

Section 7 Building procedures to ensure compliance

CHAPTER 408

CHAPTER 408 IEP DISTRIBUTION FROM

**NYSED CONTINUUM OF SPECIAL EDUCATION SERVICES FOR SCHOOL –
AGE STUDENTS WITH DISABILITIES UPDATED NOVEMBER 2013**

DISABILITY DEFINITIONS

**DOCUMENTATION OF THE DETERMINATION OF ELIGIBILITY FOR A
STUDENT SUSPECTED OF HAVING A LEARNING DISABILITY**

**NYSED MEMORANDUM JUNE 2014 THE ROLE OF THE CSE IN RELATION
TO THE COMMON CORE LEARNING STANDARDS**

PRIOR WRITTEN NOTICE FORM

MEETING NOTICE FORM

STUDENT INFORMATION & IEP TEMPLATE

**CONSENT (EVALUATIONS, INITIAL PROVISION OF SPECIAL EDUCATION
SERVICES, RELEASING INFORMATION)**

REVOKING CONSENT FOR SPECIAL EDUCATION SERVICES

RCSD Chapter 408 Information Overview

The IEP describes the school's obligation to provide specially designed instruction, related and other support services to students with disabilities. In order for students to achieve the full benefit of the IEP planning process, school personnel with responsibility for implementing the IEPs of students with disabilities must understand their responsibilities and have students' IEPs readily available to them. State Education Law and the Regulations of the Commissioner of Education require that this occur.

Accordingly, the Principal shall implement procedures to ensure that:

1. Each general education teacher, special education teacher and related service provider and/or other service provider who is responsible for the implementation of the student's IEP is provided a paper or electronic access of the IEP, including amendments to the IEP, prior to the implementation of such IEP.
 - a. Every teacher responsible for implementing a service, accommodation and/or program modification on a student's IEP must receive a copy or electronic access of the IEP.
 - b. Annually, every teacher must receive training on how to access the IEP electronically.
 - c. The determination of which teachers must be provided a copy or electronic access of the IEP should be made at the CSE meeting for such student.
2. Each paraprofessional responsible for assisting in the implementation of a student's IEP is provided the opportunity to review a copy of the student's IEP prior to implementation of such program.
3. Each paraprofessional responsible for assisting in the implementation of a student's IEP has ongoing access to a copy of the IEP. Such copy may be
 - a. the copy provided to the student's special education teacher;
 - b. the copy provided to the teacher or related service provider under whose direction the paraprofessional or teacher's aide works; or
 - c. a copy maintained in another location in the school building that is readily accessible to the paraprofessional.
4. **Each general education teacher, special education teacher, related service provider, paraprofessional, and other support staff has been informed, prior to implementation of the IEP, of his or her responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP.**
 - a. The principal shall designate an individual who is an employee of the RCSD and who is familiar with the contents of the student's IEP, such as a school psychologist or a teacher, to ensure that appropriate staff is so informed.
 - b. Any teachers and/or related service providers who were present at the meeting at which the IEP was finalized shall be assumed to be familiar with the contents of the IEP and of their specific duties in implementing the IEP.
5. All school personnel responsible for the implementation of a student's IEP must sign the *Chapter 408 Summary: IEP Distribution and Review Form*.
6. A copy of the IEP is provided at no cost to the student's parents.
 - a. If the IEP is finalized at a school level CSE meeting, the student's parents shall be provided a copy at the conclusion of the meeting.
 - b. If the IEP is finalized at a Central Office CSE meeting, Central Office is responsible for ensuring that a copy of the student's IEP is provided to the student's parents *and* the principal of the school that the student attends.
7. Student IEPs remain confidential and are not disclosed to any other person(s) consistent with the school district's policy for ensuring confidentiality of student records.
 - a. All persons who receive copies of IEPs or have access to IEPs must be instructed regarding their legal obligation to maintain the confidentiality of student records.
 - b. Personally identifiable information in a student's education records, including the student's IEP, may be disclosed to school personnel with "legitimate educational interests."
 - c. School personnel responsible for implementing a student's IEP have a "legitimate educational interest" in accessing the IEPs of the students they serve.
 - d. Teachers and related service providers who receive a copy of a student's IEP shall not disclose personally identifiable information from the IEP without consent of the parent.

Chapter 408 Summary: IEP Distribution and Review

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The completed form must be maintained in the student's confidential file in the school building. This distribution process must be completed and is repeated throughout the year at any time a new IEP is developed.

Continuum of Special Education Services for School-Age Students with Disabilities

April 2008

(Updated November 2013)



**The University of the State of New York
The State Education Department
Office of P-12 Education: Office of Special Education
Albany, N Y 12234**

FORWARD

Research on specially designed instruction clearly supports high quality instruction provided to the greatest extent possible to meet the student's individualized education program (IEP) in the general education classrooms where students with disabilities have the greatest likelihood of receiving curriculum content delivered by highly qualified teachers. Schools may utilize a variety of combinations of special education supports and services to serve students with disabilities in general education settings and promote meaningful access, participation and progress in the general curriculum, including consultant teacher services, paraprofessional support, resource room services and integrated co-teaching.

Access to and participation in the general education curriculum does not occur solely because a student is placed in a general education classroom, but rather when students with disabilities are actively engaged in learning the content and skills that define the general education curriculum. Meaningful access to the general education curriculum means that a student with a disability has the appropriate supports, services and accommodations to address his or her disability in consideration of the content of the curriculum, instructional materials, how the curriculum is taught to the student, the physical environment and how the student's learning is measured. It is the consideration of the individual needs of the student and the support, services and/or modifications needed to the general education curriculum, instructional methods, instructional materials and/or instructional environment that determine which of the service delivery options would be most appropriate to assist the student to meet his/her annual goals and to meet New York State's (NYS) learning standards.

This document, which replaces the document issued in April 2008, should assist school personnel to understand the regulatory requirements under which each service must be provided and to assist in the determination of which of these special education services might be most appropriate for an individual student. Questions regarding this document may be directed to the Special Education Policy Unit at 518-473-2878 or to the local Special Education Quality Assurance (SEQA) Office at:

Central Regional Office	(315) 428-4556
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185 or (914) 245-0010
Long Island Regional Office	(631) 952-3352
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002
Nondistrict Unit	(518) 473-1185

New York State's Continuum of Special Education Services for School- Age Students with Disabilities: Question and Answers

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General Information

1. *How is special education defined in New York State (NYS)?*

Special education means specially designed individualized or group instruction or special services or programs and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

- 1) Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
- 2) Such instruction includes specially designed instruction in physical education, including adapted physical education.

