

**STUDENTS WITH DISABILITIES**

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## **I. Introduction**

The Board of Education recognizes the importance and responsibility for providing education for students with disabilities. Each disabled child within the district will have available a free and appropriate public education which includes special education and related services to meet his/her individual needs. In order to provide for the least restrictive environment, disabled children will have available to them the same programs and services, including guidance, art, music, technology, home and careers, vocational education, physical education and non-academic and extra-curricular services and activities, that are available to non-disabled children.

Education Law Section 4402,  
Commissioners Regulations 200.3 (a)  
Federal Regulations 300.344

## **II. Committee on Special Education**

The Board of Education shall appoint a Committee on Special Education comprised of: a representative of the school district who is qualified to provide, administer or supervise special education, a school psychologist, a physician, the child's teacher as defined by applicable federal regulations, and a parent of a child with a disability residing in the district, as well as such other members as the Board of Education or legislation shall designate.

In addition the Board of Education shall establish a Committee on Preschool Special Education (CPSE) appointing an appropriate professional employee of the District who shall serve as chairperson and a District parent of a child with a disability.

The primary responsibilities of the committee are:

1. To make recommendations on evaluation, classification and educational programs for children who require special education
  - a. to determine if a child has a disability and the category of classification
  - b. to determine the educational program needs of the child
  - c. to recommend a program/placement based on the disability and child's educational needs
2. To make recommendations on the frequency and the nature of appropriate re-evaluation of disabled children by appropriate specialists
3. To ensure that the adequacy of existing special education services and programs is evaluated
4. To inform the Board of Education about the adequacy of existing special education services and programs, and to advise them about the unmet needs of disabled children in the district
5. To report annually to the Board of Education the status of each disabled child and each child thought to be disabled in the district
6. To maintain an annual census of all disabled children

Education Law 4402  
Commissioner's Regulations 200.3, 200.12

### School Physician

A parent, guardian, or member of the Committee on Special Education may request the presence of the school physician at a meeting. This request must be in the hands of the school

district at least three working days before the scheduled meeting of the Committee on Special Education.

Whenever such a request is made, the school district shall inform the School Physician in writing at least seventy-two hours in advance of the meeting.

Chapter 709 of the Laws of 1980  
Education Law Section 4402

### Board Policy Regarding Training of CSE and CPSE Members

It is the policy of the Board of Education to ensure that CSE and CPSE members are appropriately trained regarding the education of all students with disabilities. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all district personnel responsible for carrying out the provision of Part 200 of the Commissioner's Regulations as well as members of the CSE and CPSE.

Public Law 101-476, Individuals with  
Disabilities Education Act;  
Commissioner's Regulations Sections  
200.2(b) (2), 200.3 and 200.5;  
Education Law Sections 4402 and 4410

### **III. Parent Involvement**

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

All due process procedures for parents and children in the State Regulations shall be observed by the School District.

#### Surrogate Parents

In the event that no parent for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent cannot be determined, or the child with a disability is a ward of the state, the Board shall assign an individual to act as a surrogate for the parents. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that insure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Education Law Sections 4401, 4402

Commissioner's Regulation  
Section 200.5

Mediation/Impartial Hearing Officers

In the event a parent disagrees with the result of the initial identification or change in identification, evaluation or educational placement of a child with a disability or the provision of a free, appropriate public education for the child, the option of mediation will be offered to the parent. If mediation is not a solution, an Impartial Hearing Officer shall be appointed by the Board of Education.

The Impartial Hearing Officer must be certified by the Commissioner of Education as a hearing officer eligible to conduct hearings and may not be a person who is an employee of this District or who may have a personal or professional interest which would conflict with his/her objectivity in the hearing. The hearing officer must be selected from a rotating list which is approved by the Board of Education.

Public Law 94-142-Education for all  
Disabling Children, Sections 121a, 507  
Education Law Section 4404(1)

**IV. Census, Identification, and Registration of Students with Disabilities**

Policy

The Harpursville Central School District will conduct a census at least every two years to locate and identify all resident children with educational disabilities who are entitled to attend its school or preschool programs.

8NYCRR 200.2(a) (1)

The district will report its census data to the Committee on Special Education and Committee on Preschool Special Education by October 1. 8NYCRR 200.2(a) (1)

The district will establish, and annually revise, a register of students and preschool children with educational disabilities entitled to attend district schools or preschool programs, and children referred to the CSE or CPSE as possibly having an educational disability.

