



**Putnam Valley Central School District  
Special Education District Plan  
2022-2024**

**PURPOSE**

School districts have certain responsibilities in preparing special education district plans according to Section 200.2(c) of the Regulations of the Commissioner of Education. The District Plan must include:

- I. A description of the nature and scope of special education programs and services currently available to school-age and preschool students residing in the district.
- II. Identification of the number and age span of school-age and preschool students to be served by type of disability, and recommended setting.
- III. The method used to evaluate the extent to which the objectives of the program have been achieved.
- IV. A description of the policies and practices of the Board of Education to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of preschool and school-age students with disabilities.
- V. A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident school-age and preschool students with disabilities who attend special education programs provided by Board of Cooperative Educational Services.
- VI. A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format.
- VII. The estimated budget to support such plan.
- VIII. The date on which such plan was adopted by the Board of Education.

## INTRODUCTION

The Individuals with Disabilities Education Act (IDEA), formerly known as the Education for All Handicapped Children Act (EHA), mandates that all children with disabilities receive a free, appropriate public education regardless of the level or severity of their disability. Since the passage of the original law in 1975, the Putnam Valley Central School District has provided free and appropriate education in the least restrictive environment to students with disabilities, ages 3 to 21 years.

The IDEA was most recently reauthorized in December 2004, and included amendments intended to:

- Improve accountability and results for students with disabilities.
- Align accountability systems for students with disabilities and special education personnel requirements with the accountability systems and qualification requirements in the No Child Left Behind Act (NCLB) of 2001.
- Improve services to students with disabilities.
- Reduce procedural and paperwork requirements.
- Encourage cooperation with parents in the special education process.
- Ensure less adversarial results are used to resolve disputes between parents and school districts.
- Focus federal and State monitoring, technical assistance and enforcement on meeting performance goals and indicators to improve outcomes for students with disabilities.

The New York State Board of Regents and the State Education Department, through ACCESS-VR, have established goals for educational programs and services for students with disabilities in New York. Among them are:

- Students receiving special education services will meet high educational standards.
- Students with disabilities will be integrated with their nondisabled peers throughout their educational experience.
- Individuals with disabilities will participate successfully in postsecondary education.

These are the goals that serve as the basis for our work with students with disabilities. The District is committed to:

- Identifying students with disabilities.

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- Providing quality educational programs and services in the least restrictive environment to meet the academic, social and emotional needs of our students.
- Ensuring that students with disabilities meet high standards for academic performance and demonstrate adequate yearly progress.

This mission is accomplished through a strong collaborative relationship among staff, administrators, and parents.

This District Plan outlines the continuum of programs and services that are provided, and includes district policies, practices and procedures for assuring appropriate educational services to preschool and school-age students with disabilities. It is a working manual for staff and parents, and may undergo changes as laws, regulations and policies are modified. In compliance with the Regulations of the Commissioner of Education, it has been adopted at a regularly scheduled meeting of the Board of Education.

**PROGRAM OBJECTIVES FOR STUDENTS WITH DISABILITIES**

The District is committed to the provision of an appropriate education for resident students with disabilities and has established the following special education program objectives:

- To establish a Committee on Preschool Special Education and a Committee on Special Education and appropriate Subcommittees on Special Education for the purpose of evaluating students suspected of having a disability and for placement of students with disabilities in appropriate programs.
- To provide a free appropriate education in the least restrictive environment for all District students with disabilities between the ages of three and twenty-one, or until the students have achieved a high school diploma, whichever shall occur first.
- To have high expectations for all preschool and school-age students with disabilities and to ensure that they have the opportunity to participate in all District programs, to the maximum extent appropriate considering the needs of all students in a proposed setting.
- To ensure that policies and procedures for establishing and operating special education programs are clearly defined and that the special education program is an integral part of the District's educational program.
- To provide the human and material resources necessary to implement a continuum of special education programs and services to meet the academic, social, physical and management needs of District students with disabilities.
- To support high quality professional development for all personnel who work with students with disabilities.
- To build close working relationships among all stakeholders in the special education community.
- To provide meaningful opportunities for parent participation in the special education decision-making process.
- To provide, to the greatest extent appropriate, adaptation and modification of instructional materials and techniques, and collaborative models of instruction, to enable students with disabilities, as appropriate, to benefit from instruction within the general education setting, pass State assessments, and meet diploma requirements.

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- To ensure that procedures are in place for disciplining students with disabilities that promote and support responsible student behavior, protect the right of students with disabilities to a free appropriate public education, and promote collaboration and communication among school personnel and the Committee on Special Education.
- To ensure the confidentiality of personally identifiable data, information or records pertaining to students with disabilities. Such information will not be disclosed except in accordance with regulations.

**PRESCHOOL PROCEDURES, PROGRAMS AND SERVICES**

**Committee on Preschool Special Education**

At its yearly reorganization meeting in July, the Board of Education appoints a Committee on Preschool Special Education. The membership of the Committee on Preschool Special Education shall include, but is not limited to:

- The student's parent;
- Not less than one regular education teacher of the student if the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or special education service provider of the student;
- The CPSE chairperson who is a representative of the district and is qualified to provide, or supervise special education;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- An additional parent member of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program, if specifically requested, in writing, by the parent of the student at least 72 hours prior to the CPSE meeting;
- For a student in transition from early intervention programs and services, at the request of the parent, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- An appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- Other persons having knowledge of special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.

**Preschool Student With a Disability** refers to a preschool student who has been identified by the Committee on Preschool Special Education (CPSE) who is eligible to receive preschool programs and services, and is not entitled to attend the public schools of the district. To be identified as having a disability, a preschool student shall either exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, social-emotional or motor

development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes, but is not limited to, information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures.

### **Referral**

The Committee on Preschool Special Education (CPSE) is responsible for arranging for evaluation of any student who is suspected of having a disability, who meets the age eligibility requirements specified in the Regulations, and is a resident of the school district.

The evaluation process begins when a written request for evaluation is made by any one of the following:

- The student's parent or person in parental relationship
- A designee of the school district in which the student resides, or the public school district the student legally attends or is eligible to attend
- The commissioner or designee of a public agency with responsibility for the education of the student
- A designee of an educational program affiliated with a child care institution with committee on special education responsibility pursuant to section 4002(3) of the Education law

A written request that the school district refer the student for an initial evaluation may be made by any one of the following:

The referral can be made at any time during the year. ***If referral is received by a professional staff person in District, it shall be forwarded immediately to CPSE Chairperson.*** It should specify the extent to which the preschool student has received any services prior to referral. When the CPSE receives a referral, the chairperson will write to the parent, describing the evaluation procedures and requesting parental consent for the evaluation. The request for consent shall indicate that if the parent does not provide consent for initial evaluation or for the initial provision of special education services no further action will be taken by the CPSE. A list of County approved evaluation sites will be included. Translations will be provided as needed. In the event that consent is not provided, the Committee shall implement the district's practices for

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ensuring that the parents have received and understood the request for consent.

**Evaluation and Recommendation**

The individual evaluation of a preschool child shall include relevant functional and developmental information regarding the child's abilities and needs related to participation in age appropriate activities.

This evaluation will include the following, at no cost to the parent:

- A physical examination;
- An individual psychological examination,
- An observation in an environment appropriate for a child of less than school age;
- A social history; 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, as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and are administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory and to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills.

The CPSE will arrange for specialized evaluations where necessary. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time.

When completed, the evaluation reports will be submitted to the CPSE and a CPSE meeting will be scheduled within 60 days of the receipt of the consent to evaluate, unless exceptions are present which extend the time to complete the initial evaluation. The parents will be provided with a copy of the evaluation and summary statement prior to the meeting. Upon request of the parent the CPSE shall provide the parent with all written documentation to be considered by CPSE. The results of the evaluation will be provided to the parent in their dominant language or other mode of communication. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the

meeting

- At least two additional attempts are made to notify the parents of the scheduled meeting. This may mean scheduling additional meeting times, written notices, and telephone calls to the parents to ensure their participation.

Prior to making any recommendation for placement in an approved program of the agency that conducted the initial evaluation, the Committee may, at its discretion, obtain a second evaluation from another approved evaluator.

The CPSE submits a recommendation to the Board of Education and to the parent of the preschool student. The Board of Education shall arrange for the preschool student with a disability to receive the recommended services no later than thirty (30) school days from the recommendation of the committee and within sixty (60) days of the consent to evaluate, commencing with the July, September or January start date of the approved program, unless such services are recommended less than thirty (30) school days prior to, or after, such appropriate start date selected for such program, in which case such services shall be provided as soon as possible following the development of the IEP. If the Committee determines the student is ineligible for special education, written notification is sent to the parent, indicating the reasons for the finding.

If the Committee determines that a student has a disability, an IEP (Individualized Education Program) is prepared which indicates that the child has been identified as a preschool child with a disability. the student's present levels of functioning including how the disability affects the student's participation in appropriate activities, measurable annual goals, including benchmarks or short term objectives, and the type of special education program and/or services recommended. This IEP must also indicate an explanation of the extent, if any, to which the student will not participate in appropriate activities with age-appropriate, non-disabled peers. The CPSE will seek, in every case, to recommend placement in the least restrictive environment consistent with the needs of the student. If, for any reason, the recommendation of the Committee differs from the preference of the parent, the report shall include the reasons for the Committee's recommendations. The notices will also indicate that, in the event that the parent does not provide consent for provision of services, no further action will be taken by the CPSE until such consent is obtained.

