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# *Port Chester-Rye Union Free School District*

113 Bowman Avenue  
Port Chester, New York 10573  
Phone 914.934.7925  
Fax 914.934.2992

**Adrienne Mecca**

*Director of Special Education*

**Daniel Bologna**

*Assistant Director of Special Education*

**Dr. Bertha Cruz**

*CPSE Chairperson*

## **Special Education**

## **District Plan**

## **2014-15**

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Carlos Sanchez	Director of Curriculum, Instruction & Assessment
Adrienne Mecca	Director of Special Education
Daniel Bologna	Assistant Director of Special Education

## **INTRODUCTION – PORT CHESTER-RYE UFSD**

### **Mission Statement**

The Mission of the Port Chester-Rye Union Free School District, through an active partnership among community, parents, staff and students, is to develop responsible, self-sufficient citizens who value cultural diversity, are creative and adaptable, and possess the self-esteem, motivation and skills to continue individual growth, think critically and communicate effectively.

### **Board of Education Policies**

The Port Chester-Rye Union Free School District is committed to the development and implementation of appropriate educational programming for Students with Disabilities residing within the district.

- Special Education and related services will be provided to school age resident eligible students with disabilities in conformity with their Individual Education Program (IEP) in the least restrictive setting appropriate to meet their individual needs.
- The Board of Education further recognizes its responsibility to ensure all resident preschool children with disabilities have the opportunity to participate in preschool programs as approved by the Commissioner of Education.
- Members and chairpersons of the Committee on Special Education and the Committee on Preschool Special Education will be appointed and appropriately trained.
- Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.
- Personally identifiable data will not be disclosed by any school district employee of member of the CSE/CPSE to any person, organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information or disclosure is permitted by law.
- Provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum in order to remediate a student's performance prior to a referral to the Committee on Special Education.
- The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation or placement of students with disabilities or the provision of a free appropriate public education to such a student consistent with the Commissioner's regulations.
- Procedures will be in place for the appropriate declassification of students with disabilities.

- All instructional materials used in the district's schools will be made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selections at the same time those materials are available to non-disabled students.
- All personnel for implementing or assisting with the implementation of the student's IEP will be provided access to a copy of the IEP or participate in a review prior to its implementation.
- All students with disabilities and 504 accommodation plans will be included in all State and district-wide assessment programs with the appropriate accommodations and alternate assessments as indicated on their IEPs or 504 Accommodation Plan.
- Appropriate space will be made available to meet the needs of preschool and school age students with disabilities.
- All students who reside in the district will receive the protection of all other applicable State and Federal laws and regulations.
- Upon learning of significant disproportionality by race or ethnicity, a review of the district's policies, practices and procedures will be reviewed and immediate steps will be taken to adopt and implement all necessary revisions.

### **Pre-Referral Interventions**

#### *Response to Intervention (RTI)*

- In accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and Part 200 of the Commissioner's Regulation, the District must provide students with interventions to address the student's needs prior to making a referral to the Committee on Special Education (CSE). Every building must have a team in place to review, plan and monitor student progress in achieving the learning standards. These services must be afforded to all students who do not reach the minimum standards on the New York State Assessments, as well as students who are not making adequate progress in achieving grade level benchmarks as indicated by Universal Screening tools and progress monitoring.
- The building principal shall notify parents in writing when RTI services are provided. This notice shall describe the services provided, the reasons necessary and the duration. The parents will also be notified of their right to make a referral to the Committee of Special Education (CSE) at any time during this process.
- The building level team shall maintain a record of pre-referral interventions implemented for each student. A summary of services will be submitted with a referral to the CSE.
- In the case of a parent referral, the building principal may request a meeting within ten (10) days of receipt of the referral with the parent or guardian to determine whether the student would benefit from additional general education support services as an alternative to special education services. Following this meeting, if an agreement is reached, a plan will be created and the CSE referral will be withdrawn. If there is no written agreement reached at this meeting, the CSE timelines will be maintained.

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

All students with disabilities who reside in the Port Chester-Rye Union Free School District will be provided with an Individual Education Program (IEP). [A student with a disability attending a school within the district will be provided an Individual Education Service Plan (IESP).] Both plans are designed to enable the student to participate in the general education setting as appropriate. The CSE must consider the student's present level of performance in academic achievement, social development, physical development and management needs when formulating measurable annual goals for the student.

The CSE must always consider the Least Restrictive Environment (LRE) when making recommendations for the student with the appropriate academic supports and related services required for the student to progress. Every effort must be made to support the student in the general education setting before a student is placed in a more restrictive setting. A continuum of programs and services will be available to students.

All students will have equal access to a High School Diploma. An appropriate continuum of programming will be provided to support students in their endeavors. A student may pursue both a Career Development and Occupational Studies Commencement Credential and a Regents or Local diploma by completing 2 units of study (216 hours) in Career and Technology Education (CTE) courses and/or work-based learning experiences.

Students with severe disabilities, who have participated in the Alternate Assessment process, will be eligible for a Skills and Achievement Commencement Credential after attending school for 12 year excluding Kindergarten.

## **COMMITTEE ON SPECIAL EDUCATION (CSE) AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)**

The Board of Education will annually appoint a Committee on Special Education (CSE), CSE Subcommittee and a Committee on Preschool Special Education (CPSE). These appointments are made in accordance with the provisions of New York State Education Law, Sections 4402 and 4410 and Section 200.3 of the Regulations of the Commissioner of Education.

The major functions of the CSE and CPSE include:

- Identifying, evaluating and recommending placement for students with disabilities;
- Assuring that appropriate due process safeguards are provided;
- Maintenance of a register of all students with disabilities who reside in the District and are eligible to attend preschool or public school;
- Establishing a network for communication with other educational and community agencies.

### **Responsibilities**

The Committees have the responsibility to insure that all necessary procedures for the identification, classification, placement and annual review of the status and progress of every student with a disability are carried out in accordance with state and federal regulations. A CSE subcommittee may perform the functions of the CSE except for initial determination of eligibility or for consideration of placement in a more restrictive setting.

### **Training CSE/CPSE Members**

All members of the CPSE and CSE will be made aware of their responsibilities to insure that services are identified to allow students access to and to support progress in the general education curriculum. CSE, CPSE chair and subcommittee chair persons will attend training sessions provided by SETRC. The Director and Assistant Director of Special Education will be responsible for the dissemination of all amendments to the Regulations of the Commissioner and pertinent information required for full participation as a member.

### **District Programs**

The Port Chester-Rye Union Free School District operates a variety of programs and services for students with disabilities. These services are provided in the least restrictive setting upon recommendation of the Committee on Special Education (CSE) and with the approval of the Board of Education.

## **Declassification Support Services**

Services may be provided for up to a year following declassification as recommended by the CSE.

## **Related Services**

As recommended by the CSE, related services such as: speech, physical, occupational, TVI services and services of the Teacher of the Deaf, as well as, counseling and skilled nursing services are provided to facilitate access to the student's academic program. Students may receive only related services, or may receive related services in addition to any other special education programming.

## **Consultant Teacher Services**

A special education teacher provides direct and/or indirect service to students within the general education classroom. This service may involve teacher-to-teacher collaboration and/or a special education teacher providing direct service to students within the general education classroom. Services are recommended for a minimum of 2 hours per week.

## **Resource Room**

Students receive small group (5 or less), supplemental instruction in a resource room taught by a special education teacher for a minimum of 3 hours per week. All primary instruction is received within the general education setting. (Consultant teacher and resource room services may be combined and provided for a minimum of 3 hours per week.)

## **Integrated Co-Teaching**

Services are provided within a general education classroom. A general education and a special education teacher work as partners in instruction.

## **Part-time Special Education Class Program**

Students are placed in a mainstream class and receive small group instruction for English Language Arts and/or Mathematics.

## **Special Class**

Students requiring instruction provided in a smaller teacher to student ratio for most or all of the school day attend special classes as recommended by the CSE. The age range in a special class may not exceed 3 years, except for classes with a 12:1+4 teacher to student ratio.

## **Departmentalized Special Education Classes**

At the secondary level, students may receive academic instruction in classes with smaller teacher to student ratios for part of the school day.

## **OUT OF DISTRICT PROGRAMS**

### **Public Programs**

If the Port Chester-Rye Union Free School District is unable to meet the needs of a student with a disability, applications will be made to neighboring school districts which are members of the Sound Shore Consortium, other public school districts and Southern Westchester and Putnam-Northern Westchester BOCES.

### **Approved Private/State Supported School**

When the needs of the individual student cannot be met in a public program, the Committee on Special Education may consider placement in an approved private school program. Schools which are on the list of Schools approved by the Commissioner of Education for School District contracts can be found at the web site for the New York State Education Department at:

<http://www.p12.nysed.gov>

### **Residential Programs**

A residential program is considered only when a student requires 24 hour support to benefit from the educational program. This recommendation is made by the CSE only after community supports have been exhausted. Placements are reviewed annually and a projected time table to return home is reviewed.

### **Home/Hospital Instruction**

When presented with medical documentation, the CSE may recommend home/hospital instruction for a student who is unable to attend school. Written documentation from the student's physician must indicate the diagnosis and anticipated date of return to school.

The CSE may also use Home Instruction as a programming option when all parties agree that a student must be removed from the educational setting. Home Instruction may only be recommended when the student presents a danger or when the current placement is not longer appropriate to address the student's needs. This placement is considered a short-term option, pending exploration of appropriate placements.

## EXTENDED SCHOOL YEAR (ESY) SERVICES

The Committee on Special Education (CSE) and the Committee on Preschool Special Education recommend extended school year services to student to prevent substantial regression. The CSE or CPSE must consider whether the student's loss of skills would require more than eight (8) weeks to regain. In accordance with Section 200.6(j) of the Commissioner's Regulations, students will be considered for a twelve-month (12) special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive, requiring a high degree of individualized attention and are placed in a special class;
- Students with severe multiple disabilities, whose programs consist primarily of rehabilitation and treatment;
- Students placed in a residential setting;
- Students receiving other special education services who because of their disability require a twelve-month (12) service or program to prevent substantial regression.

Both quantitative and qualitative information will be reviewed by the CSE or CPSE to substantiate the need for ESY services.

## ACCESS TO ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

The IDEA requires each school to ensure that assistive technology devices and/or services are made available to a preschool or school-age student with a disability as recommended by the Committee on Special Education. Any specialized equipment or adaptive device is provided to assist the student in benefitting from instruction.

Assistive technology device 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 student with a disability. Such term does not include a medical device that is surgically implanted, or the replacement of such a 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:

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

A student's need for assistive technology is determined through individual evaluation or as recommended by a licensed Audiologist in the case of FM systems. The need to conduct an assistive technology evaluation will be considered on a case-by-case basis.

## PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE AND DISTRICT-WIDE ASSESSMENTS

The Board of Education acknowledges that the Individuals with Disabilities Education Improvement Act (IDEIA) and Article 89 of the New York State Education Law require all students with disabilities and 504 Accommodation Plans be included in general and district-wide assessment programs with appropriate accommodations and alternative assessments as indicated in the Individualized Education Programs (IEP) or 504 Accommodation Plans.

In order to assure that the student's academic achievement is measured accurately and fairly, appropriate testing accommodations will be provided.

These accommodations are intended to adjust the presentation of the testing material in order to eliminating obstacles to the test taking process as a result of the student's disability or life limiting condition. The consistent provision of testing accommodations enables students participate on an equal basis with their nondisabled peers and allow access to challenging coursework.

Testing accommodations may not alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained. Examples of impermissible testing modifications are:

- simplification or explanation of test questions;
- reading of items designed to test the student's reading skills;
- use of spell and/or grammar-checking devices on a test of the student's writing skills; and
- use of a calculator on a test of the student's computational skills.

The Committee on Special Education (CSE) is responsible for identifying any accommodations that are necessary to measure the academic achievement and functional performance of the student on state-wide and district-wide assessments and for documenting the necessary accommodations on the student's IEP. If the CSE determines that the student is not able to participate in certain assessments, the IEP must indicate why the assessment(s) is not appropriate for the student and why the alternate assessment selected is appropriate. The IEP must also indicate participation in district-wide assessments and indicate, if the student will participate in alternative assessment, why the district-wide alternative assessment is appropriate for the student.

