposition of the challenge and the reasons for the determination. If the Hearing Officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he shall direct the Principal or Director of Special Education to make the appropriate changes. Otherwise, he shall advise the parent of the right to place in the education record a statement commenting on challenged information as described above.

A review of the decision of a Hearing Officer may be obtained by either the parent or the Board of Education by appeal to a State Review Officer of the New York State Education Department. The written decision of the State Review Officer, a copy of which will be mailed to the parent and the Board of Education, shall be final. Thereafter, special education records or entries in the cumulative record may be reviewed, at the federal level, by the Family Policy and Regulations Office, U.S. Department of Education, room 1087 FB 6, 400 Maryland Avenue, SW, Washington, D.C., 20202. In either case, a complaint may be in the form of a letter and should include specific claims of policy violations. If the Family Policy and Regulations Office find the District to be out of compliance with applicable law, and if resolution cannot be reached informally, the office may refer the case to the Compliance Board of the U.S. Department of Education for a formal resolution of the conflict before an Administrative Law Judge.

An appeal from a hearing concerning the educational records of a general education student may be made to the FERPA Office of the U.S. Department of Education.

Definitions: The term "student" means any person between the ages of three (3) and twenty-one (21) who is receiving educational services or instruction through the District. This includes students who receive preschool services from the District CPSE.

The term "eligible student" means a student or former student who has reached the age of eighteen or who is attending an institution of post-secondary school education, unless the parent has legal guardianship of the student. An "eligible student" (not his/her parent) has full access to his/her own records and is the only person who is authorized to consent to the release of such records. Such student may expressly authorize a parent to exercise access and release rights on his/her behalf, but such authorization must be in writing, and must be signed by the student in the presence of a third party.

The term "parent" refers to either parent, unless his/her right to access to school records has been specifically revoked by court order or a legally binding document, and the District has received notice of such court order or document. The term "parent" also includes a guardian who has been appointed by a court or who has demonstrated, to the satisfaction of the District, that he or she is the actual and only person responsible for the child and for making decisions on the student's behalf. Non-custodial parents have the same rights concerning access to their children's educational records as do parents who have custody. Boards may use the 45-day period to inform the custodial parent and afford him/her the opportunity to present a court order or other binding instrument barring the release of the data requested.

The term “education record” refers to a record which is maintained within the District which related to the preschool, elementary, or secondary school education of a student within the District and which is accessible to more than one educator or other professional within the District.

The term “personally identifiable” refers to information that includes the name or address of the student, the student’s parent, or other family member, a personal identifier such as the student’s social security or student identification number, or a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

Maintenance of Student Records Student records and other material contained therein, which are personally identifiable, are confidential and may not be released or made available to persons other than those authorized in this policy. All records are made available only to authorized individuals and kept in locked files in the following locations:

Record Responsibility Location

Cumulative Student Record - Building Administrator’s Office

Health Records- School Nurse Health Office

Building Level Team Records - Building Administrator’s Office

Psychological- School Psychologist’s Office

Special Education Records- Special Education Office

Related Service Records- Related Service Provider’s Office

Persons Entitled to Records- The following persons are entitled to inspect and request a copy of records of particular students:

The parent(s) or legal guardian(s) of such students

The student, if over eighteen (18) years of age, unless the parent has legal guardianship of the student

The student, if in attendance at an institution of post-secondary education, may authorize his/her parent(s) in writing to exercise his/her rights.

A request to inspect or copy records may be directed to the Building Principal or the Instructional Services Department for social, psychological or special education records.

Within five (5) school days of receipt of a written request for a record, the District will either schedule access promptly, which in no case will be more than forty-five (45) days from the date of that receipt, or deny such request in writing.

Records shall be made available for review during regular District business hours

Any person denied access to a record, within thirty (30) days from receipt of notice of such denial may appeal the denial, in writing, to the Superintendent of Schools or his/her designee. It may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

For records that may contain information on more than one student, parent access will be limited to information that pertains only to his or her own child.

Appropriate school District personnel will be present during record inspection to interpret and explain records.

Records may be inspected and/or copied only at the place where they are regularly maintained by the District and the District shall utilize such procedures as it deems necessary to ensure that such records are not destroyed or altered in any way.

The District maintains the right to charge a reasonable fee (\$.25 per page) for the reproduction of the student's records.

