

Millbrook Central School District
Millbrook, New York 12545



SPECIAL EDUCATION PLAN

Approved by the Board of Education: September 24, 2019

GENERAL BOARD OF EDUCATION POLICIES

The District is committed to the development and implementation of an appropriate education for students with disabilities who reside in the District in accordance with the following administrative practices and procedures:

- To ensure that students with disabilities have the opportunity to participate in school district programs to the maximum extent appropriate to the needs of each student, including nonacademic and extracurricular programs and activities, which are available to all other students in the public schools of the District.
- To ensure that each preschool student with a disability residing in the District has the opportunity to participate in preschool programs, including timely evaluation and placement.
- To appoint and train appropriately qualified personnel, including the members and chairpersons of the Committee on Special Education and the Committee on Preschool Special Education.
- To implement the provisions of Section 200.6 (a) of the Commissioner's Regulations and to provide special services or programs, to the extent appropriate to the needs of the student, and to enable the student to be involved in and progress in the general education curriculum.
- To ensure that parents have received and understand the request for consent for evaluation of a preschool student.
- To ensure the confidentiality of personally identifiable data, and information or records pertaining to a student with a disability. Such personally identifiable information will not be disclosed except in accordance with the Regulations.
- To implement school-wide approaches, which may include a response to intervention process, and pre-referral interventions in order to remediate a student's performance prior to referral to special education.
- To ensure the establishment of plans and policies for the appropriate declassification of students with disabilities.
- To ensure the selection and board appointment of an impartial hearing officer consistent with Regulations.
- To ensure, to the extent possible, that all instructional materials to be used in the schools in the District are available in a usable alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students. Alternative format materials not readily on hand will be ordered in a timely manner. The process for obtaining such materials for students who move into the School District during the school year will be initiated without unnecessary delay.
- To ensure that personnel responsible for implementing or assisting in the implementation of a student's IEP receive or are provided access to a copy of the IEP for review prior to its implementation, and are informed of their responsibility to implement recommendations of the IEP.
- To ensure that measurable steps are taken to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.
- To ensure the establishment of guidelines for the provision of appropriate accommodations necessary to ensure the academic achievement and functional performance of the student in the administration of district-wide assessments.
- To ensure that universal design principles be used, to the extent feasible in developing and administering any district-wide assessment programs.
- To ensure that adequate and appropriate space is made available to meet the needs of preschool and school age students with disabilities.
- To ensure that students who reside in the District have received the protection of all other applicable State and Federal laws and regulations.

IMPLEMENTATION OF SCHOOL-WIDE APPROACHES & PRE-REFERRAL INTERVENTIONS

In accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and Part 200 of the Commissioner's Regulations, the District must develop a policy and implement a plan to establish pre-referral interventions (response to intervention/RTI) to assist a student's education process before consideration of referral to the Committee on Special Education (CSE). In keeping with this policy, it is the responsibility of the school's principal and building RTI team to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services and Educationally Related Support Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to English Language Learners (ELL) students who do not achieve the annual Commissioner's Regulations Part 154 performance standards. Supplemental instruction in English, language arts, math, social studies, and science as well as support services to deal with barriers to student progress such as attendance, discipline, health, family nutrition, and transient issues will be afforded to students who score below level 3 on elementary or intermediate state assessments or who score below the local state designated performance levels on any one of the state examinations required for graduation. All school-wide approaches to provide remediation activities for students who are at risk of not meeting state standards or meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include but are not limited to additional progress monitoring, additional teacher support, student or volunteer tutorial assistance, counseling support, and computer assisted programs. The school district may include the RTI process as part of a district's school-wide approach. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided and the reasons these services are necessary. The parent will also be notified about the duration of AIS and/or the ending of these services. These school-wide approaches shall serve as pre-referral interventions prior to consideration of special education programs through the Committee on Special Education (CSE).

The referral form to the CSE used by the District staff will describe, in writing, intervention services, programs used to remediate the student's performance prior to services, or instructional methodologies, including any supplementary aids or support services provided, or the reasons why no such attempts were made. The principal and/or building level team shall maintain a record of pre-referral interventions implemented for each student. Each referral shall be reviewed to determine its appropriateness and whether pre-referral interventions have been adequately utilized, and if further interventions are deemed necessary.

