

**PROGRAMS FOR STUDENTS WITH DISABILITIES ENROLLED IN
THE DISTRICT'S SCHOOLS UNDER THE IDEA AND NEW YORK'S
EDUCATION LAW ARTICLE 89**

The Board of Education ("Board") of the North Colonie Central School District ("District") shall make available a free appropriate public education to all students with disabilities who reside within the District, are enrolled in the District's schools and are eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") and Article 89 of the New York State Education Law ("Article 89"), and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with his/her individualized education program ("IEP") and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable a student with disabilities to benefit from his/her special education, to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the District, regardless of whether they are residents of the District, who request such services in a timely manner. Nonpublic school students with disabilities who are not District residents but who reside within New York State will be provided programs and services in accordance with his/her individualized education services program ("IESP"). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with his/her services plan ("SP").

To the maximum extent appropriate to their individual needs, and on the same basis as all other students enrolled in the District's public schools, eligible students with disabilities residing within the District and attending the District's public schools will be entitled to participate in District academic, cocurricular and extracurricular activities available to all other students enrolled in the District's public schools. Such cocurricular and extracurricular activities may include athletics, transportation, health services, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the District and assistance in making outside employment available).

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board will afford the students and their parents all the procedural safeguard rights to which they are entitled under applicable law and regulations. The Board also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the commissioner of education. In addition, the Board will take steps to ensure that parents have received and understand the request for consent for evaluation including parents of a preschool student.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in section 3212 of the Education Law; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law, including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides); or a surrogate parent who has been appointed in accordance with Commissioner's Regulations.

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma. Students with disabilities may not be required to obtain a prescription for a drug or to take medication as a condition for receiving an evaluation or a free appropriate public education.

To ensure the provision of a free appropriate public education to all eligible students with disabilities enrolled in the District's schools:

1. District staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the District, including homeless children and children who are wards of the state, and children attending nonpublic school within the District (including religious schools), who are in need of special education.
2. The District will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student's performance prior to referral for special education services. The District will provide general education support services, instructional modifications, and/or alternative program options to address a student's performance before referring the student to the Committee on Special Education ("CSE"). A building Pupil Services Team will develop, implement and evaluate pre-referral intervention strategies.
3. District staff will refer for evaluation any student who staff suspect of having a disability to a Board appointed CSE, a Committee on Preschool Special Education ("CPSE") and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.
4. The CSE or CPSE shall make an eligibility determination and for those students deemed eligible for special education and/or related services develop an IEP.

5. The Board will arrange for special education programs and services as set forth in the student's IEP based upon the recommendation of the CSE, CPSE or CSE subcommittee.
6. The Board will arrange for appropriate allocation of space for the delivery of special education and related services to eligible students with disabilities.
7. The Superintendent shall establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.
8. The Superintendent shall establish a comprehensive professional development plan designed to ensure that personnel necessary to carry out IDEA and Article 89 possess the skills and knowledge required to meet the needs of students with disabilities.
9. The Superintendent will establish a process for ensuring that District staff understand the rights of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled in the District's public schools, to an extent appropriate to their individual needs.

I. Committee on Special Education

A. Responsibilities

In accordance with the Regulations of the Commissioner of Education, the District will establish and maintain a Committee on Special Education ("CSE"). The CSE will have responsibility for ensuring that all procedures and activities pertaining to services offered to disabled children and children with special education needs will be conducted on a building level. All attempts will be made to ensure that all of those persons with knowledge and responsibility for the child will be involved in the process of collecting and evaluating information and making recommendations to the CSE. Therefore, building level teams ("Pupil Services Team") will be constituted to carry out the responsibility of formulating recommendations to the CSE.

In making its formal recommendations to the Board, the CSE will report through the Office of Pupil Services. The CSE will follow the CSE procedures adopted by the District which are appended to this policy. The CSE procedures incorporate the regulations of the Commissioner of Education relating to the identification, evaluation and provision of programs and services to students with disabilities.