2. *What is specially designed instruction?*

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs

that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

3. *What special education services and programs are included in NYS' continuum of services?*

The **continuum of special education services** for school-age students with disabilities is an array of services to meet an individual student's needs that includes:

- consultant teacher services (direct and/or indirect);
- resource room services;
- related services;
- integrated co-teaching services; and
- special class.

Additional special education services that may be recommended for students include:

- *Transition Services* are a coordinated set of activities for a student with a disability beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities.
- *Transitional support services* are those temporary services, specified in a student's IEP, provided to a general or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a general education classroom or to another special education program or service in a less restrictive environment.
- *Travel training* is instruction, as appropriate, provided to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
- *Adapted physical education* is a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.
- *Twelve-month special service and/or program* is a special education service and/or program provided on a year-round basis for students with disabilities determined to require a structured learning environment of up to 12 months duration to prevent substantial regression.
- *Special transportation* means services and supports necessary for the student to travel to and from school and between schools; in and around school buildings; and includes specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation to a student with a disability. Examples of special transportation include: special seating; vehicle and/or equipment needs; adult supervision; type of transportation; and other accommodations. See <http://www.p12.nysed.gov/specialed/publications/policy/specialtrans.htm>

NOTE: When recommending special education services in a student's IEP, the Committee on Special Education (CSE) must use the special education services terms as used in the regulations, but may add clarifying terms that identify a district-specific program as long as such program meets the specifics of the regulations for that service. As examples, if the school district calls its resource room a "learning lab", then the IEP could indicate resource room (learning lab); or if the district uses the term "collaborative

team teaching" to mean the same thing as "integrated co-teaching", then the IEP could indicate "integrated co-teaching (collaborative team teaching).

The **continuum of placement** options in NYS includes: public schools, boards of cooperative educational services (BOCES), private approved day and residential schools and home and hospital instruction.

The district must also include, in its continuum of placement options, interim alternative educational settings (IAES) options for students with disabilities who have been suspended or removed from their current placement for more than 10 school days pursuant to Part 201 of the Regulations of the Commissioner of Education (Discipline Procedures for Students with Disabilities). The IAES, to the extent provided in Part 201, must be an educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES must:

- continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward the goals set out in the student's IEP; and
- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

4. What is meant by "location" of services which must be documented on the IEP? Does it mean the same as "placement"?

The "location" of services is not the same as "placement" as defined above. "Location" in the context of a student's IEP generally refers to the type of environment that is the appropriate place where a particular service, program modification or accommodation would be provided. The decision as to the location where a service (e.g., in the general education English class; in the special class; in a separate therapy room) will be provided should be made in consideration of the least restrictive environment (LRE) provisions and in consideration of the student's overall schedule and participation in general education classes. The location where services will be provided needs to be stated specifically enough so the CSE's recommendations regarding location of services is clear; however it is not necessary for the room number of the classroom to be indicated. A CSE should first consider the general education class as the location for the provision of special education services rather than a separate location in order to facilitate the student's maximum participation in general education programs and in the general education curriculum.

5. What does LRE mean and how does it relate to the continuum of service options?

LRE refers to the extent special education services are provided to a student in a setting with the student's nondisabled peers and as close to the student's home as possible. The continuum of services identifies different service delivery models to provide specially designed instruction to a student with a disability. Some of the services such as consultant teacher and integrated co-teaching services are directly designed to support the student in his/her general education class. Others may or may not be provided in

settings with nondisabled peers, depending on the needs of the student. This is why the documentation of "location" in the IEP is important. The continuum of placement options is also directly related to LRE placement decisions.

6. What rules apply for grouping students with disabilities together for purposes of instruction?

Students with disabilities placed together for purposes of special education (including resource room, special class, consultant teacher services, integrated co-teaching and related services groups) must be grouped by **similarity of individual needs** in accordance with the four need areas listed below:

- **academic achievement, functional performance and learning characteristics** - the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style.
 - The range of academic or educational achievement of such students must be limited to assure that instruction provides each student appropriate opportunities to achieve his or her annual goals.
 - For students placed in a special class, except for a 12:1+ (3:1) special class, where the range of achievement levels in reading and mathematics exceeds three years, special notification to the CSE and parents must be provided.
 - The learning characteristics of students in the group must be sufficiently similar to assure that this range of academic or educational achievement is at least maintained (i.e., no students fall behind in academic achievement because their instructional needs are not being addressed due to the range of learning characteristics of students in the class).
- **social development** - the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments.
 - The social development of each student must be considered prior to placement in any instructional group to assure that the social interaction within the group is beneficial to each student, contributes to each student's social growth and maturity, and does not consistently interfere with the instruction being provided.
 - The social needs of a student cannot be the sole determinant of such placement.
- **physical development** - the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process.
 - The levels of physical development of such students may vary, provided that each student is given appropriate opportunities to benefit from such instruction.
 - Physical needs must be considered prior to determining placement to assure access to appropriate programs.
 - The physical needs of the student cannot be the sole basis for determining placement.

- **management needs** - the nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.
 - Management needs must be determined in accordance with the factors identified for a student in relation to the areas of academic achievement, functional performance and learning characteristics, social development and physical development.
 - The environmental modifications or adaptations and the human or material resources provided may not consistently detract from the opportunities of other students in the group to benefit from instruction.

7. What does class size mean?

Class size means the maximum number of students who can receive instruction together in a special class or resource room program and the number of teachers and supplementary school personnel assigned to the class.

8. What is meant by "program modifications, accommodations, supplementary aids and services"?

The terms program modifications, accommodations and supplementary aids and services are often used interchangeably and are documented together in the same section of the IEP, but they have different meanings requiring different considerations in the development of recommendations for individual students.