Within ten (10) days of receipt of referral to the CSE, the building administrator may request a meeting with the parent or person in parental relationship to the student, the student, and the referring person, if a staff member, to determine whether the student would benefit from additional general education support services as an alternative to special education. These services may include, but are not limited to, speech and language improvement services, educationally related support services, academic intervention services, and any other services designed to address the learning needs of the student and maintain the student's placement in general education. At this meeting, if there is a written agreement that with the provision of additional general education support services the referral is unwarranted, the referral shall be deemed withdrawn and the building administrator shall provide a copy of this agreement to the Chairperson of the CSE, the referring person, the parent or person in parental relationship, and the student if appropriate. The copy of the agreement will be in the native language of the parent and will name the additional general education support services that will be provided as well as the length of time of each service. This agreement will be placed in the student's cumulative educational record file. If there is no written agreement reached at this meeting, the required timelines of the CSE will be maintained.

These pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services, but shall be used to assess the ability of the student to benefit from general education services.

PROVISION OF APPROPRIATE SPECIAL EDUCATION SERVICES TO ENABLE INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM

All students with disabilities who reside in the School District shall be provided with an appropriate Individual Education Program (IEP) that meets the student's unique educational needs as determined and recommended by the Committee on Special Education (CSE) and arranged for by the Board of Education. This IEP shall be designed to enable involvement and foster progress in general education to the extent appropriate to the needs of the student. In designing the IEP, the CSE will consider the present levels of performance and the expected learning outcomes of the student. The student's academic, social development, physical development, and management needs will be the basis for written annual measurable goals.

In keeping with this policy, the CSE will consider general education at each initial, program or annual review for the student as well as the appropriate support or related services needed for the student to make academic progress within this environment. Progress or educational benefit shall be indicated by successful academic progress, including improvement in skills, achievement on State mandated examinations, ability to perform activities of daily living and an increase in adaptive behavior. Progress will also be considered in the social areas, including relationships with peers and adults, feelings about one's self, and the adjustment to school and community environments. Physical development areas such as the student's improvement in motor or sensory areas, health, vitality and physical skills and the decrease of management needs that require environmental modifications or human resources shall also be considered as progress.

The District will ensure equal access to a diploma for all students with disabilities through its establishment of heterogeneous Regents classes, inclusion classes and special education classes that provide equivalent instruction. Appropriate academic intervention services shall also be considered and determined by the building principal to assist students with disabilities in meeting their academic goals. These services shall be in addition to the special education services deemed appropriate by the CSE. No student, by virtue of designation as a student with a disability, shall be precluded from receiving equivalent instruction unless the CSE has determined that the student requires Skills and Achievement Commencement Credential. If the student has the potential to achieve a high school diploma but requires a restrictive environment outside the District, the CSE will seek placement in a program that provides equivalent instruction.

The District will also ensure equal access for students with disabilities to after school activities such as clubs, sports, or evening activities and will provide, as recommended by the CSE, appropriate services to enable this participation. Students, who are receiving education in out-of-district facilities, as recommended by the CSE, shall also have an equal opportunity to participate in these activities, as deemed appropriate to meet their individualized needs.

COMMITTEE ON SPECIAL EDUCATION (CSE) AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) APPOINTMENT AND TRAINING

To implement its commitment to the education of students with disabilities, the Board of Education annually appoints a Committee on Special Education (CSE), Subcommittee and a Committee on Preschool Special Education (CPSE). The Committees are appointed in accordance with the provisions of New York Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education. Section 4410 of the Education Law, which established the Committee on Preschool Special Education was signed into law on July 5, 1989, and the CPSE was established for the first time during the 1989/90 school year. Major functions of the CSE and CPSE include:

- Identifying, evaluating and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided for each student;
- Maintaining an annually revised register of all students with disabilities who reside in the District and who are eligible to attend preschool or public school during the coming school year;
- Establishing a network for communication and sharing of resources with other educational and community service agencies;
- Reporting to the Board of Education on the adequacy and status of programs, services and facilities made available to school-age students with disabilities by the school district, and, for preschool students, by public and private agencies within Dutchess County;
- Reporting to the State Education Department on the number of preschool students, if any, within the District who are not receiving appropriate preschool services and the reasons for any such lack of service.

CSE RESPONSIBILITIES

The Committees have the responsibility to insure that all necessary procedures for the identification, classification, placement and annual review of the status and progress of every student with a disability are carried out in accordance with federal and state law and regulations. Subcommittees are authorized to perform the functions of the Committee on Special Education except when a student is considered for a more restrictive environment or initial placement in:

- a special class; or
- a special class outside of the student's school of attendance; or a school primarily serving students with disabilities in a school outside the student's district.

Upon a written request from a parent or a legal guardian of a student, the subcommittee will immediately refer to the Committee on Special Education for its review any recommendation of the subcommittee concerning the identification, evaluation, educational placement or provision of a free appropriate public education to a student that is not acceptable to the parent or person in parental relationship to the student.

The Committee on Special Education is responsible for oversight and monitoring of the activities of each subcommittee to assure compliance with federal and state law and regulations. Each subcommittee must annually report the status of each student with a disability within its jurisdiction to the Committee.