### **Programs and Services**

The following is a listing of the preschool programs and services that are available to District students who have been identified as preschool students with disabilities. These programs and services are funded by the County but administered by the District Committee on Preschool Special Education. Early Childhood Settings are designed primarily for children without disabilities, and can include private preschool programs

and childcare facilities. Early Childhood Special Education Settings are settings designed primarily for children with disabilities.

1. Early Childhood Setting: Related Services

Related services may include, but are not limited to, speech and language therapy, audiology, psychological services, interpreting services, physical therapy, occupational therapy, counseling services, medical services as provided by a qualified school nurse or other similarly qualified person in certain appropriate instances, parent counseling and training, school health services and/or social work services and assistive technology services. Services may be provided in a variety of settings, i.e., home, day care, nursery school or provider's office.

2. Early Childhood Setting: Special Education Itinerant Teacher

Special education itinerant teacher services are provided as indirect and/or direct instruction, by a certified special education teacher affiliated with an approved program. Services are given on an itinerant basis at a regular nursery school or the child's home. Direct services refers to specifically designated individualized or group instruction to assist preschoolers in benefiting from a regular nursery school program or in their home environment. Indirect services means consultation with early childhood teachers and parents to assist in making modifications in the environment and/or curriculum to meet the individual needs of preschoolers.

3. Early Childhood Setting: Special Class/Integrated Setting

The special class in the integrated setting is a class of no more than twelve (12) preschoolers with disabilities who share the same physical space with a class of non-disabled preschoolers in a community nursery school. This class is a collaborative model staffed by an early childhood teacher, a special education teacher, and a teaching aide.

4. Early Childhood Special Education Setting: Special Class

A special class in a State Education Department approved community or school setting that is designed primarily for children with disabilities. Classes typically range from six to twelve preschool students with disabilities. These classes are staffed by a special education teacher and one or two teaching aides.

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5. Home

Students can receive special education itinerant teacher and/or related services in the home of the family of the student.

The following is a listing of the preschool programs and services that are available to District students who have been identified as preschool students with disabilities:

<b>AGENCY</b>	<b>Contact</b>	<b>Address</b>	<b>Email</b>	<b>Phone #</b>	<b>Fax</b>
<b>ABC Therapy Speech; (OT in near future)</b>	Jennie Cohowicz Aimee Reilly	2537 Route 52, Suite 1 Hopewell Junction, NY 12533	abctherapy4u@gmail.com	845-592-0 681	845-592-06 81
<b>Abilities First * At Site</b>	Sue Rea Leann Coyle Preschool Director	167 Myers Corners Road, Suite 104 Wappingers Falls, NY 12590	SUAREA@abilitiesfirstny. org  <a href="mailto:leanncoyle@abilitiesfirstny.org">leanncoyle@abilitiesfirstny.org</a>	845-298-2 090 Sue 103 Leann 104	845-296-12 41
<b>Achieve Beyond</b>	Tara Ramondelli Vanessa Gomez	2700 Westchester Avenue, West Suite 300 Purchase, NY 10577	HVCPSE@achievebeyond usa.com <a href="mailto:tramondelli@achievebeyondusa.com">tramondelli@achievebeyondusa.com</a> <a href="mailto:vgomez@achievebeyondusa.com">vgomez@achievebeyondusa.com</a>	914-328-2 868 x 511	914-328-29 73
<b>All About Kids* (Mid Island Therapy)</b>	Liz Moreno Robert Heuthe	1 Radisson Plaza, Suite 801 New Rochelle, NY 10801 <b>Send IEPs to Janine Whitehead</b>	Elizabeth.Moreno@aak.cares.com Robert.heuthe@aak.cares.com Janine.whitehead@aakcares.com	914-251-0 905 Robert x 132 Liz x 605	914-251-12 66
<b>All About Rehab OT, PT, SLP, Counseling</b>	Karen Finnerty	706 Old State Route 22 Dover Plains, N& 12522	kmfotpc@aol.com	845-453-2 385	845-832-92 65
<b>Carriage House/River</b>	Kathleen Phillips	50 Springside Avenue	kc.phillips@rivervalleyspeech.com	845-462-6 701	845-463-13 30

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<b>Valley Speech/Language Intervention Speech</b>		Poughkeepsie, NY 12603			
<b>Creative Wonders OT, PT, Speech Facility &amp; Home/Community</b>	David Green, OTR/L Clinical Director/CEO <u>Service Availability:</u> Jennifer Moldow Program Director	<b>White Plains Site:</b> 470 Mamaroneck Ave, Suite 412, White Plains 10605  <b>Mt Kisco Site:</b> 101 S Bedford Rd, Suite 404, Mt. Kisco 10549	david@creativewonderstherapy.com  Jennifer@creativewonderstherapy.com	914-421-8270 Ext. 2  914-421-8270 Ext. 1	914-421-8272
<b>Easterseals Project Soar</b>	Dianna DeVenuto  Director	<b>97 Old Route 6 Carmel, NY 10512 845-835-3100</b>	<u>DDeVenuto@eastersealsny.org</u> <u>MNieves@eastersealsny.org</u>	(845)835-3100	
<b>Easterseals Project Explore</b>	Lisa Smacchia Director of Education	<b>70 Columbus Avenue PO Box 207 Valhalla, NY 10595</b>	<b>lsmacchia@eastersealsny.org</b>	914-328-1578	
<b>Elizabeth Ann Seton School* SEIT only (formerly John A Coleman)</b>	Heather Webb, CPSE Coordinator	317 North Street White Plains, NY 10605	hwebb@setonchildrens.org	914-597-4050	914-397-1765
<b>Exceptional Horizons PT Home/Community, Facility PT, OT</b>	Jennifer Rotando	<b><u>Facility Address &amp; Mailing Address:</u></b> 3102 Route 9, First Floor Cold Spring, NY 10516	jrotando@gmail.com	914-707-8543	845-265-5208

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<b>Hudson Valley Early Childhood Center (UCP)</b> <i>At Site</i>	Aimee Martine	15 Mount Ebo Road South, Brewster, NY 10509 <b><u>Mailing Address</u></b> 40 Jon Barrett Road, Patterson, NY 12563	aimeemartine@hvcpa.org	845-878-9078	845-278-6984
<b>HTA of New York, Inc.*</b>	Leslie Lupetin	11 Peekskill Hollow Road., P.O. Box 534 Putnam Valley, NY 10579	Leslie@htaofny.com	845-528-2011	845-528-2012
<b>JCC of Mid-Westchester</b> <i>At Site: Speech, OT, PT, Social Skills, Parent Training; Counseling</i>	Carol Kronenberger	99 Wilmot Road Scarsdale, NY 10583	kronenbergerc@jccmw.org	914-472-3300 Ext 228	914-723-1625
<b>Kinderwise Learning Assoc.</b> <i>SEIT only</i>	Katharine Bolander	PO Box 421 North Salem, NY 10560	Kinderwise@kinderwise.org	914-774-3608 914-485-1321	866-398-5594
<b>Listening Partners, Inc.</b> <i>Speech, incl. Hearing Impaired</i>	Tara Gallagher	1 Castle View Court Rye Brook, NY 10573	tara@listeningpartnersny.com	914-469-7916	914-305-5345
<b>Los Ninos</b> <i>OT, PT, Speech Facility only</i>	Sonia Vasquez, Referrals, Progress Notes, etc.	<b>Hawthorne Site:</b> 1 Skyline Drive, Suite 298, Hawthorne, NY 10532 Parents call site directly for scheduling, cancellations, etc.	<u>Sonia.vasquez@losninos.com</u>  <b>Liz.Mangione@losninos.com</b>	914-593-0593 Ext. 227 <b>Site:924-347-5990</b>	914-593-0594

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<b>MidHudson Regional Early Education Center of WMC* At Site</b>	Lisa Skorewicz	115 Delafield Street Poughkeepsie, NY 12601	lisa.skorewicz@wmchealth.org	845-431-8292	845-483-5688
<b>Milestones for Munchkins OT, PT, Speech, and SW Home and Facility</b>	Carolyn Catalano	<b>Facility Mailing Address</b> 534 Route 6 21 Griffin Lane Mahopac, NY 10541	otgirl@optonline.net	914-419-5267	206-666-4979
<b>Northern Westchester Center for Speech Disorders Speech, OT, PT</b>	SueAnn Galante	344 Main Street Mount Kisco, NY 10549	Sueann3@gmail.com	914-666-9553 Ext. 105	914-666-9302
<b>The Arc Putnam NY Preschool (at Site) (Formerly PARC Preschool)</b>	Karyn Leviner Clinical/admissions coordinator	125 Baldwin Place Road, Suite 2 Mahopac, NY 10541	Michelle.Lang@arcmh.org Karyn.Leviner@arcmh.org	845-628-2280 Ext. 317	845-628-0713
<b>Family Services of Westchester Prime Time Therapeutic Preschool</b>	<b>Roshnie Samlal, MS.ED</b> Special Education Supervisor/IEP Coordinator/ CFAA Site Director	456 North Street, Building #3 White Plains, NY 10605	<u>Dianne.Costanzo@fsw.org</u> Roshnie.Samlal@fsw.org	(914) 358-5788 Direct (914) 758-2048 Cell	(914) 761-1953 Fax
<b>Dynamic Kids</b>		210 N. Central Ave Hartsdale, NY 10530	Frontdesk@dynamickidsny.com	914-428-5151	
<b>Westchester-Putnam TheraTeam</b>	Kristin Bellom, Owner	<b>Facility and Mailing Address:</b>	kbellom@wptherateam.com	845-519-2295	845-519-2297