- *Supplementary aids and services* means aids, services and other supports to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in the LRE (e.g., a note taker; assignment of paraprofessional staff; study guide outlines of key concepts).
- *Accommodations* means adjustments to the environment, instruction or materials (e.g., instructional materials in alternative format such as large print or Braille, fewer items on each page; extra time to complete tasks) that allow a student with a disability to access the content or complete assigned tasks. Accommodations do not alter what is being taught.
- *Program modifications* may be used to describe a change in the curriculum or measurement of learning, for example, when a student with a disability is unable to comprehend all of the content an instructor is teaching (e.g., reduced number of assignments; alternate grading system).

Supplementary aids and services, accommodations and/or program modifications can be provided in general education classes, special classes or other education-related settings, including extracurricular and non-academic settings.

9. What is meant by "supports for school personnel on behalf of the student"?

The IEP must describe the supports for school personnel that will be provided on behalf of the student in order for the student to advance toward attaining the annual goals, to be involved in and progress in the general curriculum and to participate in extracurricular

and other nonacademic activities. Supports for school personnel are those that would help them to more effectively work with the student. These could include, for example, special training for a student's teacher to meet a unique and specific need of the student. These supports for school personnel are those that are needed to meet the unique and specific needs of the student.

Examples of supports that may be provided for school personnel include:

- information on a specific disability and implications for instruction;
- training in use of specific positive behavioral interventions;
- training in the use of American Sign Language;
- assistance with curriculum modifications;
- behavioral consultation with school psychologist, social worker or other behavioral consultant; and/or
- transitional support services.

10. Can the district implement an innovative program for students with disabilities that varies from the regulatory continuum of service options?

Yes. The Commissioner may grant a waiver from the continuum of services options upon a finding that such waiver will enable a local school district, BOCES, approved private school, State-operated school, State-supported school or State department or agency to implement an innovative special education program that is consistent with State law, applicable federal requirements and all other sections of Part 200, and will enhance student achievement and/or opportunities for placement in regular classes and programs. The requirements for submission of such an innovative waiver can be found in section 200.6(l) of the Regulations of the Commissioner of Education.

(<http://www.p12.nysed.gov/specialed/lawsregs/sect2006.htm>)

Consultant Teacher (CT) Services

11. What are CT services?

CT 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.

- Direct CT services mean specially designed instruction provided to an individual student with a disability or to a group of students with disabilities by a certified special education teacher to aid the student(s) to benefit from the general education class instruction. Direct CT can be combined with indirect CT services.
- Indirect CT services mean consultation provided by a certified special education teacher to a general education teacher to assist the general education teacher in adjusting the learning environment and/or modifying his/her instructional methods to meet the individual needs of a student with a disability who attends the general education class. Indirect CT can be combined with direct CT services.

12. Can a student with a disability be removed from his or her class in order to receive CT services?

No. CT services are special education services to support a student while he or she is participating in instruction in the general education class. It is not a pull out service. If a student with a disability needs specially designed instruction delivered outside of the general education class (e.g., specialized reading instruction), this service could be recommended in the IEP of the student as special class, related service or resource room services, but not as CT services.

13. How must CT be identified in a student's IEP?

If the student's IEP indicates CT services, the IEP *must* specify the general education class(es) (including career and technical education classes, as appropriate) where the student will receive the services.

- If CT services are to be provided to an elementary student, the IEP should indicate the subject areas of instruction when the CT would be providing services to the student (e.g., during reading groups; during math instruction).
- If CT services are to be provided to a middle or secondary student, the IEP must specify the class subject(s) where CT will be provided (e.g., English, math, science, art, music).
- If indirect CT services are to be provided, the IEP must indicate the regular (or general) education class being taught by the teacher receiving the consultation.

The IEP should specify the type of CT services the student will receive (i.e., direct or indirect) so that it is clear to parents and educators the extent to which such services will be provided.

14. How are the methods and schedules for CT services determined?

The effective implementation of CT services requires general and special education teachers to work cooperatively to address the needs of students with disabilities. Section 200.4(e)(5) of the Regulations of the Commissioner of Education requires that, following the development of an IEP in which CT services are recommended, the general education teachers of the student for whom the service will be provided must be given the opportunity to participate in the instructional planning process with the CT to discuss the objectives and to determine the methods and schedules for such services. The methods and schedules for such services should be documented and communicated to the parent of the student.

15. Who can provide CT services?

CT services can only be provided by a certified special education teacher - a person certified or licensed to teach students with disabilities. A teaching assistant cannot be assigned as the CT nor can the teaching assistant work under the supervision of a special education teacher to be the provider of this service.

When consultant teacher services are to be provided for the purpose of providing specially designed reading instruction for a student who has significant reading difficulties that cannot be met through general reading programs, such instruction may be provided by a reading teacher qualified under section 80.7 of the Regulations of the Commissioner of Education.

(See <http://www.p12.nysed.gov/specialed/publications/policy/readguideline.html>)

16. Can students be grouped together for purposes of receiving consultant teacher services?

Yes. CT services may be provided on an individual or group basis (two or more students), provided that such students are grouped based on similarity of need (see question #5 above). The maximum number of students who may be assigned to a CT may not exceed 20.

17. Can the CT be the primary academic instructor for the student?

No. The definition of CT does not include providing primary academic instruction to a student with a disability. CT services are provided to adapt, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to support the student to successfully participate and progress in the general curriculum during regular instruction, so that he or she can meet the educational standards that apply to all students.

18. Can a CT be assigned to a class full time?

Yes. A CT may be assigned to a class full time to meet the needs of individual students with disabilities enrolled in the general education class who are recommended for CT services. However, there is no requirement that a CT be assigned full time to a class.

19. Does the minimum number of hours for CT include both direct and indirect services?

Yes. The minimum number of hours for CT services, two hours per week, applies to direct and indirect services, in any combination. However, if the student is also recommended to receive resource room services, the minimum number of hours of the combined resource room and CT services is three hours per week. The IEP must specify for each service (resource room and CT) the frequency, duration and location. For example, the IEP of a student receiving a combination of services, based on the individual needs of the student, might indicate:

Resource room services - 3 times a week, 40 minute sessions

Consultant teacher services (direct)- English class - 2 times per week, 40 minute sessions

Resource Room Program

20. What is a resource room program?

Resource room program 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.

21. Must students with disabilities placed in a resource room program be grouped based on similarity of individual needs?

