

The Rush-Henrietta Central School District Department of Special Education is dedicated to providing a full continuum of services to all students in the least restrictive environment. We will continue to monitor student progress through the use of data from the New York state assessments and four-year graduation rate to make adjustments to programs and services to best meet the needs of our students.

COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

The Committee on Preschool Special Education (CPSE) and Committee on Special Education (CSE) are regulatory processes derived from Individuals with Disabilities Education Act (IDEA). However, in New York State, the committees are implemented under two different systems within the same set of regulations. The district has programmatic but not fiscal responsibility for CPSE services. The district works collaboratively with the County, which holds fiscal responsibility for CPSE services, and preschool service providers to make the CPSE process work effectively.

The CPSE holds meetings including initial referrals, program reviews and annual reviews. Pursuant to the regulations of the State Commissioner of Education, the CPSE makes recommendations to the Board of Education based on the needs of the students.

CPSE MEMBERSHIP: The required members of the CPSE include:

- a parent/legal guardian (s)
- general education teacher
- special education teacher
- school psychologist
- CPSE chairperson (district representative)
- county representative
- a parent member if requested by the parent
- representative from agencies providing service
- related service providers/others with knowledge of the student

CPSE PROCESS

Eligibility: Preschool students may be identified as having a disability if they exhibit a significant delay 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. The CPSE considers all evaluations and compares the child's performance to accepted milestones for child development. The criteria for eligibility are:

- a 12-month delay in one or more functional area(s);
OR
- a 33% delay in one functional area, or a 25% delay in each of two functional areas;
OR

- If appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or score of 1.5 standard deviations below the mean in each of two functional areas;

OR

- Meet the criteria for a disability as described in the terms for school aged students

Referral: A preschool student suspected of having a disability will be referred in writing to the CPSE chairperson. A referral may be made by the student's parent/legal guardian, a professional staff member of the school district, or the Commissioner or designee of a public education agency. If a child is receiving early intervention services (ages 0-2), an early intervention official may notify the school district with parent consent. A transition conference may be convened by the early intervention official, service coordinator, and CPSE chairperson. A request for referral may also be made by a physician or a judicial officer.

Evaluation: Upon the consent of the parent/legal guardian, and the parent's selection of an approved evaluator, a multidisciplinary evaluation will be conducted. The resulting report will include a detailed description of the student's needs.

Recommendations: If the CPSE determines that the student has a disability, the Committee will recommend a program for the student. The committee is required to consider a continuum of services starting from the least restrictive to the most restrictive services. The Committee must first consider related services only or a placement in a part-time or half-time program in an integrated setting with age-appropriate peers without disabilities. More restrictive placements may only be considered if education in a less restrictive placement would not succeed even with the use of supplementary aids and services. If the parent consents to program recommendations, they are then forwarded to the Board of Education. The CPSE must develop an Individualized Education Program for the child.

If a student is found to be ineligible for services, the recommendations shall indicate the reasons for ineligibility.

IEP Implementation: Services for a student identified as having a disability must be implemented no later than 30 school days from the CPSE recommendation. The IEP is developed and distributed to all appropriate staff.

Annual Review: The IEP of a preschool student must be reviewed annually by the CPSE. The committee may meet sooner if necessary, based upon the student's performance or request by the parent/legal guardian or staff member. After a student's annual review, prior written notice of recommendation and copy of revised IEP must be provided to the parent/legal guardian.

Description of Preschool-Aged Settings: Preschool student data represents the environments in which preschool students with disabilities attend and receive educational services. The order does not reflect a continuum from least to most restrictive environments.

- **Early Childhood Program** refers to a program that includes at least 50% non-disabled children. Early childhood programs include, but are not limited to: private preschools,

childcare facilities, or special class in an integrated setting (e.g. a class that contains at least 50% non-disabled children).

- **Special Education Program** refers to a program that includes less than 50% non-disabled students. Special education programs can be in classrooms in general school buildings, childcare facilities, or other community-based settings.
- **Home** refers to services provided in the home. If a child does not attend a general education program or a special education program, the student can receive services at home or a babysitter's location.
- **Itinerant Services** refer to services provided to children who are not participating in a preschool program and receive services at an agency site.
- **Residential Facility** refers to education programs in public or private-operated residential schools or medical facilities on an inpatient basis.
- **Separate School** refers to an education program in a public or private day school designed for students with disabilities (e.g. Mary Cariola Children's Center, Rochester School for the Deaf).