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<i>Speech (including feeding issues), OT, PT, SW Home and Facility</i>	Rachel Kass, Owner	572 Route 6, Suite 102 Mahopac, NY 10541	rkass@wptherateam.com		
<b>Westchester Speech &amp; Language Services PLLC 38 Secor Road Scarsdale, NY 10583</b>	Nancy Ciancaglini	38 Secor Road Scarsdale, NY 10583	info@westchesterspeech.com	914-671-3175	914-874-5093
<b>Westcop Therapeutic Nursery*</b> <i>Speech, PT, OT, Counseling</i>	Francine Santos	P.O. Box 173 Granite Springs, NY 10527	<a href="mailto:fsantos@westcop.org">fsantos@westcop.org</a> <a href="mailto:bferro@westcop.org">bferro@westcop.org</a>	914-243-0501	914-243-0646

\* *THESE AGENCIES ALSO PROVIDE SEIT SERVICES*

**SCHOOL-AGE PROCEDURES, PROGRAMS AND SERVICES**

**CSE Membership**

For school-age students, at its yearly reorganization meeting in July, the Board of Education appoints a Committee on Special Education comprised of at least the following mandated members:

- The parents or persons in parental relationship to the student;
- Not less than one regular education teacher of the student if the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or special education service provider of the student;
- A school psychologist;
- A representative of the district qualified to provide, or supervise the provision of special education and is knowledgeable about the general curriculum and about the availability of the resources of the school district, provided that an individual who meets these qualifications may also be the same individual appointed as the special education teacher or the special education provider or the student or the school

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psychologist. The representative of the school district shall serve as the chairperson of the committee;

- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider the school psychologist or district representative or a person having knowledge or expertise regarding the student when such person is determined by the school district to have the knowledge or expertise to fulfill this role on the committee;
- The school physician, if specifically requested in writing by the parent or by a members of the school at least 72 hours prior to the meeting;
- An additional parent member of a student with a disability, or a parent of a student with a disability who has been declassified, or become ineligible to receive special education services within the past five years, who resides in the district or a neighboring school district, if specifically requested, in writing, by the parent of the student, the student or a member of the committee at least 72 hours prior to the meeting
- Other persons having knowledge or special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE.
- Whenever appropriate, the student with a disability.
- A representative of a private school, BOCES or educational facility when CSE is considering out of district placement.

The Board of Education also appoints subcommittees of the Committee on Special Education. Subcommittees may perform all the functions of the Committee on Special Education except when the student is being considered for initial placement in a special class, initial placement in a special class outside the student's school of attendance, or initial placement in an out-of-district special class program. Upon receipt of a written request from a parent, the subcommittee shall immediately refer to the Committee on Special Education for its review of any recommendation of the subcommittee that is not acceptable to the parent. Membership of each subcommittee shall include, but not be limited to:

- The parents of the student;
- Not less than one regular education teacher of the student if the student is, or may be, participating in the general education environment;
- Not less than one special education teacher or special education service

provider of the student;

- The subcommittee chairperson who is a representative of the district and is qualified to provide, administer, or supervise special education and who is knowledgeable about the general curriculum and about the availability of the resources of the school district who may also be the special education teacher or school psychologist;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the- regular education teacher or special education teacher or provider or school psychologist or person having knowledge or special expertise regarding the student or the district representative described above;
- Such other persons having knowledge or special expertise regarding the student, including related service personnel as appropriate, as the committee or parent shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE;
- A school psychologist whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Part 200.6(h)(4), is considered.
- Whenever appropriate, the student with a disability.
- A member of such committee or subcommittee is not required to attend a meeting, in whole or in part, if the parent and school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related service is not being discussed or modified at the meeting; and a member may be excused from attending a meeting, in whole or in part, when the meeting involves a discussion of or modification to the curriculum or related service of the member if the parent and school district consent, in writing, to the excusal and the excused member submits to the parent and committee written input into the development of the IEP prior to the meeting. Such excusal and the written input, where required, shall be provided not less than five (5) days prior to the meeting date to allow the parent a reasonable time to review and consider the request; provided further, that a parent shall retain the right to request or to agree to excuse a member at any time where the member is unable to attend because of an emergency or unavoidable scheduling conflict and the school district submits the written report of the member for review and consideration by the parent within a

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reasonable time prior to the meeting and prior to obtaining the written consent of the parent for such excusal.

School-age student with a disability means a student with a disability who has not attained the age of twenty-one prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of New York Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. Such term does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. In making a determination as to eligibility, a student shall not be determined to be a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency. The thirteen disability categories are listed and defined in Section 200.1(zz) of the Commissioner's Regulations.

**Referral**

The Committee on Special Education is responsible for evaluating all school-age students suspected of having a disability, identifying the disability (or determining that no disability exists), and recommending appropriate special education programs and services. Referrals can be made at any time during the twelve-month year. Within 60 school days of receipt of consent for evaluation, the Board of Education will review the recommendations of the Committee on Special Education and arrange for appropriate special education services. A referral may be made by:

- the student's parent or person in parental relationship;
- A designee or the school district in which the student resides, or the public school district the student legally attends or is eligible to attend- -;
- The commissioner, or designee, of a public agency with responsibility for the - education of the student;
- A designee of an educational program affiliated with a childcare institution with committee on special education responsibility pursuant to section 4002(3) of the Education Law.

A written request that the School District refer a student for an initial evaluation may be made by:

A professional staff member of the School District, or the public or private school the student legally attends or is eligible to attend;

A licensed physician;

A judicial officer;

A professional staff member of a public agency with responsibility for welfare, health or education of children; or

A student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the School District

Upon receipt of a request for referral that meets the above, within ten (10) school days, the School District shall request the parent consent to initiate the evaluation; or provide the parent with a copy of the referral and: (1) inform the parent or his/her right to refer the student for an initial evaluation; and (2) offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student, with the building administrator or other designee of the School District authorized to make a referral above, and the party making the referral if a professional staff member of the District. Upon the request of the parent or District, any other person making the referral shall have the opportunity to attend such a meeting.

A written request for referral submitted by a person other than the student or a judicial officer shall: (1) state the reason for the referral and include any test results, records or reports upon which the referral is based that may be in the possession of the person submitting such referral; (2) describe, in writing, intervention services, programs or instructional methodologies used to remediate the student's performance prior to the referral, including any supplementary aids or support services provided for such purpose, or state the reasons why no such attempts were made; and (3) describe the extent of parental contact or involvement prior to the referral.

All new entrants to the district are screened at the time of enrollment and such screening, if indicative of a possible disability, will lead to a CSE referral. All referrals are made to the building principal or the Chairperson of the Committee on Special Education.

Upon receipt of a referral, the Chairperson of the Committee on Special Education will contact the parent or guardian and request consent for evaluation. A copy of A Parent's Guide to Special Education and Due Process Rights are given to the parent at this time. Translations are provided to assist parents as needed.

Referrals may be withdrawn under the following circumstances:

- The parent and the person submitting the referral agree to the withdrawal.
- The building administrator, upon receipt of a referral or copy of a referral, may request a meeting with the parent or person in parental relationship to the student, and the student, if appropriate, to determine whether the student would benefit from additional general education support services as an alternative to special education, including the provision of educationally related support services, speech and language improvement services, and academic intervention services. If the person making the referral is a professional staff member of the school district in which the student resides, that person shall attend such meeting. The building administrator shall ensure that the parent understands the proceedings of the meeting and shall arrange for the presence of an interpreter, if necessary. Any other person making a referral shall have the opportunity to attend such meeting. If at the meeting the parent or person in parental relationship and the building administrator agree in writing 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 the Chairperson of the Committee on Special Education, the person who made the referral if a professional staff member of the school district, the parent or person in parental relationship shall be in the native language of such person. Such agreement shall contain a description of the additional general education support services to be provided and the proposed duration of such program. A copy of the

agreement shall also be placed in the student's cumulative education record file. The meeting:

- (i) shall be conducted within 10 school days of the building administrator's receipt of the referral; and
  - (ii) shall not impede a Committee on Special Education from continuing its duties and functions under this Part.
- If the parent does not consent to the initial evaluation within thirty (30) days, the Chairperson will offer the parent an opportunity for an informal meeting with the person who made the referral, professionals most familiar with the proposed evaluation and counsel or an advisor of the parent's choice. The reasons for the referral will be discussed and if both the parent and the person submitting the referral agree in writing, the referral will be withdrawn. If the referral is not withdrawn and the parent continues to withhold consent, the chairperson may recommend that the Board appoint an impartial hearing officer to hear evidence and testimony on the need for evaluation.