Yes. The composition of instructional groups in a resource room program must be based on the similarity of the individual needs (see question and answer # 6) of the students according to:

- 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.

22. Is there a minimum amount of time that a student must receive resource room programs if this service is recommended in the student's IEP?

Yes. Regulations require that each student with a disability requiring a resource room program shall receive not less than three hours of instruction per week in such program. However, if the student is also recommended to receive CT services, the minimum number of hours of the combined resource room and consultant teacher services is three hours per week. The IEP must specify the frequency, duration and location for each service.

23. Is there a maximum amount of time that a student can spend in a resource room program?

Yes. Regulations prohibit students from spending more than 50 percent of their time during the day in the resource room program.

24. What are the instructional grouping requirements that pertain to resource room programs?

An instructional group which includes students with disabilities in a resource room program cannot exceed five students per teacher. The total number of students with disabilities assigned to a resource room teacher cannot exceed 20 students, except that the total number of students with disabilities assigned to a resource room teacher who serves students enrolled in grades seven through twelve or a multi-level middle school

program operating on a period basis cannot exceed 25 students. The Commissioner may approve a variance increasing the size of a resource room instructional group and the number of students assigned to a resource room teacher.

In addition, New York City only may increase the number of students in a resource room program up to a maximum of eight students to one teacher; and may increase the maximum number of students with disabilities assigned to an elementary school resource room teacher to 30; and to a multi-level middle or secondary school program resource room teacher to 38.

25. Can a resource room with one special education teacher assigned include more than five students at any one time period?

No, except as noted above for variances to resource room instructional group size granted by the Commissioner, when there is only one special education teacher assigned to a resource room, the instruction group size cannot exceed five students.

26. How can a teaching assistant assist in the delivery of resource room services?

Each student with an IEP that indicates resource room services must receive such services from the special education resource room teacher. While a teaching assistant, under the general supervision of the special education teacher, can assist in the delivery of the special education services, he or she cannot be the provider of such services in place of the special education teacher. As an example, for each resource room period, while the special education teacher may be instructing three of the students, a teaching assistant, under the supervision of the special education teacher, may be working with the other two students. (Also see question #63.)

27. May a resource room program be provided in a general education classroom?

Yes, provided that the resource room teacher provides specially designed instruction to students grouped together for purposes of the resource room program, which supplements the instruction provided in the general education class.

28. What is the difference between direct CT services and resource room services located in a general education classroom?

Direct CT services are services of a special education teacher provided to an individual student or a small group of students with disabilities to adapt, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to support the student to successfully participate and progress in the general curriculum during regular instruction, so that he or she can meet the educational standards that apply to all students. Consultant teacher services are provided simultaneously with general education content area instruction.

Resource room services are small group supplementary instruction that cannot otherwise be provided during the student's regular instructional time. As examples, a resource room program might be recommended for students who need specialized

supplementary instruction in organization skills, reading, the use of an assistive technology device, the use of Braille or the use of a compensatory strategy. However, resource room students must also have access to instruction in all required general education content area learning standards in addition to their resource room supplemental instruction.

29. *May resource room programs be used as the time for the student to complete his/her homework?*

Specialized supplementary instruction (as defined above) must be provided in the resource room program for each student. While the teacher may use classroom related assignments as the vehicle to provide specialized supplementary instruction to address the unique needs of a student with a disability, a resource room program for a student with a disability cannot be treated as a study hall.

30. *Can a resource room include nondisabled students?*

Yes, provided that an instructional group that includes students with disabilities does not exceed five students (or the number approved through the variance provision described in question 23).

31. *Can a student with a disability receive a combination of resource room, special classes and CT services?*

Yes. Based on the individual needs of a student with a disability, the CSE could recommend, for example, that the student receive special class for one or more subjects (e.g., math and English), CT for one or more other subjects (e.g., science and social studies), and resource room services.

Integrated Co-Teaching Services

32. *What is the definition of integrated co-teaching services?*

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

33. *Where can school districts access information on integrated co-teaching to support successful implementation in its schools?*

School districts are encouraged to review information that can be found at the following web sites:

www.k8accesscenter.org/index.php
www.ped.state.nm.us/seo/library/grtriv.0404.coteaching.lcook.pdf

These web sites are two of many that identify the research that supports this practice and provides practical information on the various ways in which integrated co-teaching

may be provided and provides professional development modules for teachers and supervisors regarding this service.

34. *Must every school district offer integrated co-teaching services on the continuum of services?*

No. However, the use of integrated co-teaching services is strongly encouraged. School districts may strategically determine, based on the needs of its students, to offer such services at certain grade levels, or in certain subjects. Implementation of integrated co-teaching could be gradually phased into a school district.

35. *Can a school district determine that it will offer integrated co-teaching services at some, but not all, of its classes, grade levels or subjects?*

Yes.

36. *Can integrated co-teaching be provided for part of the day (e.g., for one period a day)?*

Yes. The CSE could determine that the student needs integrated teaching, for example, for English and math classes only. To meet the individual needs of a student, the CSE could recommend a combination of services, including, but not limited to, integrated co-teaching for some classes, special class(es) for a portion of the day, CT or other supports in other general education classes for the remainder of the day. The specific recommendations must be indicated in the student's IEP.

37. *What factors should be considered when determining whether to recommend integrated co-teaching services for a student with a disability?*

The determination of whether integrated co-teaching services are an appropriate recommendation for an individual student with a disability must be made on an individual basis. For some students, integrated co-teaching would be an alternative to placement in a special class with the added benefit of having both a special education and a general education teacher deliver the curriculum to the student. For each student, whether the general education classroom is the least restrictive environment for the student to receive his or her special education services should be made in consideration of, but not limited to the following factors:

- the classes in which integrated co-teaching is offered and the match to the students needs;
- the extent of special education services the individual student needs to access, participate and progress in the general education curriculum;
- the similarity of needs of the other students with disabilities in the class;
- the potential effect of the class size on the student's learning needs;
- any potential benefits and harmful effects such services might have for the student or on the quality of services that he or she needs; and

- whether the extent of the environmental modifications or adaptations and the human or material resources needed for the student will consistently detract from the opportunities of other students in the group to benefit from instruction.

A CSE must consider integrated co-teaching services only to the extent such services are available consistent with the district's plan for special education services (see questions 34 - 36).