B. Membership

The members of the CSE, CPSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE, CPSE and CSE subcommittee meetings, to ensure timely evaluation and placement of students, will be required except as otherwise provided in law and regulations. The CSE membership shall include, but not be limited to the following:

1. the parents or persons in parental relationship to the student;
2. not less than one (1) regular education teacher of the student whenever the student is or may be participating in the regular education environment. All regular education teachers employed by the district are hereby deemed eligible to serve in this capacity at the discretion of the District administrators;
3. not less than one (1) special education teacher of the student, or, if appropriate, not less than one special education provider of the student. All special education teachers and special education providers employed by the district are hereby deemed eligible to serve in this capacity at the discretion of the District administrators;
4. a representative of the school district who is (i) qualified to provide or supervise special education, and (ii) knowledgeable about the general education curriculum and the availability of resources of the District. The following persons are hereby deemed eligible to serve this role on the CSE: the Director of Pupil Services and the Assistant Director of Pupil Services. The representative of the District shall serve as the Chairman of the CSE;
5. a school psychologist who can interpret the instructional implications of evaluation results (who may also be able to provide one of the other roles listed above). The following positions are hereby deemed eligible to serve this role on the CSE: all District School Psychologists;
6. a school physician, of specifically requested in writing by the parent of the student or by a member of the school at least seventy-two (72) hours prior to that meeting;
7. an additional parent member of a student with a disability residing in the District or a neighboring District, provided that the additional parent member may be the parent of a student who has been classified within a period not to exceed five (5) years or the parent of a student who has graduated within a period not to exceed five (5) years. Such parent is not a required member if the parents of the student request that the additional parent member not participate in the meeting; and

8. other persons having knowledge or expertise regarding the student, including related services personnel as appropriate, as the District or the parent(s) shall designate. The determination of knowledge or expertise of such person shall be made by the party (parents or District) who invited the individual to be a member of the CSE; and
9. if appropriate, the student.

C. Parental Participation in CSE Meetings

The parent or person in parental relationship of a student with disabilities is one of the mandated CSE, CPSE and CSE subcommittee members and as such has a right to participate in such meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure that one or both of the student's parents are present at CSE meeting or are afforded the opportunity to participate, in accordance with the following:

1. CSE, CPSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the District and in a location that is physically accessible to the parents.
2. The parent will be given at least five (5) days notice of the time and place of a CSE, CPSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent's right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the District may agree to use alternative means of participation at such meetings, such as videoconferences or telephone conference calls.
4. District staff will take any action necessary to ensure that the parent understands the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

The CSE or CSE subcommittee may meet without a student's parent only if District staff has been unable to convince the parents they should attend, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student's parent only if District staff has been unable to obtain parental participation, even through the use of alternative means of participation, and has a record of its attempts to ensure parental involvement.

II. Pupil Services Team

A. Responsibilities

The Pupil Services Team will function as a **sub-committee** by gathering data and making recommendations to the CSE when appropriate. Each building level Pupil Services Team will discharge those responsibilities for students whose homes fall within the boundaries of a given district school serving students of a comparable chronological age. Each Pupil Services Team will meet bi-weekly to review the placement and progress of specific groups of children as requested by individual classroom teachers or members of the Pupil Services Team. The Pupil Services Team will also be responsible for providing comprehensive placement recommendations on all disabled children and present them to the CSE when a full CSE is required.

B. Membership

The Pupil Services Team shall include: a parent or legal guardian of the student under consideration, a classroom teacher, a reading specialist, a school psychologist, a speech therapist, a special education teacher, a counselor (secondary schools), the building or hall principal, the Director of Pupil Services, the Assistant Director of Pupil Services, the school physician, and at least one (1) teacher of the student under review. Additionally, an effort will be made to include suggestions, participation, and information from individuals with special expertise and all classroom teachers.

The chairperson of the Pupil Services Team shall be appointed from among those persons applying or in response to the posting of the position by the CSE Chairperson in consultation with the Office of Pupil Services.

III. Locate and Identify Students with Disabilities

A. Identification of Students

In order to provide appropriate programs for all District children, administrative regulations will be provided for the screening, identification, and classification of students with disabilities or special education needs. Such identification and classification will be in accordance with definitions and guidelines established by the Commissioner of Education.

B. Screening

Screening is designed as a preliminary method of distinguishing from the general population those students who may possibly have a disability. Screening identifies those

students in need of further evaluation and should not be viewed as an in depth method of assessing development.

Screening must obtain preliminary information regarding a child's development in the following areas: physical development, cognitive development, receptive and expressive language, articulation skills and motor development.

All students entering pre-kindergarten will be screened by December 1st of that year. In addition, all other new entrants must be screened within three (3) weeks of their entrance into the system. Other students who must be screened are those who score below level 2 (state norms) on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Screenings must obtain preliminary information regarding a child's development in the following areas: physical development, cognitive development, receptive and expressive language, articulation skills and motor development.

C. General Guidelines for Student Classification

It is to be recognized that the classification or categorization of a student is an act with a significant impact on the subsequent educational and social development of that student. Thus, the recommendation for a formal classification of a student should be the result of the deliberate action of the Pupil Services Team in its function as a subcommittee of the CSE as provided for in the Regulations of the Commissioner of Education.