In all circumstances, the withdrawal agreement will be in writing and will be placed in the student's cumulative educational file, with copies given to all parties involved. The agreement will specify in writing any alternative methods suggested to resolve the student's difficulty and an opportunity for a follow-up conference within an agreed period of time to review the student's progress.

**CONSENT**

Written consent of the parent/person in parental relation, as defined in Part 200.1(l) of the Regulations of the Commissioner of Education is required:

1. Prior to conducting an initial evaluation or reevaluation, except that consent is not required before reviewing existing data as part of an evaluation or reevaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students;
  - a. Parental consent need not be obtained for a reevaluation if the School District can demonstrate that it has made reasonable efforts to obtain such consent, and the student's parents failed to respond; the District will maintain written records of the attempts to obtain parental consent;
  - b. In the event the parent of the student to be evaluated does not grant consent to an initial evaluation, such parent shall be informed by the committee chairperson that, upon request, the parent will be given the opportunity to attend an informal conference with the committee or designated professionals most familiar with the proposed evaluation, the person who referred the student for such evaluation pursuant to Part 200.4(a)(1)(ii), (iii) or (iv) of the Commissioner's Regulations, and counsel of advisor of the parent's choice and expense, at which time the parent shall be afforded an opportunity to ask questions regarding the proposed evaluation. If at this meeting the parent and the person initiating the referral agree in writing that the referral is not warranted, the referral shall be withdrawn.

Except in the case of a preschool child, a student who is home instructed pursuant to Part 100.10 of the Regulations of the Commissioner of Education or a student placed in a private school by the parents at their own expense, if the parent does not request such conference, or continues to withhold consent otherwise required for a period of thirty (30) days after the receipt of the referral, the Board of Education may pursue the initial evaluation of the student by utilizing the due process procedures described in Part 200.5 of the Regulations of the Commissioner of Education.
2. Prior to the initial provision of special education to a student who has not previously been identified as having a disability. Consent for initial evaluation shall not be construed as consent for the initial provision of special education services.
3. Prior to releasing any personally identifiable information as described in Part 200.5(e) of the Regulations of the Commissioner of Education, in accordance with sections 200.2(b)(6) and 200.4(h) of the Regulations of the Commissioner of Education.

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The School District may not use a parent's refusal to consent to one service or activity under the consent requirement set forth above to deny the parent or student any other service, benefit, or activity, except for the conditions under paragraph "1" above for which consent is required.

If the parents of a student with a disability refuse to give consent for an initial evaluation or reevaluation or refuse to respond to a request for an initial evaluation, the School District may, but is not required to, continue to pursue those evaluations by using the due process procedures described in Part 200.5(h) through (k) of the Regulations of the Commissioner of Education. The School District does not violate its obligation to locate, identify, and evaluate a student in accordance with Part 200.2(a) and 200.4(b) and (c) of the Regulations of the Commissioner of Education if the School District declines to pursue the evaluation.

If the parent of the student refuses to consent or fails to respond to a request to provide such consent to the initial provision of special education programs and services, the School District shall not provide the special education programs and services to the student and shall not use the due process procedures described in Part 200.5(h) through (k) to challenge the parent's refusal to provide such consent, and the School District shall not be considered to be in violation of the requirements to make available a free appropriate public education to the student because of such failure to provide the student with the special education program and services for which the parent refuses or fails to provide such consent; and the School District shall not be required to convene a meeting of the Committee on Special Education or develop an IEP under Part 200.4 of the Regulations of the Commissioner of Education for the student.

If, at any time subsequent to the initial provision of special education programs and services, the parent of the student revokes consent in writing for the continued provision of special education programs and services, the School District:

- a. Shall not continue to provide any special education programs and services to the student, but must provide prior written notice in accordance with Part 200.5(a) of the Regulations of the Commissioner of Education before ceasing the provision of special education programs and services
- b. Shall not use the due process procedures described in Part 200.5 (h) through (k) of the Regulations of the Commissioner of Education to obtain agreement or a ruling that the services may be provided to the student
- c. Shall not be considered to be in violation of the requirement to make available a free and appropriate public education to the student because of the failure to provide the student with further special education programs and services
- d. Is not required to convene a meeting of the CSE or to develop an IEP for the student for further provision of special education program and services; and

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- e. Is not required to amend the student's educational records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

Consent for wards of the State and students who are home instructed shall be obtained in accordance with Part 200.5(b)(6) and (b)(7), respectively, of the Regulations of the Commissioner of Education.

Consent with regard to accessing a student's or parent's public benefits or insurance for the first time shall be obtained in accordance with Part 200.5(b)(8) of the Regulations of the Commissioner of Education.

**PRIOR WRITTEN NOTICE**

Prior written notice (notice of recommendation) that meets the requirements of Part 200.1(oo) of the Regulations of the Commissioner of Education must be given to the parents of a student with a disability a reasonable time before the School District proposes to or refuses to initial or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Such notices shall be on a form prescribed by the Commissioner of Education and shall comport with the requirements of Part 200.5(a)(1) through (5) of the Regulations of the Commissioner of Education

**Other required notices, as set forth in Part 200.5(a)(6) of the Regulations of the Commissioner of Education shall also be provided in accordance with such section of the Commissioner of Education's Regulations.**

**EVALUATION**

The initial evaluation will consist of procedures to determine whether a student is a student with a disability and to determine the educational needs of such a student. The evaluation will include a variety of assessment tools and strategies, including information provided by the parent, to gather relevant functional and developmental information about the student and information related to enabling the student to participate and progress in the general education curriculum. The individual evaluation will appropriately assess the student in all areas of suspected disabilities including at least the following, at no cost to the parent:

- a physical examination;
- an individual psychological examination, except when a school psychologist determines after an assessment of a school-age student that further evaluation is unnecessary. Whenever a psychologist determines that a psychological evaluation is unnecessary, the psychologist will prepare a written report of such assessment, including a statement of the reasons the evaluation is unnecessary, which will be reviewed by the Committee;
- An observation of the student in the current educational placement;
- a social history;
- Other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others,

as necessary to appropriately assess the student in all areas related to the suspected disabilities.

The evaluator will use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Tests will be administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so. The tests will be validated for the specific purpose for which they are used and will be administered by trained personnel. Tests will be administered so as not to be racially or culturally discriminatory. The CSE will arrange for specialized evaluations where necessary, using appropriate resources outside of the district. These assessments may include, but are not limited to, bilingual evaluations, psychiatric and neurological examinations, audiological evaluations, visual evaluations, vocational evaluations and assistive technology assessments. Specialized evaluations are not limited to the initial evaluation process; they may be indicated at any time. The CSE shall maintain a list of appropriate resources and certified professionals for this purpose.

A variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parents, will be used in determining whether the student is a student with a disability and the content of the student's individualized education program, including information related to enabling the student to be involved in and progress in the general education curriculum. No single procedure is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Existing evaluation data on the student will be reviewed, including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and teacher and related service providers' observations. The evaluation will be sufficiently comprehensive in order to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been identified. Assessment tools and strategies are used to provide relevant information that directly assists persons in determining the educational needs of the student. Assessments of students with disabilities who transfer from one school district to another school district in the same academic year will be coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible to ensure prompt completion of full evaluations. The initial evaluation to determine if a student is a student with a disability will be completed within 60 school days of receiving parental consent for the evaluation unless the student enrolls in the district after the evaluation timeline has begun in the student's previous school district, or the parent of the student repeatedly fails or refuses to produce the student for the evaluation.

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As a part of an initial evaluation, if appropriate, and as a part of any reevaluation, a group that includes the committee on special education, and other qualified professionals, as appropriate, shall review existing evaluation data on the student, including evaluations and information provided by the parent, current classroom-based assessments and observations, and observations by teachers and related service providers, to determine what additional data are needed by the committee on special education. The group may conduct its review without a CSE meeting.

When the evaluations recommended are completed, a CSE meeting is scheduled. Reasonable measures will be made to ensure the parent attends the meeting. This means:

- A written notice is sent to the parent at least five days prior advising them of the meeting.
- At least two additional attempts are made to notify the parents of the scheduled meeting. This may mean scheduling additional meeting times, written notices, and telephone calls to the parents to ensure their participation.

**INDEPENDENT EDUCATIONAL EVALUATIONS**

The Putnam Valley 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 Putnam Valley Pupil Personnel Services Office.

An independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is 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.

**Criteria for Independent Evaluations**

An IEE can be provided at public expense only if the individual possesses a current license, or certification from the NY State Education Department, in the area of the evaluation that is being requested. The evaluator must be located within a 50-mile radius of the District.

**Procedures**

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If a parent requests an IEE at public expense or presents an independent evaluation and requests reimbursement 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 District exercises its right to convene an impartial hearing and 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 but any independent evaluation obtained by the parent would be considered by the CSE.

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.

Requests should be in writing to:  
Putnam Valley Central School District  
Pupil Personnel Office  
171 Oscawanna Lake Road  
Putnam Valley, New York 10579

The School District will respond to the request either by authorizing the IEE, reimbursing costs of the IEE to the extent consistent with the approved payment schedule, or filing a due process complaint to request impartial review. The School District has established reasonable reimbursement rates for independent evaluators that do not exceed the rates that the School District would be required to pay to Putnam Northern Westchester BOCES. A copy of the rate schedule is available in the District's Pupil Personnel Office.