38. *May school districts continue to use other terms to identify integrated co-teaching services in a student's IEP?*

No. It is now required that all districts use the terminology "integrated co-teaching," consistent with the regulatory requirements, so that the level of services being provided to a student is clear and consistent among school districts. New York City (NYC) has used the term "collaborative team teaching" (CTT) to identify a service that meets the regulatory definition of integrated co-teaching services. While other terms, such as blended or inclusion classes have been used by other school districts, the actual services provided varied among districts (e.g., some districts used the term inclusion class to identify a class where a teaching assistant and a general education teacher were assigned). To clarify for parents that a previously recommended service means the same as integrated co-teaching, terms such as CTT, blended class or inclusion class may also be indicated in the IEP.

Special Education Program/Services	Frequency	Duration	Location
Integrated Co-Teaching Services (Collaborative Team Teaching)	5 days a week	40 minute class periods	English class

39. *What is the maximum number of students with disabilities that can be included in a class where integrated co-teaching services are provided?*

The maximum number of students with disabilities that can be on the class roster of a class where integrated co-teaching services is provided is 12, unless a variance is provided pursuant to section 200.6(g)(1)(i)-(ii) of the Regulations of the Commissioner of Education (<http://www.p12.nysed.gov/specialed/lawsregs/sect2006.htm>). The total of 12 students includes any student with a disability in that class, regardless of whether all of the students are recommended for integrated co-teaching services. For example, if two students with disabilities in a class are recommended for resource room and related services and ten are recommended for integrated co-teaching services, there are 12 students with disabilities in that classroom. While the two students in the above example may benefit incidentally from the integrated co-teaching services, their IEPs would not need to specify the integrated co-teaching services.

A variance to temporarily exceed 12 students with disabilities in an integrated co-teaching class by not more than two additional students may be provided through two variance procedures: (1) a variance by notification to temporarily increase the maximum number of students with disabilities to 13; and (2) a variance request for Commissioner's

prior approval to temporarily increase the number of students with disabilities to not more than a total of 14. For information on the procedures that a school district must follow in order to obtain a variance to temporarily exceed 12 students with disabilities in a class where integrated co-teaching services are provided, see <http://www.p12.nysed.gov/specialed/publications/varianceprocedures-jan2011.htm>.
(Revised 11/13)

40. *What is the maximum number of nondisabled students that can be included in a class where integrated co-teaching services are provided?*

There is no regulatory maximum number of nondisabled students in an integrated co-teaching class. However, the number of nondisabled students should be more than or equal to the number of students with disabilities in the class in order to ensure the level of integration intended by this program option. A CSE's recommendation for integrated co-teaching services should consider the overall size of the class enrollment (which includes students with disabilities and nondisabled students) and the ratio of students with disabilities to nondisabled students in relation to the individual student's learning needs. An important consideration in determining the number of students with disabilities and nondisabled students on an integrated class roster is that the ratio must not result in a *de facto* segregated class which would undermine the philosophy of inclusive practices.

41. *In an integrated co-teaching class, must both teachers be highly qualified in the core academic subject area?*

School personnel assigned to each class must minimally include a special education and a general education teacher. However, only one teacher in an integrated co-teaching class would need to be highly qualified in the core academic subject area. For information on the requirements relating to highly qualified teachers, see <http://www.p12.nysed.gov/nclb/>.

42. *May a teaching assistant serve as the student's special education teacher for students receiving integrated co-teaching services?*

No. However, a teaching assistant can be assigned to a class where integrated co-teaching is provided to assist the teachers in providing instruction to the students in the class.

43. *What is the difference between direct CT services and integrated co-teaching services?*

While both direct CT and integrated co-teaching services are provided in a student's general education class, and to the casual observer may appear the same, they differ in the manner and in some circumstances, in the extent to which, such supports are provided to the student.

Integrated co-teaching services means students are intentionally grouped together based on similarity of need for the purpose of receiving specially designed instruction in

a general education class, usually daily for the identified class. In this model, a general education teacher and a special education teacher share responsibility for the delivery of primary instruction, planning and evaluation for all students.

Direct CT services are specially designed individual or group instruction recommended for an individual student with a disability in his or her general education class, the purpose being to adapt, as appropriate to the needs of the student, the content, methodology, or delivery of instruction to support the student to successfully participate and progress in the general curriculum during regular instruction. The focus of services provided by the CT is to an individual student with a disability.

44. If a special education teacher is providing integrated co-teaching, for example, to a group of students with disabilities in their English and math classes three days a week and for the remaining two days a week, a teaching assistant is assigned to the student's classes to provide instructional support to the students with disabilities, can the days the teaching assistant is assigned also be considered integrated co-teaching?

No. In the example provided above, the student would be receiving integrated co-teaching (instruction in the student's math and English classes) for only the days the special education teacher is in those classes. The IEP would indicate integrated co-teaching, three days a week, for math and English classes.

The teaching assistant support the students receive in the general education class for the remaining class periods during the week would be documented in the IEP as a supplementary support and service, provided two days a week to the student for math and English classes.

Special Class

45. What is meant by special class?

Special class means a class consisting of students with disabilities who have been grouped together because of similarity of individual needs (see question #6) 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.

46. What is meant by special class size?

Special class size is defined as the maximum number of students who can receive instruction together in a special class and the number of teachers and paraprofessionals assigned to the special class (e.g., six students to one teacher and one teaching assistant or teacher aide). If the student's IEP indicates special class, the IEP must describe the special class size.

47. What maximum class size ratios are allowed by regulation?

The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting cannot exceed 15 students (15:1), or 12 students in a State-operated or State-supported school (12:1), except that:

- The maximum class size for special classes containing students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, cannot exceed 12 students, with one or more supplementary school personnel assigned to each class during periods of instruction (12:1+1).
- The maximum class size for special classes containing students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, cannot exceed six students, with one or more supplementary school personnel assigned to each class during periods of instruction (6:1+1).
- The maximum class size for special classes containing students whose management needs are determined to be intensive, and requiring a significant degree of individualized attention and intervention, cannot exceed eight students, with one or more supplementary school personnel assigned to each class during periods of instruction (8:1+1).
- The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, supplementary school personnel and/or related service providers (12:1 + (3:1)).