TRAINING CSE/CPSE MEMBERS

The District is committed to ensuring that all members of the CSE and CPSE are appropriately trained for their responsibilities on their respective committees. Committee members are made aware of their responsibilities to insure that services are identified to allow the student to be involved in and progress in the general education curriculum. Specific administrative practices for training these members, including general education teachers and parents, to carry out the provisions of Part 200 include:

- conducting district based training on a regular basis;
- providing copies of written guidelines pertaining to district practices and procedures for referring and evaluating preschool and school-age students suspected of having a disability;
- disseminating Regulations of the Commissioner;
- inviting committee psychologist (s) to periodic site visits of out-of-district special education placements to familiarize them with placement options available to resident special education students;
- utilizing the District attorney as a resource person, if needed to interpret specific information for the committee members.

GENERAL STAFF DEVELOPMENT

The Board of Education is committed to hiring, training and retaining highly qualified personnel responsible for carrying out all of the mandates of IDEIA and the Commissioner's Regulations regarding students with disabilities. Accordingly, it is the Board's policy to recruit, hire and train appropriately qualified special education personnel to provide special education programs and services, including members and chairpersons of the Committee on Special Education and the Committee on Preschool Special Education.

All special education personnel shall be appropriately qualified to carry out their duties regarding students with disabilities, and shall possess the training, licensing and certification required by the No Child Left Behind Act and New York State Law.

As part of an ongoing effort to assist special and general education teachers to better understand the needs of students with special needs, staff development plays a critical role in preparing teachers to work with diverse learners.

In addition to staff meetings, in-service courses, Superintendent's Conference Day, as well as individual meetings between special and general education teachers, the State Education Department has directed districts to include, as part of its professional development plan a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.

EXTENDED SCHOOL YEAR SERVICES

The Committee on Special Education or Committee on Preschool Special Education will determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression as defined by regulations would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Section 200.6(j) of the Commissioner's Regulations, students will be considered for twelve-month (12) special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;
- Students who 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 multiple disabilities and require primarily habilitation and treatment;
- Students whose needs are so severe that they can be met only in a seven-day (7) residential program; or
- Students receiving other special education services, who, because of their disabilities exhibit the need for a twelve-month (12) special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression.

Both quantitative and qualitative information will be reviewed by the Committee to substantiate the need for providing such services and programs. A student is eligible for a twelve-month (12) service or program when the period of review or re-teaching required to recoup the skill or knowledge level attained by the end of the prior school year is beyond the time ordinarily reserved for that purpose at the beginning of the school year.

The typical period of review or re-teaching ranges between twenty (20) and forty (40) school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight (8) weeks or more would indicate that substantial regression has occurred

ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

The District is committed to ensuring that assistive technology devices and/or services are available to students with disabilities, as appropriate, as part of the student's Individualized Education Program (IEP).

The IEP must describe any specialized equipment and adaptive devices needed for the student to benefit from instruction. IDEIA requires each school district to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as part of the student's special education, related services or supplementary aids or services as described in the IEP. IDEIA defines assistive technology devices and assistive technology services, as follows:

Assistive technology devices means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such device.

Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- The evaluation of the needs of a child with a disability, including a functional evaluation of the student in the student's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for a child with a disability, or if appropriate, that child's family; and
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of that student.

A student's need for assistive technology is determined through the individual evaluation. The District's CSE/CPSE is responsible for this functional evaluation of the student. The need to conduct an assistive technology component of an evaluation must be considered for students on a case-by-case basis.

Since assistive technology services are provided as part of the student's special education instruction, related services and/or other supplementary aids and services, they must be provided by an appropriately licensed or certified individual in accordance with Section 200.6 of the Regulations of the Commissioner of Education.

GUIDELINES FOR PARTICIPATION OF STUDENTS WITH DISABILITIES

State and District-Wide Assessments

The Board of Education believes that students with disabilities should have access to all testing accommodations necessary to participate in state and district-wide assessments in order to ensure that the student's academic achievement and functional performance is fairly and accurately measured.

Test accommodations are changes made in the administration of a test, including testing procedures or formats,

in order to remove obstacles to the test-taking process caused by a student's disability, that do not alter the measurement of a construct. The district recognizes that the provision of testing accommodations to students with disabilities enables such students to participate in assessment programs on an equal basis with their non-disabled peers. Testing accommodations provide students with disabilities the opportunity to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted by their disability. Further, testing accommodations provide opportunity for students with disabilities to gain access to more challenging courses and programs.

Therefore, the Board adopts the following guidelines to ensure that all state and district-wide assessments are administered using appropriate accommodations:

- Test accommodations must be provided on a consistent and uniform basis, as provided by each student's IEP and should not be excessive not alter the standard administration of the test to the least extent possible;
- Test accommodations are neither intended nor permitted to:
 - alter the construct of the test being measured or invalidate the results;
 - provide an unfair advantage for students with disabilities over students taking tests under standardized conditions;
 - substitute for knowledge or abilities the student has not attained.
- The following students are eligible to receive test accommodations:
 - students classified by the CSE or CPSE as having a disability;
 - students identified as having a disability pursuant to Section 504 of the Rehabilitation Act by a 504 Multidisciplinary Team;
 - students who incur disabilities for 30 days or less before administration of a district-wide test and who are authorized by the principal to receive test accommodations (principal is responsible for notifying NYSED of any accommodations provided to the student and the reasons for those accommodations prior to the testing);
 - students previously declassified by the CSE or CPSE who are provided with declassification accommodations.
- The following individuals are authorized to make the decisions regarding test accommodations for a student with a disability:
 - the CSE or CPSE, if the student is classified under IDEA and the Commissioner's Regulations or if the student has been declassified;
 - the Section 504 Multidisciplinary Team for those students identified as having a disability pursuant to Section 504 of the Rehabilitation Act;
 - the school principal, for general education students who have incurred a short or long-term disability within 30 days before administration of assessments and where sufficient time is not available for the development of an IEP or 504 Plan.
- All appropriate testing accommodations will be designated in a student's IEP or 504 Accommodation Plan and will be reviewed at least annually by the CSE or CPSE or 504 Multidisciplinary Team (except for declassification accommodations).
- Steps shall be taken to ensure that teachers and service providers are aware of test accommodations for students and how they are to be implemented.

OPPORTUNITIES TO EARN HIGH SCHOOL DIPLOMAS

It is the policy of the school district to encourage students with disabilities to pursue high school diplomas. Access must be provided to required courses, electives and tests as specified in Part 100 of the Regulations of the Commissioner. To ensure that students with disabilities are encouraged and assisted to achieve the credits and the skill levels necessary for attaining a diploma or an alternative commencement credential the district adopts the following procedures:

- The Committee on Special Education (CSE) will annually review the special educational needs of each student with a disability. At each annual review after the student has entered the Middle School, the CSE will make an assessment as to whether or not the student's capabilities indicate probable success in passing state-developed or state-approved assessments or whether such student shall be evaluated using an alternate assessment in lieu of required state assessments. Where appropriate, the student will participate in this decision-making process.
- The decision will be reviewed annually. The CSE will consider the following factors:
 - current levels of achievement;
 - learning rate;
 - preference of student and family.
- The CSE will consider if the student requires testing modifications to participate in state or district—wide assessments. These modifications will be clearly stated on the student's IEP.
- The District will offer appropriate remedial instruction for all students.
- The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
- If the student's special educational needs require instruction in small classes from certified special education teachers, the IEP shall so indicate and placement will be made in or outside the District in special education classes. In any such case, instruction in subjects granting credit toward graduation and a Regent's or local high school diploma will be provided in accordance with curriculum objectives and required levels of achievement determined by the special education teacher in consultation with a teacher certified in the subject being taught.
- If the Committee on Special Education recommends that a student be evaluated through the use of an alternate assessment in lieu of a required State assessment, the student will be afforded appropriate opportunities to participate in community experiences and will be provided with employment development opportunities and other instructional activities to prepare the student for post-secondary living, learning, and employment.

GUIDELINES FOR ISSUANCE OF A SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL FOR STUDENTS WITH SEVERE DISABILITIES

The Board of Education and district staff shall comply with all federal and state requirements concerning the education of students with disabilities.

The District subscribes to the concept that all students must be provided with quality instruction and opportunities for academic achievement. In accordance with this, it is expected that students with disabilities will be guided towards a course of study which will lead to the achievement of a high school diploma. It is recognized, however, that the achievement of this standard may be precluded for some students due to the nature or severity of their disability. The awarding of an alternative commencement credential is authorized for such students under the following conditions.

- The Board of Education may issue a skills and achievement commencement credential to a student who, upon the recommendation of the Committee on Special Education, has taken the State alternate assessment for students with severe disabilities, as defined in Section 100.1(t)(2)(iv) of the Regulations of the Commissioner of Education, in lieu of a required State assessment.
- Before a skills and achievement commencement credential is issued to a student with a severe disability, such student will be offered appropriate opportunities to participate in community experiences and

development of employment and other instructional activities in preparation for post-secondary living, learning and employment.

- A skills and achievement commencement credential will be issued together with a summary of the student's academic achievement and functional performance.
- If the student receiving the commencement credential is less than twenty-one years of age, the credential will be accompanied by a written assurance that the student shall be eligible to return to school without the payment of tuition until he or she has earned a regular high school diploma or until the end of the school year in which such student turns twenty-one.