Information upon which classification and recommendations are based shall be openly and clearly presented to parents/ guardians. The classifications applied to students shall be reviewed at least annually to determine their timeliness and relevancy in conformance with the Regulations of the Commissioner of Education.

D. Census of Students with Disabilities

The Board will conduct an annual census to locate and identify all students with disabilities who reside in the District, and establish a register of such students who are entitled to attend the public schools of the District or are eligible to attend a preschool program during the next school year, including students with disabilities who are homeless or wards of the State.

Census information is obtained by communicating through District publications and newsletters. Additional census information is obtained through parent referrals. The Director of Pupil Services will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters

to all District residents regarding the availability of special education programs and services and their right to access such services.

The census shall be conducted, revised annually and the registry maintained by the CSE or CPSE (as appropriate), in accordance with the requirements established in Regulations of the Commissioner of Education. The Director of Pupil Services shall assure the availability of statistical data to readily determine the status of each student with a disability in the identification, location, evaluation, placement and program review process. Census data shall be reported by October 1st to the CSE or CPSE, as appropriate.

At a minimum, the census data shall include the following data on each child in the District identified as a student with a disability:

1. The student's name, address and birth date;
2. The student's parents' names, address(es), and the dominant language spoken in the student's home;
3. The student's suspected disability;
4. Dates of referral, evaluations and recommendations of the Committee on Special Education, or Committee on Preschool special Education, the student's placement, and annual program reviews.
5. Site where the student is currently attending;
6. Other student information as required by the IDEA and Federal regulations, including but not limited to the student's race, ethnicity, limited English proficiency status, gender, and disability category; and
7. If the student is not receiving an appropriate public education, statement of reasons.

That data shall be organized to readily determine whether each student is receiving an appropriate public education, a partial education or no education at all. All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in the collection of data.

The CSE Chairperson shall prepare, and keep on file, summary reports of student data, including numbers of students who are served, unserved, and if unserved, the reasons why they are unserved. A summary report of the students with disabilities receiving special education and/or related services served shall be submitted by the CSE Chairperson to the State Education Department in the manner prescribed by the Commissioner of Education.

The CSE Chairperson shall keep on file the register and related summary reports which shall be available to the Superintendent or other representatives of the State Education Department.

IV. Evaluation of Students with Disabilities

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the District will conduct a full evaluation of the student in accord with legally prescribed time lines. The District has adopted CSE procedures for evaluating students with disabilities consistent with this policy. These procedures are appended to this policy and incorporate the requirements for evaluating students with disabilities included in the regulations of the Commissioner of Education.

As set forth in Regulations of the Commissioner of Education and the District's CSE procedures, the initial evaluation must include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

Once a student has been determined an eligible student with a disability, the District will reevaluate the student whenever the student's parent or teacher requests a reevaluation, and when the District determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation may not take place more frequently than once a year unless the student's parent and the District otherwise agree and must take place at least once every three (3) years, unless the student's parent and the District agree it is unnecessary.

V. Parental Consent for Student Evaluations

Before conducting any type of evaluation or re-evaluation, District staff will make reasonable efforts to obtain written informed consent from a student's parent, as required by applicable law and regulations. It must keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent's home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, the parent will be given an opportunity to attend an informal conference with the CSE or designated professionals

most familiar with the proposed evaluation, and counselor or an adviser of the parent's choice and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board may commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Regulations of the Commissioner of Education.

2. Parental consent need not be obtained for a re-evaluation if the District can demonstrate that it has made reasonable efforts to obtain that consent, and the student's parents failed to respond. If the parents of a student with a disability refuse to give consent, the District may continue to pursue those evaluations by using the due process procedures as set forth in the Regulations of the Commissioner of Education.

The District has adopted CSE procedures for obtaining parental consent for student evaluations consistent with this policy. These procedures are appended to this policy and incorporate the requirements for obtaining parental consent for student evaluations included in the regulations of the Commissioner of Education.

VI. Conduct of Evaluations

As part of an initial evaluation, if appropriate, and as part of any re-evaluation the District shall review existing evaluation data as well as information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom based observations and observations by teachers and related service providers. The District shall, thereafter, identify what additional data, if any, is needed to determine: whether the student has a disability; the present levels of academic achievement and related developmental needs of the student; whether the student needs special education, or, in the case of re-evaluation, whether the student continues to need special education; and, whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

The District will notify a student's parent of any determination that no additional data is needed and the reasons for such a determination. It will also inform the parent of his or her right to request an assessment, notwithstanding that determination.