Upon application and documented educational justification to the Commissioner, approval may be granted for variance from the special class sizes (see section 200.6(h)(6) - <http://www.p12.nysed.gov/specialed/lawsregs/sect2006.htm>)

48. *What is the chronological age range of students placed together for purposes of instruction in a special class?*

The chronological age range within special classes of students with disabilities who are less than 16 years of age shall not exceed 36 months. The chronological age range within special classes of students with disabilities who are 16 years of age and older is not limited. There are no chronological age-range limitations for groups of students placed in special classes for those students with severe multiple disabilities, whose programs consist primarily of habilitation (e.g., daily living skills) and treatment. Upon application and documented educational justification to the Commissioner, approval may be granted for variance from the special class chronological age ranges (see section 200.6(h)(7) - <http://www.p12.nysed.gov/specialed/lawsregs/sect2006.htm>)

49. What factors must the CSE consider in determining the class size (i.e., staff to student ratio) of a special class?

To determine the appropriate class size for an individual student, the CSE must consider the management needs of the student (i.e., the environmental modifications, adaptations, or, human or material resources required to meet the needs of any one student in the group) as well as the student's need for individualized instruction.

50. Are there instructional considerations required for grouping students in a special class?

Yes. Students with disabilities grouped together for purposes of instruction must be grouped in consideration of similarity of needs, including the levels of knowledge and development in subject and skill areas, (e.g., activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style). The range of academic or educational achievement of such students must be limited to assure that instruction provides each student appropriate opportunities to achieve his or her annual goals. For students placed in a special class, except for a 12:1+ (3:1) special class, where the range of achievement levels in reading and mathematics exceeds three years, special notification to the CSE and parents must be provided. The learning characteristics of students in the group must be sufficiently similar to assure that this range of academic or educational achievement is at least maintained (i.e., no students fall behind in academic achievement because their instructional needs are not being addressed due to the range of learning characteristics of students in the class).

51. Can a special class be provided for a student for a portion of the school day?

Yes. The CSE could recommend, for example, that the student receive special class only for particular subject areas (e.g., English and math classes).

52. Can a special class be located in a general education class?

Because special class is defined in regulations to mean an instructional group consisting of students with disabilities who have been grouped together in a self-contained setting, integrated co-teaching services was added to the continuum of services to identify the special education program for students with disabilities recommended to receive their specially designed instruction by both a general and special education teacher in the general classroom.

53. What specific information must be in the IEP to specify the class size?

When a student is recommended for special class, the IEP must identify the number of students who will be in the special class and the specific ratio of special education teachers and supplementary school personnel (i.e., teaching assistants and/or teacher aides). For example, the IEP could specify: 12 students to one teacher and one teaching assistant (12:1+1).

54. Who can provide instruction in a special class?

A certified special education teacher must be assigned to provide specially designed instruction to a special class. A teaching assistant under the general supervision of the special education teacher can assist the special education teacher to provide specially designed instruction. For information on the requirements relating to highly qualified special education teachers, see <http://www.p12.nysed.gov/nclb/>.

55. Must special classes be provided for the full day or can students be recommended for special classes for separate subjects or for a portion of the day?

Depending on the needs of an individual student, the CSE, in determining the least restrictive environment for that student, could consider a recommendation for special class for a portion of the day and/or for specific subjects. There is no rule that a special class can only be provided full time.

Related Services

56. What types of services are included in the definition of related services?

Related services are those that assist a student in benefiting from other special education services or assist the student in accessing the general curriculum. Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability.

Related services include, but are not limited to speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, evaluative and diagnostic medical services to determine if the student has a medically related disability, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.

57. Are services for surgically implanted devices, including cochlear implants, a related service?

The Individuals with Disabilities Education Act (IDEA) 2004 and federal regulations made it clear that related services are not services that "apply to children with surgically implanted devices, including cochlear implants." This means that the school district is not responsible for maintaining any medical device that is implanted, including optimizing the device's functioning or mapping it (e.g., cochlear implants), or replacing the device. However, this does not limit the right of a student with a surgically implanted device to receive related services that are determined by the CSE or committee on preschool special education to be necessary for the student to receive a free appropriate public education.

However, the school district is responsible to routinely check an external component of a surgically implanted device to make sure it is functioning properly. The school district is also responsible for monitoring and maintaining all medical devices that are needed to maintain the child's health and safety in school and during transportation to and from school. This includes devices that are needed to maintain breathing, nutrition, or other bodily functions (e.g., nursing services, suctioning a tracheotomy, urinary catheterization) if the services can be provided by trained personnel and are not the type of services that can only be provided by a licensed physician.

58. *May orientation and mobility services include the use of a service animal?*

Yes. 34 CFR section 300.34(c)(7) was amended to add that orientation and mobility services include teaching students to use a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision.

59. *What information must be specified in an IEP for a student with a recommendation for related services?*

Related services as recommended by the CSE to meet specific needs of a student with a disability must be indicated in the IEP and must identify the frequency, duration and location of each service.

60. *Do the requirements relating to grouping by similarity of need (question #5) apply to the provision of related services?*

Yes.

61. *What is the maximum number of students with disabilities that can be grouped together for the purpose of providing a related service?*

When a related service is provided to a number of students at the same time, the number of students in the group can not exceed five students per teacher or specialist except that, in the city school district of the city of New York, a variance of up to 50 percent rounded up to the nearest whole number from the maximum of five students per teacher or specialist is authorized by State law and regulation.

62. *Is there a minimum frequency/duration for related services to be provided to a student with a disability?*

There is no regulatory minimum frequency/duration for related services to be provided to a student with a disability. Effective December 8, 2010, the Regulations were amended to repeal the minimum service delivery requirement for speech and language services of two 30 minute sessions each week. The CSE must determine the frequency and duration of a related service recommendation based on each student's individual needs.
(Revised 11/13)

Teaching Assistants and Teacher Aides

63. What roles can a teaching assistant fulfill?

A teaching assistant, under the general supervision of the special education teacher, can assist in the delivery of special education services but cannot serve in place of a special education teacher. The following description of duties is provided as guidance in determining the appropriate role for **teaching assistants**:

- working with individual students or groups of students on special instructional projects;
- providing the teacher with information about students which will assist the teacher in the development of appropriate learning and behavioral experiences;
- assisting students in the use of available instructional resources and development of instructional materials;
- assisting in the development of instructional materials;
- assisting in providing testing accommodations;
- utilizing their own special skills, and abilities by assisting in instructional programs in such areas as: foreign languages, arts, crafts, music and similar subjects;
- assisting in related instructional work as required; and
- assisting students with specific health related activities as appropriate.

