**Hancock Central School**  **4321-R**

**PROGRAMS FOR STUDENTS WITH DISABILITIES REGULATION**

Administrative practices and procedures will be developed to ensure that, where appropriate, students with disabilities will have the opportunity to participate in district programs, including extracurricular programs and activities, which are available to all students enrolled in the public schools of the district.

Such practices and procedures will also ensure that each preschool child with a disability residing in the district has the opportunity to participate in preschool programs.

Administrative practices shall also be developed for appointing and training appropriately qualified personnel, including members and chairpersons of the Committee of Special Education (CSE) and the Committee on Preschool Special Education (CPSE), to carry out the functions indentified in Part 200 of the Regulations of the Commissioner of Education.

In developing practices to carry out the functions identified in Part 200, administrative practices will also be developed to implement the provisions of section 200.6(a) in order to ensure that a student with a disability:

1. Will be provided with appropriate special education;

2. To the maximum extent appropriate, shall be provided special education in the least restrictive environment;

3. Will be provided the special education recommended by the CSE to be necessary to meet the student’s special educational needs;

4. Will be placed together for purposes of special education by similarity of individual needs as defined in Part 200, in accordance with the following:

a. The range of academic or educational achievement of such students will be limited to ensure that instruction provides each student appropriate opportunities to achieve the student’s annual goals. The learning characteristics of students in the group shall be sufficiently similar to ensure that this range of academic or educational achievement is at least maintained;

b. The social development of each student will be considered prior to placement in any instructional group to ensure that the social interaction within the group is beneficial to each student, contributes to each student’s growth and maturity, and does not consistently interfere with the instruction being provided. The social needs of a student will not be the sole determinant of such placement;

c. The levels of physical development of such students may vary, provided that each student is provided appropriate opportunities to benefit from such instruction. Physical needs will be considered prior to determining placement to ensure access to appropriate programs. The physical needs of the student will not be the sole basis for determining placement; and

d. The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

I. The Committee On Special Education (CSE)

The Board of Education shall appoint a Committee on Special Education (CSE) composed of:

1. The child’s teacher, as defined by applicable federal regulation;

2. A school psychologist;

3. A representative of the school district who is qualified to provide, administer of supervise special education;

4. A school physician;

5. A parent/guardian of a child with a disability residing in the district, provided the parent/guardian is not employed by or under contract with the district; and

6. Such other persons designated by the Board.

II. Identifying Children with Disabilities

The CSE shall identify students with disabilities who are in need of special services or programs and develop an individualized educational program (IEP) for each student.

The district shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the district and establish a register of those who are entitled to attend the school district. The register shall be maintained and revised annually by the CSE. Such census data shall be compiled and maintained in accordance with the Commissioner’s Regulations.

Upon receipt of written notification that a student is suspected of having a disability, the CSE chairperson shall notify the child’s parent(s) or guardian(s) that a referral has been made and to request consent for the child to be evaluated. Such notice must include, among other things, the following information: the right to consent or withhold consent to an initial evaluation or placement; the right to a hearing; procedures for appeal; the availability of mediation to resolve complaints regarding the education of a student with a disability; the acknowledgment that if consent is refused there will be no evaluation and the student shall remain in his/her current placement, or receive admittance to the requested school pending the outcome of a hearing; the availability of free or low cost legal aid and reimbursement of reasonable attorneys’ fees if the parent(s)/guardian(s) win their hearing. The notification shall be in the dominant language or mode of communication of the parent(s)/guardian(s).

If parental consent is not obtained within 30 days of receipt of referral then the Board shall initiate an impartial hearing to determine if the individual evaluation shall be conducted. The CSE chair shall notify the parent(s)/guardian(s) of his/her right to request an informal conference at which the parent(s)/guardian(s) may ask questions regarding the evaluation.

III. Individual Evaluation

The CSE shall ensure that an individual evaluation of the student is conducted at no cost to the parent(s)/guardian(s). The district shall maintain a list of approved evaluators which shall be provided to the parent(s)/guardian(s).

The evaluation shall include, at least: a physical examination, a social history, a classroom observation, a psychological evaluation unless determined unnecessary by the school psychologist and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the CSE which shall include a detailed statement of the child’s individualized educational needs, and if the child is determined to have a disability, a recommendation as to the frequency and duration of services and the manner in which the child can be provided with instruction in the least restrictive environment. The parent(s)/guardian(s) shall be provided the results of the evaluation and a copy of the CSE recommendation in their dominant language or mode of communication.