INDEPENDENT EDUCATIONAL EVALUATION

The Millbrook Central School District has established the following procedures for obtaining an independent educational evaluation (IEE) for children who are classified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability or who are suspected of having a disability.

If a parent disagrees with an evaluation obtained by the School District, the parent may, under certain circumstances, obtain an independent evaluation at public expense. The rules for obtaining an IEE at public expense are set forth in New York State Regulations of the Commissioner of Education Sections 200.5(g)(1) and in the Code of Federal Regulations at CFR 300.502. Copies of the regulations, as well as *A Parent's Guide to Special Education: Your Child's Right to an Education in New York State* and the Procedural Safeguards Notice, which detail IEE requirements, are available from the Millbrook CSD PPS Office.

Definitions

An independent educational evaluation (IEE) means an evaluation conducted by qualified examiners who are not employed by the school district. If a parent or guardian disagrees with the evaluation conducted by the District, the parent or guardian may have the right to obtain one IEE at public expense for each district evaluation.

If a parent requests an IEE at public expense, or shares with the School District an evaluation obtained at private expense by a qualified evaluator, the results of the evaluation will be considered by the Committee on Special Education or CPSE in any decision made with respect to classification or placement of the student.

IEE is normally arranged for the student by the School District at no cost to the parent through other public or private sources.

An IEE can be provided at public expense only if it is conducted by an individual who possesses a current license or certification from the NY State Education Department in the area of the evaluation.

The evaluator must be located within a 50-mile radius of the District. The District is not responsible for mileage to and from the evaluation site. Requests for exception to this geographic limitation may be allowed by the District if justified by the student's individual circumstances. Any request for such exception should be forwarded in writing to the Assistant Superintendent for Curriculum, Instruction & PPS.

Maximum -rates are established for evaluations, including, but not limited to, the following: psycho-educational evaluations, neurological evaluations, speech/language evaluations, occupational therapy evaluations, physical therapy evaluations, psychiatric evaluations, assistive technology evaluations, neuropsychological evaluations, and audiological evaluations. The rates are available in the Pupil Personnel Services (PPS) Office.

Requests for exception to the maximum allowable fees may be approved by the District if justified by the student's individual circumstances. Any request for such an exception should be forwarded in writing to the Assistant Superintendent for Curriculum, Instruction & PPS.

Procedures

If a parent requests an IEE at public expense, the District will, without unnecessary delay, either: (a) file a due process complaint to request an impartial hearing to contest the IEE for failure to comply with the District's criteria and/or to defend the appropriateness of the evaluation conducted by the District, or (b) provide the IEE at public expense. If the impartial hearing officer determines that the District's evaluation is appropriate, the parent/guardian would not have the right to a publicly funded IEE or the right to reimbursement for the IEE.

If the parent requests an IEE, the District will ask why the parent objects to the evaluation obtained by the School District. The District will not, however, delay its response if parents do not wish to discuss the nature of their objections.

Timeline

A parent may request an IEE at public expense from the District at any time, but an IEE should not be requested simply to update an evaluation that is more than one year old. If an evaluation is more than one year old and the parent believes it no longer reflects the Student's current levels of functioning or needs, a School District reevaluation should be requested, and a new evaluation will be provided by the School District prior to the Student's next annual review.

If the Parent disagrees with the results of the new evaluation, the School District will consider a request for an IEE and may provide prior authorization for such re-evaluation by an agreed-upon provider. The School District will not authorize more than one IEE at public expense for each evaluation conducted by the School District.

If a parent obtains an evaluation at private expense without prior authorization and wishes to submit the private evaluation to the District for reimbursement as an IEE at public expense, a copy of the private evaluation report and an itemized invoice must be attached by the parent to the request for IEE reimbursement.

Requests should be in writing to: Millbrook Central School District:
Assistant Superintendent for Curriculum, Instruction & PPS
P.O. Box AA, 43 Alden Place
Millbrook, NY 12545

The School District will respond to the request either by reimbursing costs to the extent consistent with the approved payment schedule, or filing a due process complaint to request impartial review.

Responsibilities

The District can, upon request, recommend qualified professionals who are in private practice or employees of other public agencies to whom parents may go to secure an IEE. It is the responsibility of the independent evaluator to contact the School District to arrange for payment, date(s) of visitations and discussions with school staff. The independent evaluator is also responsible for sending a copy of his/her current NYS certification/license to the Assistant Superintendent for Curriculum, Instruction & PPS Services.