64. What roles can a teacher aide fulfill?

Teacher aides perform noninstructional duties under supervision determined by the local school district in accordance with Civil Service Law. The following description of duties is provided as guidance in determining the appropriate role for teacher aides:

- preparing scripts for recording purposes;
- assisting in physical care tasks and health-related activities as appropriate;
- assisting students with behavioral/management needs;
- assisting in the set up of laboratory equipment, conduct experiments, and performing limited reviews of student laboratory reports;
- assisting in the technical preparation and production of media programs;
- reading to and playing audio-visual materials for children in lower grades;
- assisting in proctoring and other tasks related to the administration of examinations;
- assisting in the correction of test papers, recording of grades, maintaining of files and preparing statistical reports;
- managing records, materials and equipment; and
- supervising students (e.g., watching students during recess, hall transitions, etc.).

65. Can a teacher aide or teaching assistant be the only service provided to a student with a disability?

No. A teaching assistant or teacher aide can assist in the delivery of special education, but cannot be provided as the only special education service the student receives nor can they be the only provider of special education services to a student with a disability. A student who requires only this level of service (e.g., a health aide to assist with mobility and/or toileting) could be eligible for such service pursuant to Section 504 of the Rehabilitation Act.

NYSED Definitions of Disabilities

- (1) **Autism** refers to a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined in #13 of this subdivision. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied. **Required data: Diagnosis from a medical doctor, IQ, achievement, adaptive behavior, fine-motor coordination screen, possibly an autistic rating scale**
- (2) **Deafness** refers to a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student's educational performance. **Required data: diagnosis from a medical doctor and/or audiologist, IQ, achievement, fine-motor coordination screen, social/behavioral screen/rating scale**
- (3) **Deaf-blindness** refers to concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness. **Required data: diagnosis from a medical doctor, IQ, achievement, social/behavioral screen/rating scale**
- (4) **Hearing impairment** refers to an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of *deafness* in this section. **Required data: diagnosis from a medical doctor or an audiologist, IQ, achievement, fine-motor coordination screen, social/behavioral screen/rating scale**
- (5) **Learning disability** refers to a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations as determined in accordance with section 200.4(c)(6) of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage. **Required data: IQ, achievement, testing in the processing domains, social/behavioral screen/rating scale, and documentation of response to interventions**
- (6) **Intellectual Disability** refers to significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance. **Required data: IQ,**

achievement, adaptive behavior scale, fine-motor coordination screen. **For a first time placement, there should be two IQ tests given.

(7) **Multiple disabilities** refers to concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which cause such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness. **Required data: medical reports, IQ, achievement, adaptive behavior**

(8) **Orthopedic impairment** refers to a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures). **Required data: medical reports, IQ, achievement, social/behavioral screen/rating scale, if possible fine-motor coordination screen**

(9) **Other health-impairment** refers to having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or Tourette's syndrome, which adversely affects a student's educational performance. **Required data: diagnosis from a medical doctor, IQ, achievement, fine-motor coordination screen, social/behavioral screen/rating scale**

(10) **Speech or language impairment** refers to a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a student's educational performance. **Required data: IQ, achievement, fine-motor coordination screen, social/behavioral screen/rating scale**

(11) **Traumatic brain injury** refers to an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma. **Required data: medical diagnosis, IQ, achievement, fine-motor coordination screen, social/behavioral screen/rating scale**

(12) **Visual impairment including blindness** refers to an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. **Required data: medical diagnosis, IQ, achievement, social/behavioral screen/rating scale, adaptive behavior**

(13) **Emotional disability** refers to a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

- (i) an inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (iii) inappropriate types of behavior or feelings under normal circumstances;
- (iv) a generally pervasive mood of unhappiness or depression; or
- (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance. **Required data: IQ, achievement, fine-motor coordination screen, projective techniques, behavior rating scales**

Addendum to Emotional Disability

There is a difference between students with emotional disturbance and those students showing social maladjustment.

Students with an Emotional Disability often look like other children but differ in terms of:

- Frequency
- Duration
- Intensity

Socially Maladjusted students are not considered to be ED and include behaviors that:

- Behavior that violates laws or conventional standards of the school or community but conforms to the standards of some social subgroup. Includes gang or group related vandalism, stealing, fighting, truancy, sexual precocity, & substance abuse. Motivation is usually economic gain, belonging or approval.
- Behaviors do not necessarily result in personal distress for the person, and may enhance interpersonal function.
- Behaviors tend to impact the function of others.
- At high risk for adult disorders and time spent in correctional facilities.

A comparison of
Emotional Disability **vs** **Social Maladjustment**

Poor anger control	Truancy, tardiness, refusal to complete assignments
Poor impulse control	
Excessive aggressiveness	Learning generally is not adversely affected
Behavior adversely affects academics Problem is long term	Not occurring over a long period of time
Fluctuating mood/ reality ties	Impulsivity
Inconsistent interaction w/teachers	Still in control of emotions & behavior
Withdrawn, depressed, anxious	Verbally & physically abusive to Teachers & classmates but generalized, not chronic/all day
Not accepted by peers	
Disruptive to self & others	Usually class productivity exists in specific areas
Unproductive in the classroom	
Rights & safety of others threatened	High rates of aversive interaction with peers
Cognitively rigid	Not cognitively rigid

These children are not necessarily considered to be ED:

1. Aggressive/violent
2. Socially incompetent

Aggressive/Violent-

- Aggressive children tend to remain in conflict with persons in their environment and at risk for delinquency and maladjustment
- Aggression includes cruelty, bullying, threats, fighting, screaming, tantrums, hostile resistance, disobedience & disrespect to the teacher, rule violations, negativism, destructiveness

Socially Incompetent

- Often appear shy, uncommunicative, self-conscious, moody
- Rarely take part in play, resist joining groups, informal peer interactions or educational activities. Their behavior reduces the opportunities for friendships & chances from profiting from classroom & informal learning activities.
- SI is NOT a strong predictor of psychological maladjustment.
- Non-interactive: have poorly developed social skills & fear interactions with others

- Rejected: do initiate social interactions but in aggressive, immature or inappropriate ways and are ignored or rejected by others as a result.