If the parent(s)/guardian(s) disagrees with the evaluation, he/she shall notify the district so the district so the district may initiate an impartial hearing to determine the adequacy of the evaluation. If the hearing officer determines the evaluation was inadequate, then the parent(s)/guardian(s) may obtain an independent evaluation at no cost to themselves. Even if the evaluation is determined to be adequate by the hearing officer, the parent(s)/guardian(s) may obtain an independent evaluation, but not at public expense.

IV. Determining the Appropriate Placement and Program – Least Restrictive Environment

Following the individual evaluation, if the CSE determines the student has a disability, the members shall develop an Individual Education Plan (IEP) for the student. The IEP is a written plan which contains:

1. A statement of the present levels of educational performance of such child and individual needs;

2. A statement of annual goals, including short-term instructional objectives;

3. A statement of the specific educational services to be provided to such child, class size if appropriate, and the extent to which such child will be able to participate in regular educational programs;

4. A statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger)

5. The projected date for initiation and anticipated duration of such services;

6. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved;

7. A description of any specialized equipment and adaptive devices;

8. A list of testing modifications; and

9. A recommended placement.

Before the development of a recommendation, the CSE shall ensure that the appropriateness of the resources of the regular educational program, including educationally related support services, and remedial instruction, have been considered. In developing the IEP, the CSE shall consider a student’s academic or educational achievement, learning characteristics, social development, physical development and management needs. To ensure the student is placed in the least restrictive environment, the school district, with the input of the student’s parent(s)/guardian(s) and teacher(s) and the student, when appropriate, must determine what placement is most appropriate: placement in a general education program with supplementary aids and services, placement in a special class or special school or a combination of general and special education classes. The CSE must show that a general education program was considered when the student is not placed in such a program.

If the Board disagrees with the recommendation of the CSE, the Board shall follow one of the following procedures:

1. The Board may return the recommendation to the original CSE with a statement of the Board’s objections or concerns and request that a timely meeting be held to review Board’s objections or concerns. The CSE shall consider the Board’s concerns, revise the ISP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree, it may continue to send the recommendation to the CSE for additional reviews of its objections or concerns or establish a second CSE; or

2. The Board may immediately establish a second CSE to develop a new recommendation for the student. If the Board disagrees with the recommendation of the second CSE, the Board may send the recommendation to the second CSE with a statement of their concerns and a request that a timely meeting be held to review and consider the concerns. The second CSE shall consider the Board’s concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its concerns by the second CSE.

In either case, one the Board has established a second CSE, the Board can no longer select the recommendation of the original CSE.

The parent(s)/guardian(s) shall be notified of the Board’s approval or disapproval of the CSE’s recommendation, and provided notice of the meeting when the Board disapproved.

The Board must arrange for appropriate special education programs and services to be provided in accordance with the student’s IEP within 60 days of receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 days of the referral for review of a student with a disability. However, if the recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within 30 days of the Board’s receipt of the recommendation.

V. Participation of Students with Disabilities in Extracurricular Programs and Activities

Students with disabilities residing in the district shall have the opportunity to participate in district programs, including extracurricular programs and activities, which are available to all other students enrolled in the district’s public schools.

VI. Due Process Provisions

In the event the parent(s)/guardian(s) disagrees with the CSE’s recommendation, the CSE fails to make a recommendation in accordance with the Commissioner’s Regulations or the Board fails to effectuate the recommendation within 60 days of receipt of consent to evaluate for a student not previously identified as having a disability or within 60 days of referral for review of a student with a disability or within 30 days of receipt of a recommendation for placement in an approved in-state or out-of-state private school, the parent(s)/guardian(s) may request, in writing, a formal impartial hearing.

Parent(s)/Guardian(s) of students with, or suspected to have, disabilities shall have medication available to resolve complaints regarding the education of a student. The availability or use of medication shall not diminish or limit any rights of parents or guardians provided for in law, including the right of a parent or guardian to request an impartial hearing subsequent to mediation. The parent(s)/guardian(s) will not be deemed to have failed to exhaust administrative remedies by requesting an impartial hearing in the absence of or prior to mediation.

During the pendency of an appeal, unless the parent(s)/guardian(s) and Board otherwise agree, the child will remain in the current educational placement.

The Superintendent of Schools will advise the Board annually of the administrative practices and procedures which have been developed to implement policy 4321.

ADOPTED: