PROVISIONS OF SERVICES TO CHILDREN WITH DISABILITIES

The Board of Education affirms its responsibility as defined in Federal and State law and regulations to provide appropriate educational programs and services for educationally disabled pupils who reside within the district. In meeting this intent, the Board is charged with assuring that the following processes and concepts are carried out:

Appointment of the Committee on Special Education (CSE)

The Committee is responsible for assisting the Board of Education in carrying out its responsibilities for the provision of programs and services to disabled children. Membership on the Committee must minimally include: a parent of the child for whom the committee is meeting, a school psychologist, a district representative, a teacher or administrator of special education, and a teacher of regular education. Attendance of the physician and an additional parent member (a parent of a disabled child residing in the school district) at CSE meetings is at the request of the parent whose child is to be brought before the Committee. A member of the Board may not serve on the Committee because of the Board's responsibility for approval or disapproval to implement the Committee's recommendations. Membership of the committee must be approved by the Board annually.

Appointment of the Sub-committee on Education

The BOE is allowed to appoint a sub-committee to perform the functions of the CSE except when a student is considered for initial placement in a special class, or a special class outside the school of attendance, or a special school serving primarily students with disabilities, or the parent requests a full committee. Any matters of parental disagreement have to be referred to the CSE immediately.

Membership of the sub-committee consists of: a parent of the child for whom the sub-committee is meeting, a regular education teacher, a special education teacher, a school district representative, and a school psychologist when a new psychological evaluation is reviewed or a change to a more intensive program is considered.

Census and Register of Disabled Children

The school district must conduct a census for the purpose of locating and identifying all children with disabilities who reside in the district and who are entitled to attend public

school during each school year. A register of such children, required to be maintained and revised annually by the district CSE, assures the availability of statistical data needed to determine the status of pupils in the location, identification, evaluation, placement and program review process. The data for this registry is to be reported to and recorded by the CSE by October 1 of each school year and should be organized in the following manner:

- The pupil's name, address and birth date.
- The pupil's parents' names, address(es), and the dominant language of the pupil=s home.
- The pupil's suspected disability.
- The dates of referral, evaluations, recommendations of the CSE, actual placement, and annual program reviews.
- The site where the pupil is currently receiving an educational program.
- If the pupil is not receiving an appropriate public education, a statement of the reason should be entered in the register.

Referral, Evaluation, Notice and Consent

The first step toward the provision of appropriate services is the referral to the CSE of a child who is suspected of having a disability. A number of individuals may make this referral, including:

- The parent or guardian of the child,
- A professional staff member of the district,
- A licensed physician,
- A judicial officer,
- The commissioner or designee of a public agency with

responsibility for the welfare, health or education of children,

- The pupil, if over 18, abandoned or homeless, for purposes of referring oneself.

A standardized form for acceptance of a referral to the CSE is in use. After receipt of a written referral and signed parental consent, the CSE will conduct a comprehensive evaluation of the child including already known information as well as additional data collected through a variety of assessment tests and techniques.

Before initiating evaluation procedures, however, the CSE must first notify the parent(s) that it intends to evaluate the child and must also obtain written parental consent before the evaluation is conducted. In its notice to the parent(s), the CSE must describe the evaluation and indicate what it will do with the resulting information. The parent(s) must also be informed of their rights as the parent of a child referred to the CSE.

The parent(s) must be given the opportunity to contribute evaluative material for consideration by the Committee and to discuss the Committee's findings and recommendations before they are submitted to the Board for final action. If it becomes known that no parent is available to represent the child, the CSE may find that there is need for a surrogate parent. If so, the Board must appoint a surrogate in accordance with the Regulations of the Commissioner.

Individualized Education Plan (IEP)

State law requires that an Individualized Education Program (IEP) be developed for each pupil found to be eligible for special education. An IEP is a document, written and revised at least annually, that outlines a plan for providing an educational program based on the unique needs of the child. It is the responsibility of the Board to approve the implementation of the IEP and ensure the provision of these programs.

If following a comprehensive evaluation, the CSE determines that a pupil is disabled and is in need of special education, that same evaluation will form the basis for the CSE recommendations to the Board regarding the pupil=s program and placement. Both the evaluation of the pupil and the recommendations for program and placement constitute a major portion of the IEP. The written IEP will contain the following:

- The present levels of educational performance including the individual needs of the pupil according to the levels of academic, social, and physical development and the management needs of the pupil.