In conducting evaluations of students with disabilities, the District will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student's eligibility for special education and related services, and the content of the student's individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

The District will assess a student in all areas of suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communication status and motor abilities and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the District will follow the CSE procedures for conducting evaluations consistent with this policy. These procedures are appended to this policy and incorporate the requirements relevant to the conduct of evaluations included in the regulations of the Commissioner of Education.

VII. Eligibility Determination

The CSE, CPSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student's educational needs. In making such determination, the CSE will follow the CSE procedures for making eligibility determinations which are consistent with this policy. These procedures are appended to this policy and incorporate the requirements for making eligibility determinations included in the regulations of the Commissioner of Education.

An eligibility determination and the determination of the educational needs of a student draws upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior.

The CSE or CSE subcommittee may not determine that a student is eligible for special education and related services if the determining factor is lack of appropriate instruction in the essential components of reading, including phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies; or lack of appropriate instruction in math; or limited English proficiency.

The District must evaluate a student with a disability prior to determining that the student is no longer a student with a disability.

VIII. Provision of Services

For students deemed eligible the Board will arrange for appropriate special education and related services recommended by the CSE or CSE subcommittee within sixty (60) school days of the District's receipt of parental consent to evaluate a student not previously identified as a

student with a disability, or within sixty (60) school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

If the student has been determined to be eligible for special education services, the CSE shall develop an IEP. In developing an IEP, the CSE must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents for enhancing the education of their child; the academic, developmental and functional needs of the student, including, as appropriate, the results of the student's performance on any general State or District wide assessment programs; and, any other special considerations.

The IEP must include the following information: present levels of performance; disability classification; measurable annual goals; short-term instructional objectives and benchmarks for those students scheduled to participate in New York State Alternative Assessments and for each preschool child with a disability; special education program and services; testing accommodations; participation in State and District wide assessments; participation in regular classes, specifically an explanation of the extent, if any, to which the student will not participate in regular education; transition services for those students beginning no later than the first IEP to be in effect when the student is age 15; twelve month services for those students determined to need such services in order to prevent substantial regression; projected date of annual review; and, placement.

The Board shall ensure that the recommendations on a student's IEP are implemented. All staff responsible for the implementation of a student's individualized education program will be provided a copy of the IEP and information regarding their responsibilities to implement the student's IEP.

The District shall ensure that the student's parents are provided with a copy of the disabled student's IEP.

The District has adopted CSE procedures relating to the provision of services consistent with this policy. These procedures are appended to this policy and incorporate the requirements for the provision of services included in the regulations of the Commissioner of Education.

IX. Parental Consent for the Provision of Services

If the parent of the disabled student refuses to consent or fails to respond to a request to provide such consent to the provision of special education programs and services, the District shall not provide the special education programs and services to the student and shall not use due process procedures to challenge the parent's refusal to consent.

The Board acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore,

District staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board will be precluded by applicable law and regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

If, at any time subsequent to the initial provision of special education programs and services, the parent of a student revokes consent in writing, the District shall not continue to provide any special education programs and services to the student and shall not use due process procedures to obtain agreement or a ruling that the services may be provided to the student. In such cases, the District must provide prior written notice to the student's parents before ceasing the provision of special education programs and services.

X. District Plans

The Director of Pupil Services shall prepare and maintain a satisfactory District Plan for Assuring Appropriate Educational Services and Due Process in Evaluation and Placement of Students with Disabilities, as required by New York Education Law §3602(10) and Part 200.2(c)(1) of the Regulations of the Commissioner of Education, which shall include, at a minimum, the following:

1. The Superintendent will establish a process for ensuring that District staff understand the rights of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled;
2. A description of the nature and scope of the full continuum of special education programs and services currently available to students and preschool students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District including the group size and composition, [as well as, transitional support services, related services, and consultant teacher services];
3. Identification of the number and age span of students and preschool students to be served by type of disability, and recommended setting;
4. The methods to be used to evaluate whether the objectives of the program have been achieved;
5. A description of the Board's policies and practices to ensure the continual allocation of appropriate space for special education programs within the District that meet the needs of students and preschool students with disabilities;

6. A description of the Board's practice to ensure that appropriate space will be available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services (BOCES);
7. The estimated budget to support such plan; and
8. The date the plan was adopted by the Board.

The District Plan, with personally identifiable student information deleted, shall be filed with the Superintendent and available for public inspection and review by the Commissioner of Education.

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 *et seq.*;
34 CFR Part 300
N.Y. Education Law Article 89, §§4401 *et seq.*
8 NYCRR Part 200

Adoption date: October 24, 2011