For students who have been declassified, the CSE may determine that the student continues to need the testing accommodations previously documented in the IEP. If such a determination is made by the CSE and documented in the IEP that recommends declassification, the testing accommodations must continue to be consistently provided to the student for the remainder of his or her public high school education unless it is revised or eliminated by a building level team; or the student achieves a regular high school diploma; or the student ages out at 21 years old.

For students identified as having a disability under Section 504 of the Rehabilitation Act, the 504 Multidisciplinary Team must determine the appropriate testing accommodations for individual students. Documentation of testing accommodations must be included on the student's Section 504 Accommodation plan.

For general education students who incur a short-term disability, such as a broken arm, or long-term disability within 30 days before the administration of State assessment, and sufficient time is not available for the development of an IEP/504 Plan, the building principal may, based on his or her professional judgment, authorize the following testing accommodations:

- extension of time limits;
- administration of tests in a special location;
- recording answers in an alternative manner (when answering questions designed to measure writing ability in English or a second language, students must provide all punctuation, paragraphing and spelling of more difficult words);
- reading tests to students (allowed only for those students whose vision is impaired and only those tests or parts of tests that do not measure reading comprehension).

Any testing accommodations so authorized by the principal must be reported to the Office of State Assessment. Students who have not recently incurred a disability but are still in the process of being evaluated to determine their status as a student with a disability are not eligible for principal-authorized test accommodations.

## **DIPLOMA AND CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The Board of Education is committed to supporting all students so they are college and career-ready upon graduation. Access must be provided to the required coursework, electives and tests as specified in Part 100 of the Regulations of the Commissioner.

### **Regents Diploma or Regents Diploma with Advanced Designation**

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board of Education.

### **Career Development and Occupational Studies Commencement Credential (CDOS)**

Students with disabilities, who have not been designated as being eligible for the Alternate Assessment process, may be issued a New York State Career Development and Occupational Student Commencement Credential (CDOS) upon completion of 216 hours of coursework and work-based learning experience. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district shall ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

### **Skills and Achievement Commencement Credential**

A student who meets the definition of a student with a severe disability, who has taken the New York State Alternate Assessment, as designated in the IEP, may be issued a Skills and Achievement Commencement Credential pursuant to the requirements of the Commissioner's Regulations 8 NYCRR 100.6. Upon application of the student or parent, this credential may be awarded upon the completion of twelve (12) years of attendance or its equivalence, excluding kindergarten, provided the educational goals in the student's current IEP have been achieved.

### **Continued Right to Educational Services**

If a student receiving a Career Development and Occupational Studies Commencement Credential or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the credential shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

## **INDEPENDENT EDUCATIONAL EVALUATIONS**

Definition: An independent educational evaluation (IEE) means an individual evaluation conducted by a qualified examiner who is not employed by the school district. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

The parent of a student with a disability or suspected of having a disability will be entitled to obtain an IEE at public expense if they disagree with the evaluation conducted by the District.

- The parents' disagreement with the District's evaluation shall be set forth in writing.
- The District shall have the right to request a Due Process Hearing to challenge the parents' request for an IEE, but must be made within a reasonable time after receipt of the parents' request.
- The District shall maintain a list of independent evaluators, who possess a current license or certification from the New York State Education Department in the area of evaluation.
- The evaluator must be located within a fifty (50) mile radius of the School District.
- The District will not be responsible for transportation or mileage to and from the site.
- The Independent evaluators shall be permitted to conduct their evaluations on the same basis and under the same conditions as those conducted by the District evaluators.
- The maximum allowance for each IEE shall not exceed the sum of \$ 1,000.00 (One Thousand Dollars) for such evaluations and parents shall request reimbursement for such IEE within twelve (12) months of the District's evaluation.
- The District will not authorize more than one IEE at public expense for each evaluation conducted by the School District.
- For good cause shown, or in the event extraordinary circumstances exist in a specific case, the foregoing condition may be relaxed at the sole discretion of the Board of Education.

