

## **PROGRAMS FOR PRESCHOOL AND SCHOOL AGE STUDENTS WITH DISABILITIES**

The Board of Education shall provide appropriate programs and maintain records for each child residing in the district identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability (hereafter referred to as a “student with a disability”). The district shall comply with New York State Education Law with regard to providing special education services for students who are placed by their parents in private schools located in the district.

### *I. District Plans for Special Education Programs and Services*

The district shall prepare biennial plans describing the full range of its special education programs and services including programs for preschool and school age students. Such description shall include the number and age span of children served by these programs, the methods of evaluation used, the program’s estimated budget and the date the plan was adopted.

### *II. Access to School Programs by Students with Disabilities*

- a. Each school age student with a disability residing in the district shall have access to and the opportunity to participate in the full range of programs and services of the district, including extracurricular programs and activities which are available to all other students enrolled in the public schools of the district to the maximum extent appropriate to the needs of the student. This may include counseling services, athletics, transportation, health services, recreational activities, school-sponsored special interest groups or clubs, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the district and assistance in making outside employment available.
- b. Each preschool student with a disability residing within the district shall have the opportunity to participate in preschool programs, including timely evaluation and placement.

III. *Appointment and Training for the Committee on Special Education and Committee on Preschool Special Education*

a. The Committee on Special Education (CSE)

The CSE shall be designated by the board on an annual basis to conduct meetings to evaluate students and to develop, review and revise individualized education programs (IEPs) for students with disabilities consistent with the Regulations of the Commissioner of Education (hereinafter “commissioner’s regulations”). Members shall include those positions designated by New York State Education Law. Members shall be appointed upon the recommendation of the Superintendent of Schools. The Administrator for Student Support Services, Assistant Administrator for Student Support Services, Grades 8-12 CSE Chairperson and the School Psychologists shall be designated as the “Chairperson” of the CSE.

b. Subcommittees

The number of Subcommittees on Special Education shall be determined by the CSE. Members shall include those positions required by state law and shall perform functions consistent with the law.

c. The Committee on Preschool Special Education (CPSE)

The CPSE shall be designated by the board on an annual basis to conduct meetings to develop, review and revise the IEPs of preschool children with a disability in accordance with state law. Members shall include but not be limited to those positions required by New York State Law.

The responsibilities of the CPSE shall include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. The superintendent shall establish administrative practices and procedures to implement this section.

d. Training

The superintendent shall establish administrative practices and procedures for training of all district personnel who are members of the CSE or the CPSE including at least the Administrator for Student Support Services, the Assistant Administrator for Student Support Services, the Grades 8-12 CSE Chairperson, the school psychologists, related service providers, the general education and special education teachers and other personnel to carry out the

functions related to the district's obligations under federal and state law related to the education of students with disabilities.

#### *IV. Operation of Educational Programs for Students with Disabilities*

The special education programs shall be operated in accordance with federal and state laws.

The superintendent shall establish administrative practices and procedures to provide students with disabilities with the special education services specified on their IEPs.

The CSE shall recommend the provision of special education services within the continuum of services established in the commissioner's regulations and in the least restrictive environment appropriate for the student. Those students who receive instruction in a special education class shall be grouped with students of similar needs.

In developing an IEP, the CSE shall consider programs and services appropriate to the needs of each student so that the student has the opportunity to become involved in and progress in the general education curriculum. Then the CSE will make recommendations for each student's program and services.

Upon completion of its review of the recommendations of the CSE, the board shall arrange for them to be implemented within 60 days of receipt of the parents' consent.

#### *V. Consent for Evaluation*

The superintendent is responsible for establishing administrative practices and procedures for the purpose of ensuring that parents of preschool and school age children provide the consent for evaluation of their children prior to any evaluation and that they understand the consent for evaluation document they are being asked to sign.

#### *VI. Confidentiality of Personally Identifiable Data, Information or Records Pertaining to a Student with a Disability*

The superintendent is responsible for establishing administrative practices and procedures for ensuring the confidentiality of personally identifiable data, information, or records pertaining to a student with a disability consistent with all applicable federal and state laws and regulations.

### *VII. Prereferral Interventions*

The superintendent is responsible for establishing administrative plans, practices and procedures for implementing schoolwide approaches and pre-referral interventions, which may include response to intervention (RTI), in order to remediate a student's performance prior to referral for special education.