PRESCHOOL STUDENTS (AGES 3-5) SERVICE OPTIONS

Related Services: Related services are recommended by the CPSE to meet the individual needs of a student with a disability as set forth in the Individualized Education Program (IEP). Related services may be provided in conjunction with other preschool special education services.

Related services include, but are not limited to:

- Speech therapy
- Occupational therapy
- Physical therapy
- Counseling
- Vision services
- Teacher of the deaf services
- Assistive technology

The frequency, duration, location, and site are outlined on the IEP, based upon the individual's need for the service. Service can be provided individually or in a group not to exceed five students.

A student with a disability may be provided with more than one related service in accordance with the needs of the student. When two or more related services are the only services recommended on the IEP, the CPSE may designate one of the providers as the service coordinator.

Special Education Itinerant Teacher Services: Special education itinerant services are direct/indirect services provided to preschool students with disabilities by a certified special education teacher. The IEP must indicate the site at which the student will receive special education itinerant teacher services. The site determined by the CPSE can be, but is not limited to, a preschool program, the student's home, or a childcare facility.

Special education itinerant services are for the purpose of providing specialized individual or group instruction and/or indirect services to preschool students with disabilities. Direct special education itinerant teacher services are provided to the child by a certified special education teacher. Indirect special education itinerant services is the consultation provided by a certified special education teacher to assist the child's teacher and/or parent in adjusting the learning environment and/or differentiating the instructional methods to meet the individual needs of a preschool student with a disability who attends an early education program.

Special education itinerant services are provided as consistent with the student's IEP for a minimum of two hours each week. Related services can be provided in addition to special education itinerant services, in accordance with the student's IEP. Preschool students who are in special class or special class integrated setting may also receive special education itinerant Teacher (SEIT) service, depending on the need.

Special Classes: Preschool special classes are provided on a half-day or full-day basis. The chronological age range within special classes for preschool students with disabilities cannot exceed 36 months. Special class services must be provided for a minimum of two and one half hours per day, two days per week.

Preschool special education classes can be provided in an integrated half-day setting. An integrated special class can be provided in a class of no more than 12 preschool children which includes both typical peers and preschool students with disabilities, or a class of no more than 12 preschool students with disabilities, staffed by a certified special education teacher and paraprofessional, which is housed in the same facility as a preschool class of typical peers taught by another certified preschool teacher.

COMMITTEE OF SPECIAL EDUCATION (CSE)

The CSE conducts initial referrals, program reviews, and reevaluations on a yearly basis. Additionally, every student with an Individualized Education Program (IEP) must have an annual meeting to review their progress and to determine appropriate placement for the following school year. Pursuant to the regulations of the Commissioner of Education, the CSE makes recommendations to the Board of education on the needs of students who qualify for special education services.

CSE Membership: The required members of the CSE include:

- the student's parent/legal guardian (s)
- the student, if appropriate
- general education teacher
- special education teacher
- school psychologist
- CSE chairperson (district representative)
- parent member, if requested
- district nurse practitioner, if requested and when appropriate
- others with knowledge/expertise about the student

CSE PROCESS

Pre-referral interventions: Generally, when a student is experiencing academic or social difficulties in school, the child's teacher will refer the student for Academic Intervention Services (AIS). These services include support for reading, mathematics, science and social studies.

Students with mild speech and language problems may be provided with building level speech improvement services. Similarly, students with mild occupational or physical therapy needs are provided a screening with recommendations by the therapist. These students are generally not classified as disabled.

In accordance with the IDEA and Part 200 of the Commissioner's Regulations, the district must develop a policy and implement a plan to establish pre-referral interventions to assist 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 schools' principal and building level teams to investigate all possible avenues of general education support services that would enable the student to achieve the learning standards. Such services may include, but are not limited to, Academic Intervention Services and Educationally Related Support Services. These services must be afforded to all students who do not meet the minimum designated standards on State assessments, and to students who are English Language Learners (ELL) who do not achieve the annual performance standards. All school-wide approaches to 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 pre-referral interventions will not be utilized as a barrier to prevent appropriate referrals for special education services but shall be used to assess the ability of the student to benefit from general education services.