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.

The District will, upon request, provide information regarding qualified professionals who are in private practice or employees of other public agencies to whom parents may

go to secure an IEE. The independent evaluator is responsible for sending a copy of his/her current NYS certification/license to the Assistant Superintendent of Pupil Personnel.

### **Eligibility Determination**

- When the evaluations are complete, the CSE and, if appropriate, the student, will meet to review the evaluation information to determine eligibility for special education, and if appropriate, develop an Individualized Education Program (IEP). The CSE will consider all evaluation information including evaluation provided by the parents. In making a determination of eligibility for special education, a student will not be identified as a child with a disability if the determinant factor is lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies, lack of instruction in math or limited English proficiency. In determining whether a student has a learning disability, the school district may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures. The district is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability. A student with a disability will remain eligible to receive special education services even if the student is advancing from grade to grade.
  
- The CSE will ensure that parents are provided with copies of the evaluation reports prior to, or at, the CSE meeting. Parents will be provided with documentation of determination of eligibility. The results of the evaluation will be provided to the parent in their native language or other mode of communication. Consensus is the preferred decision making process.

**Recommendation**

The Committee on Special Education reviews the results of the evaluation to determine eligibility and submits a recommendation to the Board of Education. For a student not previously identified as having a disability, the Committee on Special Education shall provide a recommendation to the Board of Education, which shall arrange for appropriate special education programs and services to be provided to the student with a disability within sixty school days of the receipt of consent to evaluate.

If the Committee determines the student is ineligible for special education, written notification is sent to the parent/guardian and to the principal, indicating the reasons for the finding. If a student is found ineligible to receive special education services, a copy of the recommendation and appropriate evaluation material shall be provided to the building administrator. The building administrator shall determine what educationally related support services, if appropriate, shall be provided to the student and, to the extent available, shall ensure the services are provided.

If the parent of a 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 school district shall not provide the special education program and services to the student and shall not use due process procedures to challenge the parent's refusal to consent.

**Individualized Education Program**

If a student has been determined to be eligible for special education services, the Committee on Special Education must develop an individualized education program (IEP). In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation; the student's strengths; the concerns of the parents, the results of the student's performance on any general, State or district-wide tests; and other factors unique to the student's disability. These recommendations shall include a statement of:

- the student's present levels of academic achievement and functional performance and individual needs in the following areas: academic or educational achievement and learning characteristics, social development, physical development and management needs including how the disability affects student involvement and progress in the general curriculum;
- measurable annual goals, consistent with the student's needs and abilities, related to enabling the student to be involved in and progress in the general education curriculum and meeting each of the student's other educational needs that result from the student's disability. Each annual goal shall include evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal, and the IEP will identify when periodic reports on the progress the student is making will be provided to the student's parents;
- short-term instructional objectives and benchmarks for a student who takes the NYS alternate assessment and for each preschool student;
- special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel in order for the student to advance appropriately toward attaining annual goals, to be involved and progress in general curriculum, and to be educated and participate in activities with other students with and without disabilities. The recommended program and services shall, to the extent practicable, be based on peer-reviewed research;
- a statement of supports for school personnel on behalf of the student;
- the extent to which a student's parents will receive parent counseling and training, when appropriate;
- the extent, if any, to which the student will not participate with typically developing students in the general education class and in other activities;
- if a student is not participating in a regular physical education program, the extent to which the student will participate in specially designed instruction in physical education including adapted physical education;

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- any individual testing accommodations to be used consistently by the student in the administration of State or district-wide assessments of student achievement and in accordance with the State Education Department policy, that are needed in order for the student to participate;
- if the Committee determines that the student will not participate in a particular State or district-wide assessment or part of such assessment, a statement of why the assessment is not appropriate and how the student will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- how the student's progress towards the annual goals will be measured, how the student's parents will be regularly informed of their child's progress towards annual goals, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- indicate the general education classes in which the student will receive consultant services; and
- a description of assistive technology devices or services needed for the student to benefit from education.
- For those students beginning not later than the first IEP to be in effect when the student is age 15, and at a younger age, if determined appropriate, and updated annually, the IEP shall include:
  - under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities;
  - appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment, and where appropriate, independent living skills;
  - a statement of the transition service needs of the student that focuses on the student's course of study, such as participation in advanced placement courses or a vocational education program;
  - needed activities to facilitate the student's movement from school to post-school activities including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
  - a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

In developing the recommendations for the IEP, the CSE will consider the results of the initial or most recent evaluation, the student's strengths, the concerns of the parents, the results of the student's performance on any general State or district-wide tests, and other factors unique to the student's disability. The CSE will ensure that each student with a disability has an IEP in effect at the beginning of the school year and that an IEP is provided at no cost to the student's parent.

**Consideration of Special Factors:**

The CSE shall:

1. In the case of a student whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive interventions, and supports to address that behavior;
2. In the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP;
3. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the CSE determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the student; and
4. Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
5. Consider whether the student requires assistive technology devices and services, including whether the use of school-purchased assistive technology devices is required to be used in the student's home or in other settings in order for the student to receive a free appropriate public education.
6. Include a statement in the IEP if, in considering the special factors listed above, the Committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education.

**Transfer Students:**

**Transfer within New York State.** In the case of a student with a disability who had an IEP in that was in effect in NYS and who transfers from a school district and enrolls in the Putnam Valley Central School District within the same academic year, this district shall provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, until such time as this district adopts the previous IEP or develops, adopts and implements a new IEP.

**Transfer from Outside New York State.** In the case of a student with a disability who transfers school districts within the same academic year, enrolls in the Putnam Valley Central School District and had an IEP in that was in effect in another state, this district shall provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, until such time as this district conducts an evaluation, if necessary, and develops a new IEP, if appropriate.

To facilitate the transition for a transfer student, the Putnam Valley Central School District will take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education services to the student, from the previous school in which the student was enrolled.

### Annual Review

At least once a year, the Committee on Special Education conducts an individual review for each student identified with a disability receiving special education services. The purpose of the annual review is to review the status of each student with a disability, to determine if the annual goals are being achieved, and to recommend the continuation, modification, or termination of the provision of the special education program and services for the student. The Committee on Special Education reviews the student's IEP and other current information pertaining to the student's performance. Updated reports, educational evaluations, teacher summaries and report cards are utilized to measure growth, assess progress and make recommendations. Team members, including administrators, special education staff, classroom teachers and parents meet with the Committee to discuss the academic, social and emotional progress of the child. If a revision of the student's IEP is recommended, it must address:

- any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- the results of any reevaluation and any information about the student provided to, or by, the parent;
- the student's anticipated needs; and
- any other matters, including the student's need for test accommodations and/or modifications.

Amendments to an IEP may be made after the annual review without the need for a CSE meeting when the parents and District mutually agree to do so following written notice to the parent and parental consent. A written document may amend or modify the student's current IEP, provided that the parents receive prior written notice of any changes to the IEP, and that the parent receives a copy of the document that amends or modifies the IEP or, upon request, is provided with a revised copy of the entire IEP with the amendments incorporated.

### Reevaluation

The Committee on Special Education must arrange for a comprehensive reevaluation of each student with a disability by a multidisciplinary team at least every three (3) years, but not more frequently than once a year unless the parent and a representative of the school district appointed to the CSE agree otherwise. The purpose of the reevaluation is to ensure that the student continues to qualify for and need special education services. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education, and the student's continuing eligibility for special education. The student is re-examined by a multidisciplinary team in the areas of management needs, academic, social/emotional and physical functioning. Both standardized and nonstandardized measurements are utilized in order to clearly identify areas of strengths and weaknesses. Historical information is used together with new data from the student, parents, teachers, evaluators and other staff to determine each student's individual needs as well as continuing eligibility for special education. The Committee on Special Education must address the results of any reevaluations in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the school district will encourage the consolidation of reevaluation meetings and other CSE meetings for the student.

Parental consent is obtained prior to conducting the reevaluation of a student with a disability. If the district takes reasonable measures to obtain consent and the student's parent fails to respond, reevaluation may take place without parental consent.

The Committee on Special Education may determine that no additional testing is necessary as a part of the reevaluation process. In this case, the Committee will notify the parent of the reasons for the determination, and of the right of the parent to request an evaluation.

The school district will evaluate a student with a disability prior to declassification, but will not conduct a reevaluation of student before the termination of a student's eligibility due to graduation with a high school diploma or exceeding the age eligibility for special education services. The district is required to provide a graduating or aging-out student with a summary of the student's academic achievement and functional performance, which will include recommendations on how to assist the student in meeting his or her postsecondary goals.

## **DISSEMINATION OF IEPs AND PRE-REFERRAL INTERVENTIONS**

### **Provision of IEPs to Teachers and Other Service Providers**

In accordance with Chapter 408 of the Laws of 2002, amending Section 4402 of the New York Education Law, the District has implemented procedures to ensure that a copy of the IEP for each student with a disability is provided to each regular education and special education teacher, each related service provider, and to others who have a role in implementing the IEP. Procedures ensure that each person with a role in implementing the services described in the IEP has an opportunity to review the IEP and to discuss with the special education professional who is the case manager for the student the responsibilities associated with fulfilling IEP requirements. Procedures also ensure that the IEP remains a confidential document in compliance with Federal and State laws and regulations, including the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA).