### *VIII. Declassification*

The superintendent is responsible for establishing administrative plans and practices for the appropriate declassification of students with disabilities. Such plans and practices shall include, at the minimum, that students with disabilities be regularly considered for declassification when believed by any member of the CSE to be appropriate and, at least, as part of the three year reevaluation. Such plan and practice shall also provide that no student shall be declassified without a prior reevaluation and that the student shall be provided appropriate educational and support services upon declassification.

### *IX. Impartial Hearing Officers*

In the event that a request for a due process hearing is made and is not resolved in a resolution session, the board shall arrange for an impartial hearing to be held. The board shall appoint an impartial hearing officer from the list of impartial hearing officers maintained by the State Education Department available to serve in Schenectady County in accordance with the alphabetical rotational selection process established by the commissioner's regulations. The president and vice-president of the board are each designated to appoint the impartial hearing officer if a regularly scheduled meeting of the board is not to occur within 24 hours of the impartial hearing officer selection. Impartial hearing officers shall be compensated at the hourly rate allowable by state law for pre-hearing, hearing and post-hearing activities. They shall be reimbursed for travel expenses at the rate specified by the New York State Comptroller's office plus tolls or the cost of alternative transportation, whichever is less, and for reasonable lodging and meal expenses, when necessary, upon presentation of an invoice therefore. The district shall not pay a cancellation fee in excess of \$200, and then only if the hearing is cancelled with less than 4 business days notice.

### *X. Instructional Materials in Usable Alternative Format*

The superintendent is responsible for establishing and implementing a plan to make all instructional materials to be used in the district's schools available in a usable

alternative format consistent with the National Instructional Materials Accessibility Standards to all students with a disability in accordance with the students' educational needs and course selections at the same time that such materials are available to non-disabled students. Alternative format includes any medium or format for the presentation of instructional materials, other than a traditional textbook, that is needed as an accommodation for a student with a disability enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or electronic file. Electronic files must be compatible with at least one alternative format conversion software program that is appropriate to meet the student's needs.

Under the plan, the district shall (1) give a preference in the purchase of instructional materials to those vendors who agree to provide such materials in alternative formats; (2) specify, when an electronic file is provided, how the format will be accessed by students and/or how the district will convert to the accessible format; (3) specify the process to be used when ordering materials to identify the needs of students with disabilities for alternative format materials; (4) specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials; and (5) include procedures to initiate the process to obtain materials in alternative formats without delay when a student with a disability moves into the school district during the school year and needs the same.

#### *XI. Providing Teachers and Providers with a Copy of the IEP*

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

For each student with a disability, the CSE Chairperson shall designate a case manager. The case manager shall be a professional employee of the district with knowledge of the student's disability and education program who shall inform each general education teacher, special education teacher, related service provider, teacher's assistant, teacher's aide, and other provider or support staff person assisting in the implementation of the IEP of his or her responsibility to implement the recommendations in a student's IEP and to keep the information in the student's IEP confidential. Such recommendations include the responsibility to provide specific accommodations, program modifications, supports and/or services. The case manager shall maintain a record of each individual to whom such information is provided.

## *XII. Highly Qualified Personnel*

The board shall recruit, hire, train and retain highly qualified personnel to provide special education programs and services. The district shall identify measurable steps including but not limited to hiring special education teachers and related service providers who are appropriately certified and hiring teaching assistants who have completed sufficient college course work to meet state teaching assistant certification requirements.

## *XIII. District Wide Assessments*

Appropriate accommodations to measure academic achievement and functional performance in district-wide assessments shall be provided to students with a disability so they can access district-wide tests. The district shall take into account each student's individual needs and capabilities including the ability to think, read, write, calculate and attend to task as reflected in the student's IEP. The district shall identify how universal design principles, to the extent feasible, will be used in developing and administering any district-wide assessment programs.

## *XIV. Public Reporting in the Event of a Disproportionality Finding*

The district shall publicly report on revisions to its policies, procedures or practices upon a finding by the state education department that the district has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities.

Prior Policy 4321 "Programs for Students with Disabilities" adopted Feb. 26, 1996; prior Policy 4321.2 "Preschool Special Education" adopted Feb. 26, 1996; prior policies combined, title changed to Policy 4321 "Programs for Preschool and School Age Students with Disabilities" and amended April 21, 2008.

### References:

Public Law 108-446 Individuals with Disabilities Improvement Act (IDEA) 2004  
34 CFR Part 300  
NYS Education Law Article 89 Children with Handicapping Conditions  
8 NYCRR Part 200

### Cross-reference:

4321.3 Independent Educational Evaluations