Referral: A student suspected of having a disability will be referred in writing to the CSE chairperson or the school principal. A referral may be made by the student's parent/legal guardian, a building principal, the Commissioner, a physician, judicial officer, a professional staff member of a public agency with responsibility for welfare, health or education of children, or student who is 18 years of age or older, or an emancipated minor.

The referral should indicate the reasons the student is suspected of having a disability; the intervention services, programs or methodologies used to remediate the student's performance prior to referral; or the reasons why no such attempts were made, and description of the extent of prior parent contact.

Upon receiving a request for referral, within 10 days, the following must occur:

- Request parent consent to initiate evaluation; OR
- Provide the parent with a copy of the request for referral; AND
- Inform the parent of his/her right to refer the child for an initial evaluation; AND
- Offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services.

Referral Withdrawal: The principal may request a meeting with the parent/legal guardian, student if appropriate, and referring staff member to determine whether the student would benefit from additional education support services as an alternative to special education. This meeting must occur within 10 school days upon receipt of the referral. If it is agreed upon that alternative interventions need to be provided, with data collection and progress review, then a withdrawal of the referral may be requested in writing.

Evaluation: An individual evaluation will be conducted by the CSE. The evaluation must include:

- A social history, which is a report of information about the student, the student's family and environment that may be influencing performance in school.
- A psychological evaluation, which assesses such areas as development, organization, memory, learning and other personality characteristics.
- A functional behavior assessment will be included if a student displays behaviors that are interfering with the learning process.
- An educational assessment of the student's academic achievement.
- A physical examination to assess any physical or medical factors that may be influencing performance in school or you may submit an exam from your family physician.
- An observation of the student in the student's learning environment, or if out of school, an age-appropriate environment.
- If needed, a speech and language evaluation to assess the student's ability to understand and use language.
- If needed, an assessment of motor abilities that may be influencing performance in school.

Recommendation: The CSE makes the recommendation on whether or not the student has a disability that impedes their academic progress after reviewing the evaluations, prior interventions, teacher reports, and parental statements. A student can be identified due to mental, physical, or emotional needs as having one of the following 13 educational disability classifications:

- Autism
- Deafness
- Deaf-Blindness
- Emotional Disturbance
- Hearing Impaired
- Learning Disabled
- Intellectually Disabled
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual impairment

IEP Development: Prior to developing a recommendation to the Board of Education for special education services, the CSE must ensure that the student is receiving general education services including AIS as appropriate. A student having an IEP does not negate the right of this student to receive AIS services. The CSE must develop an IEP for each student with a disability.

The IEP must list the student's academic achievement, physical and social development, management needs, and present levels of performance (PLPs) for each major goal area. The IEP must have the following component:

- the classification of the disability and a statement of how the child's disability affects his or her involvement and progress in the general curriculum;
- evaluation results;
- current levels of functioning including strengths in management, academic, physical, and social areas;
- measurable annual goals;
- special education program(s) or service (s) and modification, including the projected date for the beginning, anticipated duration, location and frequency, ratio;
- an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in other activities;
- explanation of exemption from a language other than English if appropriate;
- supplementary aides and services the student needs;
- program modifications or supports for school personnel;
- assistive technology devices needed;
- identification of whether the student will participate in the New York State regular or alternate assessments, and test accommodations that will be used;
- a functional behavior assessment and behavior intervention plan for any child whose behaviors impede the learning of the student or others;
- a transition plan for students age 15 and older, which includes outcome statements and activities in the areas of post-secondary education/training, employment, and community living, as well as specific interagency responsibilities and linkages.

IEP Implementation: It is the responsibility of the district to implement the IEP within 60 days of the date that the parent signed consent for CSE evaluation of the student. Each student's parent and teachers must be provided access to the IEP (electronically or in hard copy) and consent is required by the parent/guardian for initial provision of services to begin.

Annual Review/Reevaluations: The CSE must review the IEP of each student with a disability annually and make recommendations to accurately update the IEP. The review will include consideration of the progress the student has made and the IEP will be revised to address any lack of progress to meet the student's needs. Test and instructional accommodations will be reviewed and adjusted as needed. After the annual review, Prior Written Notice of the recommendations and a copy of the new IEP are provided to the parent.