The rules for obtaining an IEE at public expense are set forth in the 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 **A Parent's Guide to Special Education: Your Child's Right to an Education in New York State** are available at

[www.p12.nysed.gov/specialed/publications/policy/parentguide.htm](http://www.p12.nysed.gov/specialed/publications/policy/parentguide.htm)

## ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

- Special education programs and services provided to meet the needs of students with disabilities both within its own facilities and in programs provided by the Board of Cooperative Educational Services (BOCES) and attended by district residents; and
- Serving students with disabilities in setting with non-disabled peers, as well.

The District will address space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan.

Through the Superintendent, the district will share information with the SW BOCES District Superintendent relevant for the determination of facility space needs for serving the district's resident students.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in setting with non-disabled peers, the Superintendent, in consultation, with appropriate school personnel will, at minimum:

1. Gather information regarding the number of students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting required for those services to be provided.
2. Review the results of the district's latest census and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school student with disabilities.
3. Anticipate any projected increase in the number of students with disabilities and preschool student with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which they will be provided.

## **METHODS FOR EVALUATING PROGRAM OBJECTIVES**

Ongoing monitoring and review of all students takes place throughout the school year. At the annual review, each student's progress is formally reviewed and placement recommendations are considered. Existing programs are modified or new programs are developed as needed, based upon student need and administrator observation.

The Special Education Department reviews the performance of its students on district and State testing. The graduation rate and credential achieved are noted at the end of each school year. All but a small number of severely disabled students (about 1%) participate fully in the same assessment process as their non-disabled peers.

Every student is re-evaluated every three years or more frequently if requested by the Committee on Special Education. Student growth is reviewed, as is continued eligibility for special education services.

Qualitative techniques such as teacher observation and conferences, classroom observations, anecdotal reports and end of the year student summaries provided additional information for evaluating programming efficacy.

## **SPECIAL EDUCATION RECORDS: ACCESS AND CONFIDENTIALITY**

Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA transfer from the parents/guardians to the student once the student turns 18. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

A letter shall be sent annually to parents/guardians of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA. The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

1. A parent/guardian or a student under 18 or student 18 or older have the right who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
  - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
  - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response shall also outline the procedures to be followed with respect to a hearing regarding the request for amendment.

4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.

8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior of the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as “directory information.”
13. To provide information from the school’s law enforcement unit records.

The District will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records), and administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

### **Confidentiality and Access to Individualized Education Programs (IEPs)**

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Such data will not be disclosed by any school district employee or member of the CSE/CPSE to any person (other than the parent or legal guardian of such student), organization or agency unless the parent or guardian or the child provide written consent or there is a valid court order for such information or disclosure is permitted by law.

#### ***IEP or IESP Copies***

The CSE, CSE subcommittee and CPSE Chairpersons shall ensure that an electronic copy of each student's IEP or IESP and any amendment is provided to each general education and/or special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan.

#### ***Notification of Responsibilities***

In addition to disseminating copies of a student's IEP or IESP; CSE, CSE Subcommittee and CPSE Chairperson must designate one or more professional employee of the district with knowledge of the student's disability and programs to inform each regular education teachers, special education teacher, related service provider, other service provider, paraprofessional and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP or IESP and any amendments.

#### ***Confidentiality***

All copies of a student's IEP or IESP provided or made accessible under this policy must remain confidential, and shall not be re-disclosed to any other person, except in accordance with the IDEAIA and FERPA. All IEP or IESP copies must remain in a secure location on school grounds at all times.

#### ***Documentation***

A sign-off sheet must be maintained indicating the staff member:

1. has received an electronic copy of the student's IEP or IESP or the opportunity to review the IEP or IESP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP or IESP is to be maintained; and
4. has an understanding of the confidentiality requirements.

## **Records Kept in the District, Location and Custodian**

### ***Student Cumulative Record***

The student cumulative record is initiated upon the student's entry into school, and follows the student throughout his/her school career. By the time the student completes secondary school, their record will include the following kinds of information: personal identification data; attendance records, academic history, results of standardized testing, type of diploma and date of graduation, report cards; standardized transcript, correspondence which is pertinent to the educational development of the student; records of suspensions or other disciplinary matter and honors and awards.