- The classification of the disability.

- Annual goals for learning that are consistent with the pupil=s needs and abilities as well as specific objectives which are to be addressed through programming.

- The recommended program, the class size, and the extent to which the pupil will participate in regular education including occupational education and physical education or adaptive physical education when appropriate.

- The projected date for initiation of special education and related services, the amount of time per day the student will receive such services, and the projected date of the review of the student=s need for such services.

- Indicate whether the pupil is eligible for a twelve month educational program and the identity of the provider of services during the months of July and August.

- A description of any specialized equipment and adaptive devices needed for the pupil to benefit from education.

- A list of those testing modifications to be used consistently by the pupil in the recommended educational program.

- The recommended placement where the pupil will receive such services.

The information included in the IEP is the substance of the CSE recommendation to the Board of Education and the parent(s) of the pupil. With the agreement of the Board and upon consent of the parent, unless previously obtained, the pupil is provided the recommended programs and services.

Committee for Preschool Special Education

The Board of Education affirms its responsibility to see that Preschoolers, age 3-5, with a suspected disability are evaluated and provided with an appropriate program. For preschool students, the school district holds meetings and is represented by a member of the CPSE. However, preschool programs are financed by the County of the Child=s residence through the County Health Department. The Board of Education must approve the recommendation for implementation of a preschool program before services can begin.

Due Process for Preschool Age Children

Written referral of a preschool child for evaluation by the CPSE can originate from parents, health care professionals and Early Intervention Program or other agencies. Parents must give written permission for evaluation and services.

Parents of preschool students who are referred for evaluation and services must be informed of their due process rights. Due process rights and procedures are similar to school age CSE.

Membership of the Committee for the Preschool Special Education

The committee for preschool education includes: a parent/guardian of the child for whom the committee is meeting, the parent of a disabled elementary age or preschool child, a special education teacher, and an appropriate professional employed by the school district. A Representative of the County Municipality shall also be invited and the school physician if requested by the parent. If the child is or may be in general education, a regular education teacher will be included. For meetings prior to the initial recommendation, a professional who participated in the evaluation is included.

Annual Review

The process of reviewing the IEP occurs on two levels:

- Evaluating the progress of the child in regard to the attainment of his/her instructional objectives that are assessed on an ongoing basis by teacher(s), parents, and other appropriate personnel throughout the year.

- Evaluating whether the child is placed in a program appropriate to his/her needs.

- Placement for the next year.

Based on the review, recommendations are developed by the CSE/CPSE, with the parent, prior to sending them to the Board. This review must be conducted at least annually for all children receiving special education.

Least Restrictive Environment

The Board is charged with the responsibility of providing an education to a disabled child with children who are not disabled unless it is demonstrated that, even with the use of supplementary aids and services, the education of the child in the regular education program environment cannot be satisfactorily achieved. If, to assure satisfactory achievement, the child needs to be placed in a setting other than the regular education setting, the Board charges the CSE to consider the nearness of the alternative setting to the child=s home in their recommendation for placement.

Due Process

Due process is a series of procedural safeguards required by law and established in policy by the educational agency. If individuals are faced with pending decisions or actions which will affect their educational programs, or those of their children, they must have the opportunity to be heard as well as the right to an impartial resolution of any disagreement with the decisions or actions before they are implemented. Due process, as defined in education law and regulations, generally includes the following characteristics:

1. Written notice of proposed actions.
2. The right to provide, withhold, or reconsider consent.
3. The right of full access to relevant school records.
4. The right to an independent evaluation.
5. The right to a hearing prior to final action.

Monitoring and Training

The Board charges the Superintendent with the responsibility of assuring that the specific programs, procedures, and time lines established for the provision of services to disabled children are in compliance with all Federal and State laws and regulations. Additionally, the superintendent is charged with assessing the needs of and providing for the training of all personnel within the district who have functions related to the education of disabled children.

District Plans

The Board of Education shall develop a district plan by November first every third year thereafter. The plan will include:

1. A description of the nature and scope of special education programs and services available to pupils residing in the district.

2. Identification of the number and age span of pupils to be served by type of disabilities and recommended setting.

3. The method to be used to evaluate the extent to which the objectives of the program have been achieved.

4. The estimated budget to support such a plan.

5. Date on which such plan was adopted by the Board of Education.