Students will be re-evaluated at least every three years to determine if the student continues to be eligible for special education services. A re-evaluation requires parental consent, unless the district can document it has made reasonable attempts to get consent and the parent has not responded. Parents must receive Prior Written Notice before the student is evaluated. Additional information can also be requested in addition to standardized assessment materials (report cards, student work, attendance records, teacher recommendations, etc.). If the student continues to qualify for special education services, the IEP will be updated as needed. If a student is no longer eligible to be classified as a student needing special education services, the student may be declassified with no further services or he/she can receive a year of declassification support when appropriate and discussed at the CSE meeting.

Mediation and Impartial Hearing: If a parent/legal guardian disagrees with the recommendations of the CSE, they can request to have a follow up meeting with the special education department or mediation through an impartial hearing to resolve their difference. If an impartial hearing is requested, an impartial hearing officer will be appointed and the decision of the hearing officer is final unless it is appealed to the State Review Officer.

SCHOOL-AGED STUDENTS (Ages 5-21) SERVICE OPTIONS

The following descriptions reflect the nature and scope of special education services for school-aged students in the Rush-Henrietta Central School District. Services are consistent with the requirements set forth in the Part 200 Regulations of the Commissioner of Education.

Related Services: Related services are recommended by the CSE to meet the individual needs of a student with a disability as set forth in the individualized education program (IEP). Related services may be provided in conjunction with a general education program or with other special education services.

Related services include, but are not limited to:

- Speech therapy
- Occupational therapy
- Physical therapy
- Counseling
- Vision services
- Orientation and mobility services
- Audiology services
- Teacher of the deaf services
- Transition Services

For students with disabilities determined to need speech and language services, such services shall be provided based on student needs. The total caseload of such students for teachers providing the service shall not exceed 65.

A student with a disability may be provided with more than one related service in accordance with the needs of the student. The frequency, duration, and location of services are outlined on the IEP, based upon the individual's need for the service. Service can be provided individually, or in a group not to exceed five students as determined by the CSE.

Related services are available to all Rush-Henrietta Central School District students with disabilities both in district schools as well as in out-of-district programs. In some cases when an out-of-district program cannot provide a related service, the Rush-Henrietta Special Education Department arranges for the provision of the service to the student.

Consultant Teacher Services: Consultant teacher services are direct and/or indirect services provided to students with disabilities in the student's general education classes and/or with the

student's general education teachers. The IEP must indicate the general education classes in which the student will receive consultant teacher services.

Direct consultant teacher services means specially designed individual or group instruction by a certified special education teacher to students in general education classes. Indirect consultant teacher services means the consultation provided by a certified special education teacher to general education teachers to assist them in adjusting the learning environment and/or differentiating the instructional methods to meet the individual needs of a student with a disability in the general education classes.

The total number of students with disabilities assigned to a consultant teacher cannot exceed 20. Each student requiring consultant teacher services shall receive direct and/or indirect services, consistent with the student's IEP, for a minimum of two hours each week.

Consultant teacher services are available to Rush-Henrietta Central School District students with disabilities as outlined on the IEP.

Resource Room Service: Resource room service is provided for the purpose of supplementing the general or special classroom instruction of students with disabilities who are in need of such supplemental service. It can be provided for the purpose of supplementing classroom instruction for students with disabilities who are in need of such supplemental service.

Each student requiring resource room services shall receive services consistent with the student's IEP for a minimum of three hours each week. Instructional groups for resource room are not to exceed five students with one teacher during instructional time. Students cannot spend more than 50 percent of their time during the day in resource room services.

The total number of students assigned to a resource room teacher cannot exceed 20 at the elementary level and 25 at the secondary level.

Integrated Co-Teaching Service: Rush-Henrietta includes integrated co-teaching in its continuum of services. Integrated co-teaching is the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and non-disabled students. The total number of students with disabilities in integrated co-teaching cannot exceed twelve. A general education teacher and special education teacher are assigned to each integrated co-teaching class based on the frequency and duration in the IEP.

Special Class Service: A student with a disability is provided with special class instruction to the extent indicated on the student's IEP. The size and composition of the class is based upon the similarity of individual needs of the students according to: the levels of academic or educational achievement and learning characteristics, levels of social development, levels of physical development, and the management needs of the students in the classroom.