*34 Code of Federal Regulations Section 300.502
New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)*

SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY

Following is an explanation of the rights of parents/guardians concerning school records relating to their student pursuant to the Federal "Family Educational Rights and Privacy Act of 1974":

- Parents of a student under 18, or a student 18 or older, have a right to inspect and review any and all records, files and data directly related to their student, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades standardized achievement test scores), attendance data, score on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious recurrent behavior patterns.
- A parent of a student under 18 years of age or a student 18 years of age or older shall make a request for access to a student's (their own) school records, in writing, to the principal of the building to which such student is assigned or the guidance counselor in the Secondary School. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in no case, no more than forty-five (45) days after the request has been received.
- Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the District Clerk.
- Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials and certain State and Federal officials who have a legitimate educational need for access to such records in the course of their employment.
- The District shall maintain directory information regarding its students. Directory information consists of personal information about individual students and includes the student's name, address, telephone listing, date and place of birth, dates of attendance, degrees and awards received and previous educational institutions attended.
- At the beginning of each school year this policy remains in effect. The District shall notify parents, guardians and students eighteen years old and older ("eligible students"), either by direct mail or by other district-wide publication, or both, of those categories of information that constitute directory information. Thereafter, parents, guardians or eligible students shall have a reasonable period of time in which to inform the District that any or all of the information designated as directory information may not be released without the individual's consent. Any objection to such disclosure of directory information, and any request to be excluded from the list of directory information to be disclosed, shall be submitted in writing to the Superintendent of Schools, no later than three weeks after the mailing of notice to parents, guardians or eligible students, or notice in a district-wide publication.

Records of Request for Access to Educational Records

Current special education staff and administration have the right to continuous access to the special education student files. In addition, for all others, the District will maintain a record of all requests for disclosure of information from, or permission for access to, a student's special or general education record and will keep a record of all information disclosed and access permitted. Such record will not include request for access by the parents who have responsibility for the student, the student, persons whose request is accompanied by prior written consent or a party seeking Directory Information. The access record will be kept with the cumulative record, or, in the case of records pertaining to special education, with those

records. It will be available only to the record custodian, the eligible student, the parent of the student, or to public officials for the purpose of auditing or enforcing the requirement of federally supported educational programs.[Is in fact true that the District keeps such records? If so, good job as I do not believe any of our clients do this although it is required by law]

The record will include:

- The name of the person or agency that made the request, the interest the person or agency had in the information, the date of the request,
- Whether the request was granted and if so, the date access was permitted,
- Such record will be maintained as long as the student's education record is maintained.

Procedures to Maintain Confidentiality of Records

Student special education records and files are kept under secure conditions in the PPS Office. The CSE/CPSE secretaries monitor access to student files. They acknowledge and are familiar with all staff who have access. Professionals visit the CSE/CPSE office when they need access to a file. The CSE/CPSE secretary obtains the file and the professional proceeds to a designated area where review can take place. When the professional review is complete, the file is returned to the CSE/CPSE secretary.

Procedures to Seek to Correct Educational Records

Parents and eligible students have a right to seek to change any part of a student's record which they believe to be inaccurate, misleading, or in violation of the student's rights.

- The parent or student shall notify the principal or Assistant Superintendent for Curriculum, Instruction & PPS of objections and shall prepare and sign a statement identifying the records believed to be inaccurate, misleading or otherwise in violation of rights together with a reason for challenge. Upon receipt of such statement, the principal or Assistant Superintendent for Curriculum, Instruction & PPS will hold an informal conference with the parent or student and, when possible, with the maker of the record. If after reviewing the record and objections to it, the principal or Assistant Superintendent for Curriculum, Instruction & PPS finds no basis for amendment, he or she shall so advise the student or parent in writing and advise them of the right to a hearing.
- The principal or Assistant Superintendent for Curriculum, Instruction & PPS will also advise the student or parent of the right to place in the education record a statement on the challenged information and/or setting forth any reason for disagreeing with this decision. An explanation placed in an education record under this paragraph shall be maintained by the District as part of the education record as long as the record is maintained by the district. It will be released by the District with the education record whenever such release is authorized by the provisions of this policy.
- An appeal from a hearing concerning the educational records of a regular education student may be made to the FERPA Office of the U.S. Department of Education.

GUIDELINES FOR PROVIDING PUBLIC SCHOOL SERVICES TO STUDENTS IN NON-PUBLIC SCHOOLS

The procedures to locate, identify, and evaluate all nonpublic school students with disabilities, including students attending religiously-affiliated schools, must be comparable to activities undertaken for students with disabilities in public schools.

The school district where the nonpublic elementary or secondary school is located will be responsible for the equitable provision of services, child find and consultation requirements in IDEIA 2004.