8NYCRR 200.2(a) (1)

The register will include the student's, or preschool child's, dominant language, educational disability, dates of referral, evaluations, recommendations, placement, annual review, placement site, and for any student with an educational disability not receiving an appropriate education, a description of the reason. 8NYCRR 200.2(a) (1)

The registry will be organized so that the educational status of each student, and preschool child, with an educational disability can be readily determined. 8NYCRR 200.2(a) (2) (ii)

Persons involved in the collection of data will receive prior training and written information regarding data collection procedures. 8NYCRR 200.2(a) (3)

The district will prepare and keep on file summary reports of data pertaining to students, and preschool children, being served, and students not being served along with the reasons they are not being served. 8NYCRR 200.2(a) (4) and (5)

### Procedures

The Superintendent will establish a census team which will consist of a census coordinator, and a number of census takers determined by the Superintendent to be appropriate to conduct the census.

The census takers will be given enumerator sheets divided by street and/or road prior to the beginning of the census.

The census takers will go door to door, and collect all necessary data from every household in the district. In the event that no one is home, information can be obtained by phone or from a neighbor/relative.

Enumerator sheets will be returned to the census coordinator in a timely manner to ensure that information can be entered into the database systematically as it is collected.

The census coordinator will periodically report the progress of the census to the Superintendent.

The census team will complete the census during the summer months, and will print the completed census by August 31.

The Superintendent will meet with the census team to ensure the proper procedures are understood concerning collection of data, confidentiality, submitting data, and completing the process in a timely manner.

The CSE chairperson will report the information collected during a regular meeting of the CSE and document this on the Census: Annual Report to the CSE.

The CSE will continually update a database, with all required information, which will list students referred to the CSE, and those identified as having an educational disability. The information contained in this database will be documented on the **Special Education Register**.

Reports will be generated periodically from the database which will be part of the **Special Education Register** which will show the educational status of each student listed.

The CSE chairperson will complete all required SED forms and keep copies of these reports on file. The CPSE will complete all required forms and keep copies of these reports on file.

## **V. Screening New School Entrants**

The Board of Educaiton shall provide for the screening of every new entrant to school to determine which students may have educational disabilities, may be gifted or may be limited English proficient. Such screening shall include, but not be limited to the following:

- a) A physical examination in accordance with Sections 901, 903 and 904 of the Education Law, including proof of immunizations as required by Section 2164 of the Public Health Law.
- b) An assessment of language development and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible educational disability, a referral shall be made to the appropriate committee no later than 15 calendar days after completion of such diagnostic screening.

### Reporting to Parents

Parent/legal guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/legal guardians have the right to request information regarding their child's performance during the screening. They shall have access to the screening results and obtain copies upon request.

### Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Education Rights and Privacy Act of 1974, Public Law 93-380, shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed to their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate. Education Law Section 3208(5); Commissioner's Regulations Sections 117.3 and 154; Family Educational Rights and Privacy Act of 1974.

## **VI. Referral to the Committee on Special Education**

A student suspected of having a disability shall be referred in writing to the chairperson of the Committee on Special Education or to the building administrator of the school which the school which the student attends or is eligible to attend. A referral may be made by:

- a student's parent or person in parental relationship;
- a professional staff member of the school district or the public or private school the student legally attends;
- a licensed physician;
- a judicial officer;
- the commissioner or designee of a public agency with responsibility for welfare, health or education of children; or
- for purposes of referring one's self, a student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

A referral submitted by persons other than the parent, student or a judicial officer shall:

- state the reasons for the referral and include any test results, records or reports upon which the referral is based that may be in the possession of the person submitting the referral;
- describe attempts to remediate the student's performance prior to referral, including any supplementary aids or support services provided for this purpose, or state the reasons why no such attends were made; and
- describe the extent of parental contact or involvement prior to the referral.

When the referral is received, the timeline described in the Commissioner's Regulations will be followed.

The building administrator, upon receipt of a referral or copy of a referral, may request a meeting with the parent or person in parental relationship to the student, and the student, if appropriate, to determine whether the student would benefit from alternatives to special education, including the provision of educationally related support services, speech and language improvement services, and remedial instruction. If at such meeting the parent or person in parental relationship and the building administrator agree in writing that, with the provision of alternatives to special education, the referral is unwarranted, the referral shall be deemed withdrawn, and the building administrator shall provide the chairperson of the committee on special education, the person who made the referral if a professional staff member of the school district, the parent or person in parental relationship to the student, and the student, if appropriate, with copies of the agreement.

Commissioner's Regulations  
Section 200.4 (a)



## **VII. Special Education Programs and Related Services**

The Board of Education recognizes its responsibility for providing special education and related services which meet the needs of individual students with a disabilities. In an effort to achieve this goal, the Board shall determine an appropriate special education program for each student with a disability upon receiving from the CSE (Committee on Special Education) recommendations for special education services. The CSE shall provide the Board with a written evaluation for each student with a disability which includes:

- a) Classification of a student's disability.
- b) Recommendation(s) for a special education program and/or related services(s), including counseling, based upon a student's needs and not upon a student's disability.
- c) A summary of the tests and reports upon which the recommendations are based.