The District shall maintain a log of requests for and disclosures made from, or permission for access to the education records of a student and will permit authorized persons to inspect this log. The log will not include request for access by the parents who have responsibility for the student, the student, persons whose request is accompanied by prior written consent or a party seeking directory information. The access log will be kept with the cumulative record, or, in the case of special education records, with those records. The log will be maintained as long as the student's education record is maintained. The log will include the date of access or request, the name of the person or agency who had access to the records and the purpose for accessing the record.

Challenge of Records Any authorized person, as defined in these regulations, shall have the opportunity to challenge the content of such student records to insure such records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of such student, and to seek the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data.

Such person may request deletion or correction of allegedly inappropriate material by submitting such request in writing to the appropriate person. The request should delineate the records challenged and the reason for the request. The appropriate designee shall respond to such request for deletion or correction in writing within a reasonable time, but not more than forty-five (45) days after receipt of such request. The response shall state either that:

The challenged record has been found to be inaccurate, misleading, or otherwise inappropriate, and that it shall be corrected, amended, and/or deleted; or

There is no basis for correcting, amending and/or deleting the record in question, but that the requester may appeal such a decision.

Appeal Process A hearing will be held upon the written request of an authorized party. The authorized party will receive timely notice of the place, date and time, which shall not be later than thirty days following the receipt of the request. The Hearing Officer may be the Superintendent of Schools or a designated school officer having no interest in the hearing outcome.

At the hearing, the authorized party will be afforded the full and fair opportunity to present his/her belief that the record is erroneous and to rebut any evidence submitted in support of the record. The authorized party may, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney.

Within ten (10) days after taking the evidence, the Appeals Officer shall render a decision in writing, setting forth the disposition to the challenge and the reasons for the determination. A copy of such written decision shall be mailed to the authorized petitioner.

If the Appeals Officer decides that the record is not accurate or is otherwise in violation of the rights of the student, he/she shall direct that appropriate changes be made to the record.

Whether the petitioner's request is accepted or rejected, the petitioner shall have the right to enter into the records a written statement pertaining to the record in question. This written statement shall become part of the student's record.

A parent who disagrees with the findings of the Appeals Officer may request review by the Board of Education and in the case of special education records, by the Office of Education of Children with Disabilities.

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

The written consent must be signed and dated by the eligible parent or eligible student and shall include the specific record(s) to be disclosed and the person to whom the disclosure is made.

When a disclosure is made with written consent of the eligible parent or eligible student, the District shall, upon request, provide a copy of the record disclosed to the eligible parent or eligible student.

Directory information may be disclosed, where appropriate, without consent. Directory information may include: the student's name; address; telephone number; date of birth; parent's names; participation in officially recognized activities and sports; dates of attendance; diplomas and awards received; and most recent previous educational institutions attended. A parent or eligible student may:

Release without Consent: Records may be released without consent only under the following circumstances:

- Refuse to permit the designation of any and all of the categories set forth above with respect to that student as directory information. The Superintendent of Schools must be informed in writing by October 1st of each school year by a parent of eligible student that such directory information, or some part of it, may not be used as directory information with respect to that student. Such notice shall be effective only during the academic year in which it is given.
- Education records concerning a particular student may be released to staff members who have responsibility for the student, and then only if it is educationally necessary.

- Records in the custody of the Instructional Services Department will be released to school officials and members of the CSE or CPSE only for purposes set out in the Individuals with Disabilities Education Act, including, but not limited to, the identification of a child's disability and development of an Individualized Education Program.
- Portions of the cumulative record or current evaluations and IEP from special education records may be released without consent to another school where the student is also enrolled or receives services. Records disclosed pursuant to this provision, without express written consent, will be only those deemed by the Coordinator of the CPSE/CSE to be essential for the provision of educational services or educational planning. The parents or eligible students may request and receive a copy of any records released under this provision.
- Portions of the cumulative record or current evaluations and the IEP from special education records may be released without consent to another school, 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 the school. Records disclosed pursuant to this provision without express written consent, will be only those deemed by the Coordinator of the CPSE/CSE to be essential for the provision of educational services or educational planning. The parents or eligible students may request and receive copies of records transferred under this provision. Transcripts will not identify courses as special education courses.
- Records may be released without consent to federal and state officials in connection with evaluation of federally supported education programs, or enforcement of federal legal requirements. Persons reviewing records under this provision must sign an access log, to be kept in the student's folder indicating the reason for interest in the records.
- With the approval of the Superintendent of Schools, records may be released without consent to organizations, public or private, conducting studies for or on behalf of educational agencies for institutions. The District will 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.
- Records may be released without consent to accrediting organizations in order to carry out their accrediting functions.
- 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 for the District 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.
- 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.