### **Implementation of School-wide Approaches and Pre-referral Interventions**

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the District has implemented a plan and policy to establish pre-referral interventions to remediate a student's educational progress before consideration of referral to the Committee on Special Education (CSE).

In keeping with this policy, it is the responsibility of the building level child study teams to investigate all possible general education services that would enable the student to achieve the learning standards. These services may include, but are not limited to, functional behavior assessments and behavior intervention plans, remedial and developmental reading, speech and language improvement services, evaluations, individual and group counseling, consultation with staff and families, curriculum and instructional modifications, building level educational support, Academic Intervention Services and ELL services. These services may be provided before, during or after the school day. They must be afforded to all students who do not meet the minimum designated standards on State assessments, and to Limited English Proficient (LEP) students who do not achieve the annual CR Part 154 performance standards. Consistent with the District AIS Description, 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 score below the State designated or local performance levels on any

one of the State examinations required for graduation.

All school-wide approaches, which provide remediation activities for students who are at risk of not meeting State standards or in danger of not meeting graduation requirements will be considered prior to making referrals to the CSE. These approaches may also include but are not limited to extra teachers or teacher aide support, student or volunteer tutorial assistance, counseling support, computer assisted programs. The principal shall notify each student's parents whenever Academic Intervention Services (AIS) are provided. 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 CSE referral form used by the district staff will describe in writing the intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral, including any supplementary aides or support services provided, or the reason why no such attempts have been made. The principal and/or building child study 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.

If a CSE referral is received by the building administrator, it shall be forwarded to the CSE chairperson immediately upon its receipt by the administrator. If the referral is received by the CSE chairperson, a copy shall be forwarded to the building administrator within five school days of its receipt by the CSE chairperson. The building administrator, upon receipt of a referral or a copy of a referral, may request a meeting within ten (10) school days of the receipt of the referral, with the parent or person in parental relationship, the student, and the referring person, to determine whether the student would benefit from additional general education support services as an alternative to special education. If the person making the referral is a professional staff member of the school building which the student attends, that person shall attend the meeting. The building administrator shall ensure that the parent understands the proceeding of the meeting and shall arrange for the presence of an interpreter, if necessary. Any other person making a referral shall have the opportunity to attend the meeting. 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 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.

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 regular education services.

### **LEAST RESTRICTIVE ENVIRONMENT**

The District provides a wide continuum of services, ranging from placement in regular education classes with support and related services to residential settings. The District is committed to the policy of placing students in the least restrictive environment consistent with their needs. Least Restrictive Environment means that the placement of students with disabilities in special classes, separate schools or other removal from the general educational environment occurs only when the nature or severity of the student's disabilities is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

- Placement shall be based on the student's individualized education program and determined at least annually.
- Placement shall be as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he or she would have attended if not disabled.
- In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
- A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

### **Procedures to Implement Least Restrictive Environment Requirements**

- The student will receive a comprehensive, unbiased, individual evaluation in the student's dominant language or other mode of communication, unless it is clearly not feasible to do so, to determine his/her educational needs. In making a determination of a student's eligibility, the CSE shall not determine a student to be a student with a disability if the determination factor is lack of instruction in reading or math or limited English proficiency. The CSE must review evaluation information to determine whether any additions or modifications to special education services are needed to enable the student to participate, as appropriate, in the general curriculum.

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- Prior to placement in special education, the CSE will ensure that the appropriateness of the resources of the general education program, including educationally related support services, has been considered.
- A student's educational program will be developed with the meaningful involvement of the student's parent or guardian and teacher and the student, when appropriate. The Committee will include persons knowledgeable about the student, the meaning of the evaluation data, and the continuum of placement options. IDEA requires that at least one of the student's general education teachers must be a member of the Committee (if the student is, or may be, participating in the general education environment). In addition, the representative of the school district qualified to provide or supervise special education must be knowledgeable about the general curriculum and the availability of resources of the school district. The individual knowledgeable about the evaluation data must be able to interpret the instructional implications of the evaluation results.
- The Committee on Special Education or Committee on Preschool Special Education will first consider placement in general education with appropriate support for the student and the student's teachers. The IEP must include statements of the student's present levels of educational performance, including how the student's disability affects involvement and progress in the general curriculum; or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.
- Measurable annual goals, including benchmarks or short-term objectives for students who are eligible to take alternative assessments, must be related to enabling the student to be involved in and progress in the general curriculum and addressing each of the student's educational deficits that result from the disability.
- Alternative placements, such as, special schools or other removal from the general education environment, will be considered only when the CPSE/CSE determines that a student's education cannot be satisfactorily achieved even with the use of supplementary aids and services.
- The IEP of the student will include an explanation of the extent to which the student will not participate with students who do not have disabilities. The parent or guardian and the board of education will be provided a recommendation from the CPSE/CSE which describes the program and placement options considered for the student and a rationale for those options not selected.
- The CPSE/CSE must indicate clearly defined expected benefits to the student from the special education program selected in the areas of academic or educational achievement and learning characteristics, social development, physical development and management needs.
- The CPSE/CSE will conduct an annual review of the student's needs for continuation

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or modification of the provision of special education programs and services. Such review shall consider the educational progress of the student and the student's ability to participate in general education programs.

- The district is committed to the policy of placing students with disabilities in the least restrictive environment consistent with their needs. The district provides the full continuum of services as described in 200.6 of the Commissioner's Regulations.

**Provision Of Appropriate Special Education Services To Enable  
Involvement And Progress In The General Education Curriculum**

The Individuals with Disabilities Act (IDEA) presumes that all students with disabilities will be educated in general education classes to the maximum extent appropriate based on the unique needs of the student. The special education and related services a student receives must support a student's successful participation in the general education curriculum and should not be considered as a separate service or program.

All students with disabilities who reside in the Putnam Valley Central School District shall be provided with an appropriate individual educational 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 goals and short-term objectives.

In keeping with this policy, the CSE will consider participation in regular education classes 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 educational progress in the general education curriculum. Modifications and accommodations that facilitate participation in the general education program will also be considered. 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 supported participation in general education classes and through special education classes that provide equivalent instruction designed to enable students to attain the State learning standards and pass State assessments. Appropriate Academic Intervention Services shall also be considered and determined by the building child study teams to assist students with disabilities in meeting 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 a

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Skills and Achievement Credential Certificate program. If the student has the potential to achieve a regular High School diploma but requires a restrictive environment outside the District, the CSE will seek placement in a program that provides equivalent instruction designed to enable the student to attain the State learning standards and pass new State assessments.

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 based on their individualized needs.

**Exemption From Foreign Language Requirement**

Students are required to complete one unit of study in a foreign language other than English before completing the twelfth grade. This requirement is established for all schools in the State by Section 100.2(d) of the Regulations of the Commissioner of Education.

Students identified as having disabilities may be exempted from this requirement if their Individualized Education program (IEP) indicates that such requirement is inappropriate. Only those students whose disabilities specifically and severely impair receptive and/or expressive language skills, or exhibit other behavioral or learning problems that would impact ability to benefit from foreign language instruction may be exempt from the foreign language requirements, as most students would benefit from exposure to a foreign language. The reasons for any exemption will be specified in the IEP. Therefore, at annual review for all students with disabilities who are completing seventh or eighth grade, the CSE will take the following steps:

- Student schedule and report cards will be reviewed to determine whether the language requirement has been completed.
- If the language requirement has not been completed, attention will be paid to speech and language levels, learning characteristics, and emotional factors, which may be relevant to ability to benefit from language instruction in the following year.
- In determining whether or not exemption is appropriate, particular attention will be paid to severity of the speech and language impairment. Exemption may be granted if a student is severely speech and language impaired or if other factors justify such exemption. If the CSE concludes that exemption is warranted, reasons will be provided in a statement accompanying the IEP.
- Modifications and accommodations that facilitate participation in the foreign language program will be considered by the CSE at the time of the annual review.
- If a student with a disability is assigned to a foreign language class, a copy of the student's IEP showing necessary testing modifications and classroom modifications will be made available to the language teacher by the student's special education teacher.

The Putnam Valley Central School District, and State Education Department policies, strongly supports the study of foreign language by students with disabilities and the fulfillment of the language requirement by all students prior to completion of twelfth grade.

**Extended School Year Services (CPSE/CSE)**

The Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE) will determine whether a student requires a structured learning environment of up to twelve (12) months to prevent substantial regression. Substantial regression as defined by the Commissioner's Regulations, would be indicated by a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity so as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. A special program or service shall operate for at least thirty (30) days during the months of July and August. The decision about eligibility for extended school year services will be made at the time of the student's annual review, provided that this decision will be made in all instances prior to July 1 of the upcoming school year. In accordance with Sections 200.6(j) and 200.16(h) of the Commissioner's Regulations, students will be considered for twelve-month special services and/or programs to prevent substantial regression if they are:

- preschool students/school age 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;
- preschool students/school age students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;
- preschool students/school age students who are recommended for home and hospital instruction or students/preschool students 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;
- preschool students/school age students whose needs are so severe that they can be met only in a seven-day residential program; or
- preschool students/school age students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or program provided in a structured learning environment 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 service or program when the period of review or reteaching 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 reteaching ranges between 20 and 40 school days. As a guideline for the purpose of determining eligibility for an extended school year program, a review period of eight 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 made available to a student with a disability, when 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. IDEA 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.