Commissioner's Regulations  
Sections 200.2(b) (3), 200.6(a) (2)  
Chapter 273 of the Laws of 1986  
Education Law Section 4202(112)

### Least Restrictive Environment

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

- a) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disability conditions with non-disabling peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disability conditions are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- e) Allocation of appropriate space within the district for special education programs that meet the needs of students with disabilities.

- f) Assurance that appropriate space will be available to met the needs of resident students with disabilities who attend special education programs provided by BOCES.

Federal Law – Public Law 94-142  
Education for all Disability Children  
Education Laws Sections 4401-4407  
Commissioner’s Regulations  
Sections 200.6 (a) (1), 100.5 and  
100.9

### Grouping by Similarity of Needs

The Board of Education in an effort to provide appropriate special education and related services to students with disabilities supports the grouping of students with disabilities by similarity of needs according to the following guidelines:

- a) That each student with a disability shall be identified, evaluated and his/her placement determined by the Committee on Special Education (CSE).
- b) In the Individualized Education Program (I.E.P.), the Committee shall determine written goals for each student with a disability by considering the special and individual needs of each student.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professional who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to student with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics (2) social needs (3) physical development and (4) management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) A student’s range of needs should be limited to the extent that one student's needs do not infringe on another students' ability to learn.

Continuum of Services

The District will offer the following continuum of services, provided by qualified personnel:

- a. Academic Intervention
- b. Transitional support services
- c. Consultant teacher services
- d. Related services
  - 1. Speech/language development
  - 2. Occupational therapy
  - 3. Physical therapy
  - 4. Counseling
  - 5. Others to be determined by student's IEP
- e. Resource rooms
- f. Integrated 15:1
- g. Special classes, including:
  - 15:1
  - 12:1 +2
  - Home and hospital instruction
  - Private schools

Accessibility of Programs, Services, and Buildings

The district's programs and services shall be readily accessible to disabled persons as required by law. Such access may be provided through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, alteration of existing facilities, or any other services to accessible buildings, alteration of existing facilities, or any other methods that result in making the district's programs or activities reasonably accessible to disabled persons.

The Board of Education shall make or cause to be made all reasonable efforts to ensure that its meetings are held in facilities that permit barrier-free physical access to the physically disabled.

### **VIII. Student Individualized Education Program (IEP)**

The Harpursville Central School Board of Education will ensure that a written individualized education plan be developed for each disabled child. Such plan shall include:

1. Statement of present levels of educational performance
2. Statement of annual goals including instructional objectives
3. Statement of specific educational, related services, and instructional materials to be provided
4. Statement regarding extent to which child will be able to participate in such services
5. Projected date for initiation and anticipated duration such services
6. Appropriate objective criteria and evaluation procedures for determining, at least on an annual basis, whether instructional objectives are being met
7. Describe any specialized equipment and adaptive devices needed for the pupil to benefit from education
8. List those testing modifications to be used consistently by the pupil in the recommended educational program
9. Indicate the recommended placement after consideration of all least restrictive environments

Such an Individualized Educational Plan will be developed, or revised, whichever is appropriate, for every disabled child at the beginning of the school year and reviewed or revised periodically, but at least annually or in the event of the person's change in placement

Commissioner's Regulations 200.4

## **IX. Transition Services**

The term “transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

IDEA – 20 U.S.C. 1400 (a) (19)

Students age 12 and those referred to special education for the first time who are age 12 and over, shall receive an assessment that includes a review of school records and teacher assessments, and parent and student interviews to determine vocational skills, aptitudes and interests.

An individualized education program shall include a statement of the needed transition services for students beginning no later than age 15 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger), including when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting.

In the case where a participating agency, other than the educational agency, fails to provide agreed upon services, the educational agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives.

Commissioner’s Regulations  
Section 200.4 (b) (4) (vii)  
IDEA – 20 U.S.C. 1400 (a) (20)

Notices, which are sent to the person(s) in parental relationship, of the evaluation, review, and reevaluation of students aged 12 years or more, and those students over 12 years of age referred to the CSE for the first time for whom assessments of vocational skills, aptitude and interest are required, will include a description of these assessments.

Commissioner’s Regulations  
Section 200.4 (b) (4) (vii)

## **X. Diplomas To Students with Disabilities**

Students with disabilities as defined in the Commissioner's Regulations, Part 200, shall be provided with appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations, Part 200, shall be provided with appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. Students with disabilities shall have access to the same programs and services as do students who do not have disabilities to the extent appropriate based on their needs and abilities.

Whenever is it appropriate, the individualized education program (IEP) for a student with a disability shall be prepared to allow the student to earn a high school or Regents diploma.