- Records may be released without consent in connection with financial aid for which a student has applied or which a student has received.

Retention of Records: Education records will be retained in accordance with the State Education Department's Records Retention and Disposition Schedule. The Schedule's retention requirements for special education records are as follows:

The special education file is retained for six (6) years after the last entry.

The following special education records are retained for six (6) years after they are created: psychological reports; social history reports; the IEP.

Placement approval forms (STAC 200 or 201 forms or their equivalents) are kept for six (6) years from the end of the year covered by the form.

STAC 3 forms or equivalents are retained for six (6) years after receipt by the school.

Federal assistance records are retained for six (6) years from the creation of the record.

Referral service records on a preschool child with a disability are retained for six (6) years from the creation of the record.

INDEPENDENT EDUCATIONAL EVALUATIONS

The due process notice is provided to parents at the time of the initial referral. The due process notice informs parents of their right to an Independent Educational Evaluation (IEE) and the circumstances under which such evaluation will be at the District's expense. An IEE is an individual evaluation of a student who has or who is thought to have a disability that is conducted by a person who is not employed by the District.

The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where an IEE may be obtained will be provided upon request. Parents may select professionals to conduct evaluations from the list provided by the District or may select others who meet District criteria. However, the District will not be responsible for the quality of the IEE. In addition, the District will not be responsible for the cost of an IEE that does not meet the criteria listed below.

Any independent evaluation, whether paid for by the parent or by the District, will be reviewed by the CSE/CPSE and taken into consideration in its final determinations. The District has adopted the following policy and procedures when an IEE is being sought:

It shall be the policy of the District that whenever an IEE is completed at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner shall be the same as the criteria that the school District uses when it initiates an evaluation

Timeline for IEE & Reimbursement – Timeline of IEE used to contest an evaluation performed by the District, is defined as being within one year of the District's evaluation. The request of IEE reimbursement must be made within one year of the date of the IEE.

Reasonable Costs of an IEE – Reimbursement will not be in excess of the reasonable cost of such evaluation, less the portion of such costs paid through insurance or Medicaid. In the absence of unusual circumstances, costs will be deemed reasonable if they are within 10% of the evaluation costs of any recognized non-profit agency within a 50 mile radius of the District.

Available Agencies Psychological/Educational Evaluations

The school District will provide public funding of an IEE only under the following conditions:

- The parents disagree with the evaluation conducted by the school District, and the resulting IEE provides information that shows that the District evaluation was inappropriate.
- The District was unable to comply with mandated timelines for conducting its own evaluation.
- If such IEE is made at the request of an Impartial Hearing Officer as part of a duly convened impartial hearing.

The school District may deny reimbursement for an IEE under the following conditions:

- The District either had initiated, or shortly intends to initiate, a due process hearing to show that its evaluation of the child is appropriate or that the parents have not complied with other District criteria, such as:
- The criteria under which the IEE was conducted, including the location of the evaluation, does not meet District or other legal criteria.
- The independent evaluator selected by the parents does not meet stated minimum District qualifications.
- The parents' request for reimbursement exceeded stated District timelines for such requests.
- The parents' request for reimbursement exceeded stated District guidelines for such requests.
- The IEE was not obtained because of a disagreement with the District's evaluation.
- The District has already funded an IEE and has conducted no subsequent evaluation.

Reports or evaluations performed by private agencies are always considered at the CSE meeting if they have met the District's Board Policy criteria for independent evaluation.

If the District concludes that it is not required to reimburse the parents for the IEE, it will notify the parents in writing of the receipt of the request, the basis for the denial and whether the District intends to initiate an impartial hearing.

Parents or guardians have a right to seek a private evaluation and to request this independent evaluation at the public's expense if they disagree with the evaluation provided by the District. The District may then request an impartial hearing to determine if its evaluation was appropriate and, if the decision is favorable to the District, the parents would still have a right to an independent evaluation at their own expense.