The special class size for students with disabilities is determined based upon the degree of individualized attention and intervention. The maximum class size for students whose special education needs consist primarily of the need for specialized instruction is 15 students. The

chronological age range within special classes of students with disabilities is not to exceed 36 months, except for special classes of students with disabilities who are 16 years of age and older.

Students with disabilities who require special class services may receive them in the Rush-Henrietta Central School District, BOCES 1, or BOCES 2.

The district is prepared to provide a special class for students working toward grade-level standards who take state and local assessments. For those students whose disabilities are so severe that they require modified instruction that leads to participation in alternative assessments, the district provides special class.

Private Schools and State-Operated or State-Supported Schools: The CSE recommends services in an approved private special school, state-operated, or state-supported schools when the nature or severity of the student's disability is such that appropriate public facilities for instruction are not available.

Students with disabilities who require special school services receive them at School of the Holy Childhood, Mary Cariola Children's Center, Norman Howard, Crestwood Children's Center, Hillside Children's Center, The Kessler Center and Rochester School for the Deaf.

Home Placement: Students with disabilities who are recommended for home and/or hospital instruction by the CSE shall be provided instruction and appropriate related services as determined by the CSE in consideration of the student's unique needs. Home and hospital instruction shall only be recommended if such placement is the least restrictive environment. Service must be recommended for a minimum of five hours per week at the elementary level, preferably one hour daily; or a minimum of ten hours per week at the secondary level, preferably two hours daily.

Extended School Year (special education summer school): Students who are classified under CSE may be eligible for extended school year services if they meet the criteria and have the inability to maintain developmental levels due to a loss of skill or knowledge during the summer months of such severity 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 previous school year. The CSE must determine substantial regression for a student to participate or receive related services only during an extended school year program.

Description of School-Aged Settings: Integrated settings are those where instruction is provided in classrooms and/or schools with non-disabled peers. The data on the following pages reports integrated settings by the percent of time in a general education setting.

- 80% or more refers to students who receive related services only, consultant teacher services, integrated co-teaching services and/or resource room services.
- 40-79% refers to students who receive instruction in special class for some of the core content areas.

- Less than 40% refers to students who receive all core content instruction in an in-district special class or receive instruction in a BOCES 1 or BOCES 2 special class.

Programs are reported as segregated settings when located at a school or facility that services only students with disabilities.

- Separate School refers to students who are placed in schools such as School of the Holy Childhood, Mary Cariola Children’s Center, Norman Howard, Rochester School for the Deaf (including residential program), Day Treatment (e.g. Crestwood Children’s Center, Hillside Children’s Center or the Kessler Center).
- Residential Placement refers to students who require twenty-four hour programs.
- Home Placement refers to students who are assigned to home instruction awaiting placement or have significant health conditions and severe physical disabilities that prevent the student from attending a school program.

Programs are reported as CSE Responsibility Only for students whose parents have chosen to home school or place their child in a private school setting.

- Home Schooled refers to students who are educated at home by their parents/legal guardians and receive special education and related services from the district. These services are outlined on an Individualized Education Service Program.
- Parentally placed in a nonpublic school refers to students who are parentally placed in a nonpublic school within the Rush-Henrietta district of location and are receiving publicly funded special education and related services or students who are identified with a disability but are not receiving any publicly funded special education services. These are students whose parents have enrolled them at Norman Howard and School of the Holy Childhood.

INSTRUCTIONAL MATERIALS MADE AVAILABLE IN ALTERNATIVE FORMAT

The district accepts responsibility to ensure that each student who requires instructional materials in alternative format (e.g. who are blind or have other print disabilities) will receive it in a timely manner and in a format to meet the National Instructional Materials Accessibility Standard (NIMAS) (8NYCRR section 200.2(b)(10)). The district and BOCES 1 participate in NIMAS to help guarantee timely provision of such materials to students. In addition, the district subscribes to Learning Ally, Bookshare, and The Talking Books and Braille Library through the New York State Library to provide textbooks in auditory format. Students must qualify for this service on their IEP or 504 and demonstrate either a Learning Disability in reading or a physical impairment that requires audio books.