A student with a disability may be awarded a high school individualized education program diploma at the end of the school year in which the student has met the conditions for granting the diploma up to and inclusive of the school year the student attains the age of 21, provided:

1. A determination has been made that the student has achieved the educational goals specified in the student's current individualized education program;
2. Such student has attended school or has received a substantially equivalent education elsewhere for at least 12 years, excluding kindergarten;
3. Each high school diploma issued by the school district except that there shall appear on the front of such diploma a clear annotation to indicate that the diploma is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current individualized education program as recommended by the committee on special education;
4. If the student receiving a high school individualized education program diploma is less than 21 years of age, such diploma shall be accompanied by a written statement of the assurance that the student named shall continue to be eligible to attend the public schools of the school district in which the student resides without the payment of tuition until the student has earned a high school diploma or until the end of the school year of such student's 21<sup>st</sup> birthday, whichever is earlier.

Prior to June of each year, the Committee on Special Education shall meet to determine the eligibility of students with disabilities for such diplomas, and so notify the Superintendent. The high school individualized education program diploma may be awarded at graduation ceremonies.

The Superintendent, within 15 days after June graduation, shall submit a report to the State Education Department, concerning students awarded individualized education diplomas in that school year. The report shall be on a form prescribed by the Commissioner.

**XI. Alternative Testing Procedures for Students with Disabilities**

Students identified by the Committee on Special Education as having disabilities may be provided with alternative testing procedures based on their individual needs and the type of test administered. Alternative testing procedures shall be specified in a student's individual educational plan.

A report shall be filed at the prescribed time with the State Education Department indicating the use of alternative testing procedures.

Commissioner's Regulations  
Section 100.2(g)

## **XII. Twelve Month Programming for Handicapped Students**

Twelve month educational programming will be provided for students with disabilities determined to be eligible for such programs in accordance with the provisions of Section 200.4(v) of the Commissioner's Regulations.

A twelve month educational program means a special education instructional program provided on a year-round basis, including at least 30 days during the months of July and August, for pupils whose disabilities are severe enough to exhibit the need for a structured learning environment of 12 months duration to maintain developmental levels.

Pupils may be considered for 12 month educational programs to maintain developmental levels if they are:

- a) Pupils whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention who are placed in classes in accordance with subparagraph (ii) of paragraph (4) of subdivision (f) of Section 200.6 of the regulations of the commissioner of education, or;
- b) Pupils with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, and who are placed in special classes in accordance with subparagraph (iii) of paragraph (4) of subdivision (f) of Section 200.6 of the regulations of the commissioner, or;
- c) Pupils are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiply disabilities and require primarily habilitation and treatment, or;
- d) Pupils, who are not in programs as described above during the period from September through June, but whose disabilities are severe enough to exhibit the need for a structured learning environment of 12 months duration to maintain developmental levels as determined by the Committee on Special Education.

Individualized Education Program (I.E.P.) will reflect whether the pupil is eligible for a twelve month educational program and the identity of the provider of services during the months of July and August, and the projected dates of the review of the pupil's need for such services.



### **XIII. Disciplining Students with Disabilities**

This policy is in addition to Section 8 of *Student Conduct and Discipline Policy* adopted by the Harpursville Board of Education.

A disabled student may be suspended from school for up to ten school days. No prior determination of whether the misconduct was a manifestation of the student's disability is required. If the misconduct is such that more drastic measures would be called for, educators should review the student's current educational program and placement and consider whether a change in placement would be an appropriate measure to address the misconduct.

Where educators believe that more drastic measures are called for, a disabled student may be removed from school for more than ten school days when the following steps are taken.

A group of persons knowledgeable about the student must determine whether the student's misconduct was a manifestation of his or her disability. If this group determines that the misconduct was not a manifestation of the student's disability, the student may be expelled or suspended from school for more than ten school days, provided applicable procedural safeguards are followed and educational services continue during the period of disciplinary removal.

However, if the group determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days. Educators still can address the misconduct through appropriate instructional and/or related services, including conflict management and/or behavior management strategies, student and teacher training initiatives, measures such as study carrels, time-outs, or other restrictions in privileges, so long as they are not inconsistent with a student's IEP, and, as a last resort, through change of placement procedures in accordance with IDEA. Moreover, the school district has the option of seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current educational placement is substantially likely to cause injury.

In addition, recent amendments to IDEA made by the Improving America's School Act permit educators to make immediate interim changes of placement for students with disabilities who bring firearms to school for up to 45 calendar days. If the student's parents request a due process hearing, the student must remain in the interim placement until the completion of all proceedings, unless the parents and school district can agree on another placement.

Federal Regulations 300  
Individuals with Disabilities Act

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