UNILATERAL PRIVATE SCHOOL PLACEMENTS

The District is not required to pay for the tuition of a student with a disability who has been placed in a private school or facility by a parent, including special education and related services, if the District has made available a free appropriate public educational placement. A court or Hearing Officer may reduce or deny requests for reimbursement of the private school if the parents have not notified the CSE at the IEP meeting, or within ten school days of that meeting have not given written notice that they intend to remove their child from the public school because they are rejecting the recommended placement of the CSE. This notification must state their concerns and their intent to enroll their child at public expense. The cost of the reimbursement may not be reduced or denied for the parent's failure to provide written notice if:

The parents are illiterate and cannot write English;

Compliance would likely result in physical or serious emotional harm to the child;

The school prevented the parent from providing such notice; or

The parents did not receive notice of their obligation to provide written notice described above.

In addition, if the District informs the parents that it intends to evaluate the child prior to the child's removal from the District and the parents do not make their child available for this evaluation, a judicial finding of unreasonableness may be determined leading to reduction or denial of reimbursement. A court or Hearing Officer may require the District to reimburse the parents for the cost of that enrollment if the court or Hearing Officer finds that the District had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

Transportation Access to appropriate transportation is provided to students with disabilities per District policy. Curb-to-curb transportation is provided to some students enrolled in District special education programs if the placement is not located in the student's home school and to students who attend special education programs in other public school Districts, BOCES and non-public or residential placements. Curb-to-curb bus service may be provided for students with documented needs which preclude them from walking to school or using other forms of transportation. Special transportation for these students is specified on the IEP.

Transportation to all special education programs outside of the District are recommended by the CSE or CPSE. Arrangements for transportation are implemented through the District Transportation Office.

CRITERIA FOR ALTERNATIVE TESTING ACCOMMODATIONS

Students with disabilities may utilize alternative testing techniques in order to participate in testing programs with their peers. Such techniques provide the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by the existence of a disability.

Educational planning, both short and long term, is facilitated by the appropriate use of test results. All students must have equal opportunity through testing to demonstrate their competence and have their deficits acknowledged by teachers, parents and others. Procedures which allow students with disabilities a different method of responding in testing situations, or which change the means by which information on a test is presented, are designed to equalize opportunity. The intended outcomes are test results that reflect an accurate description of student strengths and weaknesses.

Parts 100 and 200 of the Regulations of the Commissioner of Education provide for the use of alternative testing techniques for students with disabilities. Part 100 Regulations stress equal access to curricular activities with appropriate modifications for a student with a disability. As stated in Section 100.2(s) (2), "each student with a disability...shall have access to the full range of programs and services," and "instructional techniques and materials used by schools shall be modified to the extent appropriate to provide the opportunity for students with disabilities to meet diploma requirements".

Section 100.2(g), in reference to the State Education Department's Examinations, indicates that "students identified by the Committee on Special Education as having a disability" qualify for the use of alternative testing procedures and "alternative testing procedures employed shall be based upon students' individual needs and the type of test administered." Under this section, students whose native language is not English also qualify for use of alternative testing techniques.

In addition, Part 200 Regulations give the Committee on Special Education responsibility for determining a student's need for alternative testing techniques. Section 200.4 (c) (2) directs the Committee on Special Education to include in the student's IEP a listing of test accommodations to be used by the student. It also requires that these modifications be used consistently throughout the student's recommended educational program.

With these purposes and guidelines in mind, the Committee on Special Education has the responsibility to review a student's needs in order to make meaningful recommendations to the Board of Education regarding the use of alternative testing techniques.

All special education students do not receive testing accommodations. The CSE mandates testing accommodations based on a student's unique needs. Criteria for CSE decisions are determined by both the State Education Department and District Policy. The different perspectives that various CSE members bring to the multi-disciplinary setting help to ensure that each student receives a comprehensive assessment of the need for alternative testing techniques. In making this decision, CSE members should utilize evaluative information that is norm-referenced as well as professional observation. Testing modifications should be reviewed at all CSE meetings in order to ensure that the evolving needs of students are being considered.