### ***Custodian and Locations***

<u>Record</u>	<u>Custodian</u>	<u>Location</u>
Cumulative Record	Principal	Main Office
High School Transcript	Guidance Counselor	Guidance Office
Health Record	School Nurse	Nurse's Office
Speech Records	Director of Special Education	S E Office
CSE/CPSE Records*	Director of Special Education	S E Office

\*Special Education records are kept for seven (7) years following the student's twenty first birthday. Prior to destruction of these records, notification letters are sent to the last known address for the student thirty (30) days prior to disposal.

### ***Parents' Bill of Rights***

As part of the Common Core Implementation Reform Act, Education Law §2-d requires that each educational agency in the State of New York must develop a Parents' Bill of Rights for Data Privacy and Security (Parents' Bill of Rights). The Parents' Bill of Rights must be published on the website of each educational agency, and must be included with every contract the educational agency enters into with a "third party contractor" (as defined below) where the third party contractor receives student data, or certain protected teacher/principal data related to Annual Professional Performance Reviews that is designated as confidential pursuant to Education Law §3012-c ("APPR data").

**PUBLIC REPORTS ON REVISIONS TO DISTRICT POLICIES, PRACTICES AND PROCEDURES UPON A FINDING OF SIGNIFICANT DISPROPORTIONALITY**

The Board of Education recognizes that, despite the district's best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of student with disabilities. To minimize the risk of such occurrence, The Board has adopted policies, practices and procedures for the district which are consistent with the IDEIA and Article 89 of New York's Education Law and their implementing regulations.

Upon learning of significant disproportionality by race or ethnicity in any category, the Board will immediately review the district's policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEIA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of all revisions to the district's policies, practices and procedures undertaken as a result of a finding by the State Education Department of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

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

The District has comparable Child Find responsibilities for all nonpublic school students with disabilities including students attending religiously –affiliated schools as those for the students with disabilities within the public schools.

The District of Location (DOL) is the responsible of the equitable provision of services, child find and consultation requirements as noted in IDEIA 2004 legislation.

Upon notification of a student attending a nonpublic school within the boundaries of the Port Chester-Rye Union Free School district is suspected of having a disability, Consent for Evaluation will be sent to the parent of guardian and an evaluation and review of the student’s educational needs will be scheduled.

If the student is found eligible for special education services, but is not a resident of the Port Chester-Rye UFSD, an Individual Education Service Plan (IESP), rather than an Individual Education Program (IEP), will be developed. The school district of location is responsible for providing the services noted on the IESP. The costs of the evaluation and tuition will be billed to the district of residence. Such tuition costs must exclude costs for such services paid with Federal or State funds.

The Director of Special Education or designee will meet with the principal of the nonpublic school on a yearly basis to review procedures.

**2014-15 ANTICIPATED  
SPECIAL EDUCATION BUDGET**

<b>Account</b>	<b>Account Name</b>	<b>Budget</b>
A2023405104500	Conferences SPED	\$1,000.00
A2023408104500	Memberships SPED	\$500.00
A2023462104500	Maintenance of Office Equip SPED	\$100.00
A2023501104500	Office Supplies SPED	\$3,000.00
A2023504104500	Printed Materials SPED	\$500.00
A2250201104500	Equipment	\$10,000.00
A2250401104500	District of Location/Residence	\$10,000.00
A2250410104500	Related Services Therapy	\$210,000.00
A2250429104500	CPSE/CSE Expense	\$2,500.00
A2250430104500	Training (non BOCES)	\$515.00
A2250XXXXXXXXX	Tuition - BOCES Out of District	\$3,389,922.00
A2250XXXXXXXXX	Tuition - Out of District - Other	\$1,651,707.00
A2250492104500	BOCES Medicaid Reporting - Kinney	\$28,167.00
A2250491110611	BOCES IEP Direct and RTIM Direct	\$24,789.00
A2250502104500	Instructional Supplies - Dist	\$25,000.00
A2250509104500	Computer Instructional Supplies	\$500.00
A2250532104500	Periodicals	\$500.00