If the school district where the nonpublic school is located determines through its child find process that a student is suspected of having a disability, it must immediately schedule evaluation and review of the Student's educational needs.

The school district in which the nonpublic school is located must conduct the evaluation and eligibility determination and, for a student determined to be eligible for special education services, develop the IESP.

The school district of location must provide the services as recommended in the IESP.

The school district where the nonpublic school is located, if the school district is located within New York State must implement the IESP of students with disabilities attending nonpublic schools in the jurisdiction of its public school.

The school district where the nonpublic school is located can recover costs for evaluation and tuition from the District of residence for special education services provided to nonresident students. Such tuition must exclude costs for such services paid with federal or State funds.

State and local funds must supplement and in no case supplant the proportionate amount of federal funds required to be expended by the school district in which the nonpublic school attended by the student is located.

SPACE ALLOCATION FOR SPECIAL EDUCATION PROGRAMS

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

It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the District for special education programs that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space.

The Millbrook Central School District will consider organizing new or additional special education classes whenever five (5) eligible students with similar educational needs who are not already placed in such a program (based upon CSE identification, classification and recommendation) are located in the District. When a present class exceeds the legal limit of either five (5), twelve (12) or fifteen (15) students permitted by education law, a variance from the State Education Department will be obtained (temporary situation) or a new class will be formed.

Further, it is the policy and practice of the Board of Education to ensure, to the fullest extent possible, that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services (BOCES). At least once per year, a staff member from the District's Special Education Department will visit the placement of each resident student who attends a BOCES special education program to assure the appropriateness of the space allocated for that placement.

The District will also continue to meet with Dutchess BOCES to work toward New York State Education Department's requirement in developing the regional plan that reduces the number of special education students in center based non-integrated settings.

METHODS FOR EVALUATING PROGRAM OBJECTIVES

The goal of the special education program in the District are to provide each student with individualized instruction designed to help each student compensate for his or her disability in order to more fully reach his or her potential.

The methods used to evaluate the extent to which the objectives of the special education program have been achieved are:

- On-going evaluation of student achievement using various standardized diagnostic tests, state assessments and other teacher made assessments;
- Annual reviews of students' progress and programs, resulting in revised comprehensive IEP's;
- Qualitative techniques such as teacher observations and conferences, classroom observations, anecdotal reports, and end-of-year student summary;
- Re-evaluations of each student with a disability;
- Periodic review of the District Plan

DISTRICT PROGRAMS

The Millbrook Central School District operates a variety of programs and services for students with disabilities. These services are provided to district residents at no cost and in the least restrictive environment upon the recommendations of the Committee on Special Education and with the approval of the Millbrook Central School District Board of Education.

These services are available to students with disabilities through the end of the school year during which their 21st birthday occurs, or until a regular high school diploma has been attained, whichever occurs first.

Upon the recommendation of the Committee on Special Education, this temporary service may be provided to a regular or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a regular program or to a program or service in a less restrictive environment. A student is eligible for this service at any age or grade level.

Related Services

Related services are those developmental, corrective and other supportive services as are required to assist a student with a disability and include speech- language therapy, occupational therapy, counseling services, orientation and mobility services, medical services as defined by regulation, parent counseling and training, school health services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and include the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, or the replacement of such device. The Committee on Special Education recommends any related service that is appropriate to a youngster's individual needs.

Related services currently provided in district or by outside providers include: psychological services, counseling services, assistive technology services, speech and language therapy, medical services for diagnostic purposes, physical therapy, occupational therapy, vision services, hearing services, and parent counseling and training.

The District employs school psychologists and speech therapists. We contract with private agencies for the provision of occupational therapy and physical therapy services. Teacher of the hearing impaired and vision services are provided through Dutchess BOCES.

Speech and Language Therapy

The goal of speech and language therapy is the early identification of communication disorders and the remediation of articulation and phonological deficits, stuttering, voice disorders, and receptive and expressive language problems, which adversely affect a student's educational performance. Services are provided either individually or in small groups of up to five students at a frequency rate established by the Committee on Special Education. Speech and language therapy is also provided as a push-in service in the District's special class programs in grades kindergarten through eight.

School Psychological Services

School psychologists have a number of responsibilities including the following: Individual assessments of cognitive and social/emotional functioning and interpretation of testing results, chairing CSE and 504 Committee meetings, participation in RtI meetings and Committee on Special Education meetings, consultation with staff, parents and outside agencies and other professionals. Crisis intervention is another facet of the responsibilities of the school psychologist. The psychologist works with school staff to conduct Functional Behavioral Assessments and implement Behavioral Intervention Plans.