Principals have direct responsibility for ensuring that test accommodations included in a student's IEP or 504 Accommodation Plan are fully and consistently implemented during the administration of local quizzes and tests and required state examinations. In addition, on an emergency basis, pursuant to Section 102.3 of the Commissioner's Regulations, Principals may allow test modifications for a student who acquires a disability shortly before the administration of a State Examination where there is not sufficient time to develop an IEP or 504 Accommodation Plan. The specific testing accommodations may relate to the manner of presentation, flexible setting, revised test format, revised test directions, use of aids and method of response.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES AND PRE-REFERRAL INTERVENTIONS

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the District has implemented a plan and policy to establish pre-referral interventions to assist a student's educational progress before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the building level teams to investigate all possible avenues of general education support services that would enable the student to advance academically. These academic and/or student support services must be afforded to all students who do not meet the minimum designated standards on State Assessments and to Limited English Proficient (LEP) students who do not achieve CR Part 154 performance standards. Supplemental instruction 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, family nutrition, and transient issues will be afforded to students who score the local passing grade or to students recommended by the Instructional Support Team when determining whether a student has a learning disability, the school District may use Response to Intervention (RTI), which is a process that determines if a student responds to scientific, research-based intervention as part of the evaluation procedures. Thorough documentation of the scientific, research-based approaches and the student's response to these interventions should be maintained as part of the school-wide approach to provide remediation activities to students prior to referral to the CSE. The Principal will notify parents whenever Academic Intervention Services (AIS) are provided and quarterly reports in the native language of the parents will also be sent. School-wide approaches shall serve as pre-referral interventions prior to consideration of Committee on Special Education (CSE) support services.

The referral form to the CSE shall enumerate all pre-referral interventions made available to the students to enable the CSE to determine which of these interventions have been tried or the reason why no such attempts have been made. The building level shall maintain a record of the number of pre-referral interventions implemented for each student. 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.

If a referral is received by the building administrator, it shall be forwarded to the Director of Special Education immediately upon its receipt by the administrator. If the referral is received by the Director of Special Education, a copy shall be forwarded to the building administrator within five (5) school days of its receipt. The building administrator, upon receipt of a referral or copy of a referral, may request a meeting within ten (10) school days of the receipt of the referral, with the parent to the student and the student, if appropriate, to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of educationally related support services; speech and language improvement services; and Academic Intervention Services (AIS). The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter if necessary. Any other person making a referral shall have the opportunity to attend such meeting. If at such a meeting the parent and the building administrator agree in writing that with the provision of additional general education support services the referral is unwarranted, the referral shall then be deemed withdrawn. The building administrator shall then provide the Director of Special Education, the parent, and the student, if appropriate, with copies of the agreement. The copy of the agreement provided to the parent shall be in the native language of such person. Such agreement shall contain a description of the

additional general educational support services to be provided and the proposed duration of such program. A copy of the agreement shall also be placed in the student's cumulative record file. This process shall not impede a committee on special education from continuing its duties and the required timelines of the CSE shall be maintained. These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but they will be important tools to assess the ability of the student to benefit from regular education services.

SURROGATE PARENTS

As per Valley Stream UFSD# 24 Policies #5408, it is the policy of the district to select surrogate parents for special education students when it is appropriate. This selection shall be made from a list of eligible individuals who are willing to serve as surrogate parents.

Persons selected as surrogate parents shall not be officers, employees or agents of the local school district or State Education Department. These persons must have no other interests which could conflict with their allegiance to the child. They must be committed to acquaint themselves with the youngster and his/her educational needs whenever possible. The surrogate parent shall, whenever possible, be of the same racial, cultural and linguistic background of the pupil he/she will represent and be familiar with the educational options available to students with disabilities.

A surrogate parent will be chosen by the Board of Education when parent or guardian is unknown, unavailable or the student is a ward of the State. Names of approved surrogate parents are on file in the Committee on Special Education office.

SPECIAL NEEDS STUDENTS PROGRESS IN GENERAL EDUCATION

In keeping with this policy, the CSE will consider mainstreaming or integrated co-teaching classes at each initial program or annual review for the student as well as the appropriate support or related services needed for the students 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 oneself, and the adjustment to school and community environments. Physical development areas such as the student's improvement in motor or sensory areas, health, vitality and physical skills and the decrease of management needs that require environmental modifications or human resources shall be considered as progress.

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 as deemed appropriate to meet their individualized needs.