IDEA 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

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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.

**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:

1. 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.
2. The decision will be reviewed annually. The CSE will consider the following factors:
  - current levels of achievement;
  - learning rate;
  - preference of student and family.
3. 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.
4. The District will offer appropriate remedial instruction for all students.
5. The CSE will identify and recommend support services and supplementary instruction necessary to assist students to benefit from credit courses.
6. 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 Regents 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.
7. 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.

**CAREER DEVELOPMENT AND OCCUPATIONAL STUDIES**  
**COMMENCEMENT CREDENTIAL**

Students with disabilities will be able to work towards earning a New York State Career Development and Occupational Studies (CDOS) Commencement Credential as a supplement to their regular diploma (Regents or local diploma).

**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:

- Beginning with the 2013-14 school year and thereafter, 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 postsecondary 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

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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.

**DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

When a student who has been receiving special education services can participate in a regular education program without special education support without disabilities adversely impacting education, the student can be considered for declassification.

The recommendation to declassify students with disabilities is the responsibility of the Committee on Preschool Education (CPSE) and Committee on Special Education (CSE). As declassification constitutes a significant change of identification and placement, CPSE and the CSE shall reevaluate the child prior to making this recommendation. The CPSE and CSE shall also provide prior notice in the native language or other mode of communication of the home, to the child's parent or guardian, that a reevaluation is being sought for the purpose of considering declassification and request written consent for this evaluation. If the initial request for consent for reevaluation is unsuccessful, alternate measures will be taken to obtain consent and will be documented. If reasonable attempts have been made to obtain consent and have been documented but no response is received from the parent or guardian, the CPSE and CSE shall reevaluate the child without consent.

In order to determine the nature of this reevaluation, a group that includes members of the CPSE and the CSE and other qualified professionals may review the existing evaluation data on the student including evaluations provided by the parents or guardians, current class assessments, observations by teachers, reports by related services providers and other professionals. This review shall not constitute a CPSE and a CSE meeting. On the basis of this review, the District may decide that no further data is needed. In this case, the CPSE and the CSE shall notify the parents or guardians that further assessment has been deemed unnecessary and that they have a right to request further assessment to determine if their child continues to be a student with a disability. If the parent or guardian does not request further assessment, the CPSE and the CSE may meet to review the existing information and to consider declassification. A copy of this informal evaluation report shall be made available to the parent or guardian.

In conducting its review, the CPSE and the CSE will consider the student's ability to participate appropriately in instructional programs in regular education, the student's ability to benefit from special education, and the student's continued eligibility to be identified as a child with a disability according to the criteria set forth in IDEA, Part 200 of the Commissioner's Regulations and the District's existing policies and procedures. The CPSE and the CSE must also consider the provision of educational and support services to the student upon declassification. Upon declassification, the CPSE and CSE shall identify any declassification support services including the projected date of initiation of such services and the duration of these services. Declassification services

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shall be provided for no more than one (1) year following the declassification date. Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall determine any additional educationally related support services, academic intervention services, or other services that may be appropriate for the child.

Even though a student may no longer require special education services, the student may require accommodations to enable the student's access to the programs of the District, in such instances the student will be referred to the District's Section 504 team. In such instances, the effects of a disability may continue to prevent the student from demonstrating achievement of certain knowledge and skills. In such cases, a student who has been recommended for declassification may continue to need the testing modifications previously documented in an IEP. If this determination is made by the CSE and documented in the recommendation for declassification, the testing modifications must continue to be consistently provided to the student for the period of time determined by the CSE, which may be for the balance of his or her public school education. Alternatively, after the expiration of the Student's declassification support services plan, the 504 team may, if appropriate, consider and recommend such testing modifications or other appropriate accommodations for a student who remains eligible for 504 accommodations. For students with disabilities declassified while in grades 8-12, the CSE may also determine that the student will continue to be eligible for the provisions of the safety net for students with disabilities if recommended by the CSE and documented in the student's IEP.

Recommendations for declassification support services and appropriate evaluation information shall be forwarded to the building administrator who shall, in consultation with the instructional support team, determine eligibility for any other services that may be appropriate for the student.

**SCHOOL CONDUCT AND DISCIPLINE**

**Suspension of Students with Disabilities**

In the event that a student has a known disability, or, under certain circumstances, was previously identified with a disability, or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a Superintendent's hearing convened pursuant to Section 3214 of the Education Law for any suspension of more than five days. The Superintendent's hearing will be held in two parts: first to determine the student's guilt or lack of guilt on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

**§504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 (hereinafter referred to as "§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the Superintendent of her designated hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice.
3. Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.

**IDEA Disability**

For students classified or presumed to have disabilities under the Individuals with Disabilities Education Act (hereinafter referred to as "IDEA"), a Manifestation Determination Review Team must make a decision on the Manifestation Determination prior to a student's suspension for ten (10) or more consecutive school days or prior to a suspension of ten (10) days or less, if it has been determined that a suspension for less than ten (10) consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or less in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are: the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The student's parent/guardian has expressed, in writing, to supervisory or administrative personnel of the school or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The student's parent has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The student's parent has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or

4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

### **Manifestation Determinations**

A Manifestation Team, shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members or the Committee on Special Education, as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend and to inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with Sections 201.3 and 201.4(d)(2)(a) of the Commissioner's Regulations.

A meeting for the sole purpose of making a manifestation determination does not require five (5) calendar days notice to the student's parent/guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of Section 200.5(a)(3) of the Commissioner's Regulations is applicable, and parental participation in all CSE meetings is expected and strongly encouraged.

### **Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative Manifestation Finding**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) and the parent/guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to Section 201.8 of the Commissioner's Regulations is obtained.
3. The violation involves weapons, drugs or serious bodily injury.

**Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or at a school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. The term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."
2. The term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed healthcare professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

3. The term "serious bodily injury" means bodily injury, which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to (forty-five) 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more that ten (10) consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is "dangerous" and is substantially likely to cause injury to him/herself or others if returned to his/her last agreed upon placement. An impartial hearing officer may order the placement of the student in an IAES for up to (forty-five) 45 school days in accordance with Sections 201.8 and 201.11 of the Commissioner's Regulations.

1. The Manifestation Team must still conduct a manifestation determination within ten (10) consecutive school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent

upon a Manifestation Team determination that the misconduct is not related to the student's disability.

### **Discipline of Students With Disabilities when the Manifestation Team has made a No Manifestation Finding**

Where a student with a disability conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

### **Pendency Placement**

An IAES shall be deemed the student's "stay put" placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

### **District School-Age Programs and Services**

The following is a listing of the District school-age programs and services that may be available to meet the academic, social, physical and management needs of students with disabilities. The District regularly reviews the Continuum of Special Education Services for School-Age Students with Disabilities which can be found here:

<https://www.p12.nysed.gov/specialed/publications/policy/schoolagecontinuum-revNov13.htm#ct>

#### **A. General Education with Supplementary Aids and Services**

Supplementary aids and services can be provided to a student with a disability who is educated in a regular class setting and does not receive additional special education services. Aids and services may include, but are not limited to,

additional teacher support, academic intervention services, assistive technology, educationally related support services, differentiated instruction, classroom modifications and accommodations, and additional support from a teacher aide or teaching aide. Supplementary Aids and Services are available in all District school buildings.

B. Transitional Support

Transitional support means temporary or short-term services that are provided to a student, or to the student's regular or special education teacher, to facilitate a transfer to a regular education setting prior to declassification, or to a less restrictive setting.

C. Related Services:

Related services are support services, which assist students with disabilities in benefiting from instruction in either a regular or special class program. These services may include speech therapy, occupational therapy, physical therapy, counseling, school health services, adapted physical education, and parent counseling and training.

D. Consultant Teacher:

Consultant Teacher services are defined as direct and/or indirect services provided to a school-age student with a disability in the student's general education classes, including career and technical education classes, and/or to such student's general education teachers.

E. Resource Room:

Resource room is a special education program for a student with a disability registered in either a special class or general education class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. Resource room programs are for the purpose of supplementing the general education or special education classroom instruction of students with disabilities who are in need of such supplemental programs. This means that instruction is not provided in place of the student's regular academic instruction.

F. Integrated Co-Teaching

A school district may include integrated co-teaching services in its continuum of

services. Integrated co-teaching services means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students.

G. Special Class:

Special class means a class consisting of students with disabilities who have been grouped together because of similarity of individual needs for the purpose of receiving specially designed instruction in a self-contained setting, meaning that such students are receiving their primary instruction separate from their nondisabled peers.

**Currently, the District has the following Special Class offerings:**

Integrated Co-Teaching, Related Services and transitional support are available throughout the district.

Our Elementary currently has Special Class sizes of:

- 8:1+1 (8 students, 1 teacher, 1 teacher assistant),
- 15:1+1 (15 no more than 15 students, 1 teacher, 1 teacher assistant)
- 12:1+1 (12 students, 1 teacher, 1 teacher assistant).