The school psychologist is also responsible for the provision of IEP mandated counseling for individual students and parent training, as prescribed by the Committee on Special Education. These services are provided to those students whose psychosocial needs interfere with their ability to benefit from education. The focus of school-based counseling must be on the school-related difficulties of the student with a disability and is designed to assist the student in overcoming the social or emotional difficulties that interfere with the educational process. Counseling services are provided district-wide by school psychologists.

Occupational Therapy and Physical Therapy

Occupational therapy as a related service is concerned with the functional evaluation of the student and the planning and use of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the student in his or her daily life tasks. The occupational therapist assesses skill levels and, upon receipt of an appropriate prescription, provides remediation in the areas of deficit such as postural control, motor planning, visual perceptual skills, hand skill development and sensory processing. The therapist may also provide alternative materials and environmental modifications to facilitate independence and generalization of those skills. Occupational therapy may be provided individually, in a small group or as a consult to the classroom teacher, based on the recommendations of the Committee on Special Education.

Physical therapy as a related service is, upon prescription, directed towards developing and maintaining the student's physical potential for independence in all educationally related activities. A major focus of physical therapy is to develop the student's ability to safely negotiate the school environment.

Occupational Therapy is provided through outside providers.

Itinerant Services for the Hearing Impaired or Visually Impaired

Hearing and vision impaired services are designed to provide direct specialized instruction to students with hearing and visual impairments. Itinerant Services for the Hearing or Visually Impaired are provided through Dutchess BOCES and outside providers.

CONSULTANT TEACHER SERVICES

Consultant teacher services are recommended in order to provide direct and/or indirect services to student with disabilities who attend general education classes and/or to such student's regular education teachers.

- *Direct consultant teacher services* means specially designed individualized or group instruction provided by a certified special education teacher to a student with a disability to aid such student to benefit from the student's regular education classes (2 hours/week).
- *Indirect consultant teacher services* means consultation provided by a certified special education teacher to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes (2 hours/week).

Special Class Instruction

Special class means a class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction. Specially-designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students. Special educators meet regularly with related service providers to coordinate instruction and monitor student progress. Special class instruction is available at the K-12 grade level.

Co-Teaching Instruction

Students with disabilities are placed into general education classes and receive additional academic support within these classes as per program placement on their IEP. Special Education and General Education teachers take equal ownership of the achievement of all students. They share responsibility in the delivery of instruction, small group instruction, modification of lessons and assessments, pull out of students for re-teaching, grading, progress monitoring, conferencing with students, classroom management, data collection, discipline and communication with parents. Co-teaching is available at the K-12 grade level.

Study Skills Instruction

Special Education students scheduled into co-taught classes are enrolled in a Study Skills class taught by a special education teacher. Study Skills classes are dedicated to the re-teaching of content area curriculum. It is intended to provide direct instruction on strategies that will assist students in becoming self-directed learners and improve their learning. Students are instructed in small groups and/or one-to-one tutoring. Study Skills is available at the 6-12 grade level.

Resource Room Services

Resource room services are supplemental in nature and are designed to remediate academic skill deficits and to develop the study skills and organizational skills to effectively manage the general education curriculum. The goal of the resource room program is to promote independence and self-advocacy skills.

Ongoing consultation with general education classroom teachers is an integral part of this service. Each resource room period is instructed by a special education teacher. Students receive at minimum of three hours per week of resource room services unless combined with consultant teacher services for a total of at least 180 minutes per week. Resource room services are available at the K-12 grade level.

Declassification Support Services

Declassification support services are provided to a school aged student who has been declassified from special education. The services are provided for only one year following declassification. A student is eligible for this service at any age or grade level.

Out of District Programs

Millbrook Central School District may provide services not available within the School District through a contract with the Board of Cooperative Educational Services (BOCES) for Dutchess BOCES.

When the needs of the individual student cannot be met in a BOCES placement, the Committee on Special Education may consider placement in approved private school programs. Schools that are on the list of Schools approved by the Commissioner of Education for School District contracts can be found at the web site for the New York State Education Department, at www.p12.nysed.gov/specialed/privateschools/853-statewide.htm

Home/Hospital Instruction

The Committee on Special Education may assign a student to home/hospital instruction if he/she becomes ill or physically unable to attend school. Documentation from a physician indicating the diagnosis and anticipated date of return to school is required prior to the initiation of instruction.

The Committee on Special Education may also use this restrictive program option when all parties agree that a student needs to be removed from his/her current placement. This may occur when a student presents a danger to himself and/or others or when a current placement is deemed to be inappropriate for the child's needs. This option is considered short-term in nature, pending exploration of more appropriate program options.

FUNDING FOR SPECIAL EDUCATION PROGRAMS & SERVICES

The approximate funding for special education programs and services, contained in the 2019-2020 Millbrook Central School District budget, is \$4,026,660.