Currently the Middle and High Schools have Special class sizes of:

- 8:1+1 (8 students, 1 teacher, 1 teacher assistant)
- 15:1+1 (15 no more than 15 students, 1 teacher, 1 teacher assistant)
- 15:1 (no more than 15 students and 1 teacher)
- 12:1+1 class (12 students, 1 teacher, 1 teacher assistant).

Related services are provided individually or in small groups, and are available in all District school buildings.

**Other Public/Approved Private School Programs**

A. **Other Public School Programs:**

Special education programs in other public school districts are considered for District students with disabilities when an appropriate in-district program is not available. Other public school districts are currently providing special education programs for 1 elementary student, 0 middle school students and 3 high school students.

B. **Board of Cooperative Educational Services Programs**

The Putnam Valley Central School District is a component school district of Putnam/Northern Westchester BOCES. BOCES is a regional public education collaborative, which functions in New York State as an extension of local school districts.

The District utilizes BOCES programs and services for students with more intensive educational, emotional or management needs that cannot be appropriately met in an in-district program. The District is currently utilizing the following BOCES Special Education Programs:

**1. PNW BOCES:**

The Special Education Department at Putnam | Northern Westchester BOCES provides high-quality special education programs and services for students with a wide array of social, emotional, learning and medical needs at our Pines Bridge, Walden, and Fox Meadow Schools and programs located in Local School Buildings. A full description of Putnam | Northern Westchester BOCES' programs can be found here: <https://www.pnwboces.org/Special-Education/Department-Home.aspx>

**2. Southern Westchester BOCES:**

Southern Westchester BOCES offers a myriad of special education classes across several campuses in Westchester County. Putnam Valley Central School District currently utilizes programs at the Rye Lake campus and Tappan Hill School. A

full description of Southern Westchester BOCES programs can be found here:  
[https://specialservices.swboces.org/2022-23\\_program\\_information](https://specialservices.swboces.org/2022-23_program_information)

### **3. Rockland BOCES:**

Rockland BOCES Student Services partners with families, school districts, community-based organizations and county agencies to produce outstanding educational outcomes for children with special needs at all levels of ability. Putnam Valley Central School District currently utilizes programs at Hilltop and Jesse A. Kaplan campuses. A full description of Rockland BOCES programs can be found here: <https://www.rocklandboces.org/special-education/>

#### **D. Approved Private Day and Residential Schools:**

When the needs of a student with a disability cannot be met in a program operated by the District, another public school district, or a BOCES program, the District may, with the approval of the NYS Education Department, utilize more restrictive approved private day or residential placements. These schools provide highly individualized programs with intense supervision and structure. The complete list of approved non-public schools can be found on the NYSED website: <https://www.p12.nysed.gov/specialed/privateschools/home.html>

Putnam Valley Central School District currently utilizes the following New York State approved programs:

#### **1. Clear View School**

The Clear View School provides special education to students who require intensive mental health services in a day treatment model. The school is approved to serve students with emotional disabilities, ages five through 21.

#### **2. Hawthorne Cedar Knolls**

Provides a strong academic focus within a caring, supportive environment. The school utilizes small class sizes and an extensive Positive Behavioral Intervention and Support services.

#### **3. Chamberlain International School**

Is a therapeutic boarding and day school, serving students from ages 11-21.

D. Home/Hospital Instruction:

Students with disabilities who are unable to attend school due to medical conditions (physical or psychiatric) receive their educational program at home or in a hospital setting. Elementary students receive a minimum of ten (10) hours of services a week while students at the secondary level receive a minimum of fifteen (15) hours weekly.

**EVALUATION OF PROGRAM OBJECTIVES**

In evaluating the extent to which program objectives have been achieved, the Office of Special Services will review performance data and information, from a variety of sources, regarding the provision of special education programs and services to District students with disabilities. Among the information to be analyzed are the following:

- Special education data reports
- Performance of students with disabilities on State assessments
- Percentage of students with disabilities earning high school diplomas
- School Report Card
- Performance data from annual reviews and reevaluations
- Progress toward mastery of IEP goals and benchmarks
- Reports and comments from stakeholders

**SPACE ALLOCATION**

A. District Facilities

As part of the Rehabilitation Act of 1973 (PL 93-112), Congress enacted Section 504 which provides that “no otherwise qualified disabled individual ... shall be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The regulations pertaining to

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Section 504 also require that school districts place students with disabilities in educational environments with students who do not have disabilities, unless it can be demonstrated that despite the use of supplementary aids and services, integration of the student with disabilities into the regular school environment cannot be satisfactorily achieved. This mandate was later addressed as the concept of “least restrictive environment” in the Education of All Handicapped Children Act of 1975 (PL 94-142). As a result, it became obligatory for school districts to make their facilities accessible to students with disabilities who are otherwise qualified and able to participate in the programs of the school.

Subpart C of PL 93-112 sets forth the central requirement of the regulations governing program accessibility. All new facilities must be constructed to be readily accessible and usable by persons with disabilities. Every existing facility need not be entirely barrier free, but all recipients must ensure that programs conducted in those facilities are made accessible.

Subpart D of PL 93-112 is concerned with elementary and secondary education. Its provisions are coordinated with those of PL 94-142. The regulations of both Acts require that the recipients, i.e. school districts, operating public education programs provide a free appropriate education to each qualified child in the most normal setting appropriate.

It is the policy and practice of the Board of Education of the Putnam Valley Central School District to ensure, to the fullest degree possible, that students with disabilities residing within the District are educated within the school district in the least restrictive environment. Each year, the location of special education classes within the District is assessed to ensure that special education programs are provided in school buildings appropriate to student needs. In addition, the population of students with disabilities in out-of-district programs is reviewed annually to determine if the needs of students in out-of-district programs could be addressed in District programs.

Special Services staff have participated in the development of recommendations for present and future space needs at the district and building level. At the district level, representatives from the Office of Special Services have participated in space planning and facilities expansion. In addition, special services staff help to plan for the needs of District students with disabilities as members of building construction committees.

Special education programs shall not be denied or discontinued because of the need for appropriate space, and future construction will address special education needs.

B. Board of Cooperative Educational Services

To the fullest extent possible, appropriate space is also available to meet the needs of students with disabilities who attend special education programs provided by the Board of Cooperative Educational Services. District students in BOCES programs are observed at least once a year by a designated District Staff Member and the observation report is reviewed at the time of the annual review.

A major goal of the regional BOCES is to distribute its classes in a manner so as to reduce student travel time and district transportation requirements. Representatives from the Office of Special Services have worked on the BOCES Regional Space Plan and have met with representatives of the PNW BOCES to explore the provision of space for BOCES programs in the Putnam Valley Central School District. The District will continue to work cooperatively with BOCES, along with the component districts, to plan for long-term needs to provide space within the District to BOCES classes as appropriate and available.

**Alternative Format Procedures**

In accordance with Chapter 377 of the Laws of 2001 and amendments to Section 200.2 of the Regulations of the Commissioner, the District has implemented procedures to ensure that every student with a disability who needs his or her instructional materials available in an alternative format will receive those materials at the same time that they are available to non-disabled students.

Alternative Format Procedures

- Alternative format is defined to mean any medium or format for presentation of instructional or assessment materials, other than traditional print materials, that are needed as an accommodation for a student with a disability enrolled in the school district. It would include, but not be limited to, Braille, large print, open and closed caption, audio, or an electronic file.
- The need for alternative format materials will be determined by the Committee on Special Education and specified in the student's IEP or by the Section 504 Team and specified in the student's Accommodation Plan.
- The CSE or the Section 504 Team will identify a case manager who will be responsible for obtaining alternative format materials, including State assessments.

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- Materials in alternative formats will be ordered or produced with sufficient lead-time to ensure that they will be available at the same time as regular format materials are provided to other students.
- The District will give preference in the purchase of instructional materials to those vendors who agree to provide such materials in alternative formats.

**BUDGET**

The following table is a summary of special education program costs for district accounts. The Supplies category includes expenditures for textbooks, workbooks and general supplies for each of the buildings and for district accounts, but does not include central supplies (warehouse). School management expenditures are not included.

Budgeted Amount

<b>ACCOUNT TITLE</b>	<b>2020-2021</b>	<b>2021-2022</b>
SALARIES & BENEFITS	4,879,926	4,900,567
EQUIPMENT	Used Federal Funds	Used Federal Funds
CONTRACT SERVICES	500,000	502,000
BOCES PROGRAMS AND SERVICES	1,683,666	1,772,211
TUITION: OTHER PUBLIC	-	-
TUITION: APPROVED PRIVATE	1,193,000	1,235,000
MILEAGE	-	-
STAFF CONFERENCES	-	-
SUPPLIES	28,000	28,000

**Students receiving Special Education services**

Enrollment data are collected as part of NYSED's Student Information Repository System (SIRS). Available enrollment counts for Putnam Valley Central School District by various demographics for the 2020 - 21 school year can be found here:

<https://data.nysed.gov/enrollment.php?instid=800000039712&year=2020&swd=1>

**BOARD OF EDUCATION ADOPTION**

The Putnam Valley Central School District Special Education Plan has been adopted by the Board of Education on \_\_\_\_\_

\_\_\_\_\_  
Board of Education President