Children who have ED under IDEA often have co-morbid disorders under DSM-IV such as:

1. Conduct Disorder
2. Oppositional Defiant Disorder
3. Generalized Anxiety Disorder
4. Reactive Attachment Disorder

Conduct Disorder

1. Aggression to people and animals
 - Often bullies, threatens or intimidates
 - Often initiates physical fights
 - Has used a weapon that can cause serious physical harm to others
 - Has been physically cruel to people & animals
 - Has stolen while confronting a victim
 - Has forced someone into sexual activity
2. Destruction of property
 - Has deliberately engaged in fire setting with the intention of causing serious damage
 - Has deliberately destroyed others' property
3. Deceitfulness or theft
 - Has broken into someone else's house, car
 - Often lies to obtain goods/favors to avoid obligations
 - Has stolen items without confronting victim (ie. shoplifting)
4. Serious violations of rules
 - Often stays out at night despite parental prohibitions, beginning at age 13
 - Has run away from home overnight at least twice while living with parent or surrogate
 - Often truant from school, beginning at age 13

Oppositional Defiant Disorder

1. A pattern of negativistic, hostile, and defiant behavior lasting at least 6 months, during which four or more of the following are present:
 - Often loses temper
 - Often argues with adults
 - Often actively defies or refuses to comply with adults' requests or rules
 - Often deliberately annoys people
 - Often blames others for his or her mistakes or misbehavior
 - Is often touchy or easily annoyed by others
 - Is often angry and resentful
 - Is often spiteful or vindictive

2. The disturbance in behavior causes clinically significant impairment in social, academic, or occupational function

Generalized Anxiety Disorder

1. Excessive anxiety & worry occurring more days than not for at least 6 months about a number of events or activities (ie. Work or school performance)
2. The person finds it difficult to control the worry
3. The anxiety, worry or physical symptoms cause clinical significant distress or impairment in social, occupational or other important areas of functioning
4. Anxiety and worry are associated with three or more of the following symptoms:
 - a. Restlessness or feeling keyed up or on edge
 - b. Being easily fatigued
 - c. Difficulty concentrating or mind going blank
 - d. Irritability
 - e. Muscle tension
 - f. Sleep disturbance

Reactive Attachment Disorder

- Marked, disturbed & developmentally inappropriate social relatedness in most contexts, beginning before age 5 & is evidenced by 1 or 2
 - (1) persistent failure to initiate or respond in a developmentally appropriate fashion to most social interactions, as manifest by excessively inhibited, hyper vigilant, or highly ambivalent & contradictory responses
 - (2) diffuse attachments as manifested by indiscriminate sociability with marked inability to exhibit appropriate selective attachments
- Pathogenic care as evidenced by at least one of these:
 - (1) Persistent disregard of child's basic emotional needs for comfort, stimulation & affection
 - (2) Persistent disregard of the child's basic physical needs
 - (3) repeated changes of primary caregiver that prevent formation of stable attachments.

DOCUMENTATION OF THE DETERMINATION OF ELIGIBILITY FOR A STUDENT SUSPECTED OF HAVING A LEARNING DISABILITY

Section 200.4(j)(5) of the Regulations of the Commissioner of Education requires that the committee on special education (CSE) prepare a written report of the determination of eligibility of a student suspected of having a learning disability that contains a statement of the following information:

The CSE has reviewed the individual evaluation results for:

Student Name: _____ ID: _____ Date: _____

1. The CSE has reviewed the individual evaluation results for _____, which indicate that the student:

- ☐ has a learning disability requiring special education services.
☐ does not have a learning disability.

2. This decision was based on the following sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior in accordance with section 200.4(c)(1) of the Regulations:

3. The relevant behavior noted during the observation of the student and the relationship of that behavior to the student's academic functioning indicate:

4. The educationally relevant medical findings, if any, indicate:

5. To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures pursuant to section 200.4(b) and (c), consider:

- ☐ A. data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel

AND

- ☐ B. data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

6. The CSE has determined, consistent with section 200.4(j)(3) of the Regulations, that:

- ☐ A. the student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving;

AND

- ☐ B. the student either does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in this paragraph when using a process based on the student's response to scientific, research-based intervention pursuant to section 100.2(ii); (RTI)

OR

- ☐ C. exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments consistent with section 200.4(b).

AND

- ☐ D. the student's learning difficulties are not primarily the result of a visual, hearing or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

7. Complete this item if the student has participated in a process that assesses the student's response to scientific, research-based intervention.

☐ Instructional strategies were used and student-centered data was collected.

AND

☐ Parents were notified about the amount and nature of student performance data that was collected and the general education services that was to be provided; strategies for increasing the student's rate of learning; and the parents' right to request an evaluation for special education programs and/or services.

8. CSE Member Certification of the Determination of a Learning Disability:

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which must include the student's regular education teacher and a person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher). Each CSE member must certify in writing whether the report reflects his or her conclusion. If not, the member must submit a separate statement presenting his or her conclusions.

Title	Signature	Agree	Disagree
District Representative	_____	<input type="checkbox"/>	<input type="checkbox"/>
Parent of Student	_____	<input type="checkbox"/>	<input type="checkbox"/>
Regular Education Teacher	_____	<input type="checkbox"/>	<input type="checkbox"/>
Special Education Teacher	_____	<input type="checkbox"/>	<input type="checkbox"/>
School Psychologist	_____	<input type="checkbox"/>	<input type="checkbox"/>
Parent Member	_____	<input type="checkbox"/>	<input type="checkbox"/>
Others: Specify	_____	<input type="checkbox"/>	<input type="checkbox"/>



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF P-12 EDUCATION: Office of Special Education
ASSISTANT COMMISSIONER
Room 301M EB, 89 Washington Avenue • Albany, NY 12234
www.p12.nysed.gov/specialed/

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June 2014

Special Education Field Advisory

From: James P. DeLorenzo

Subject: The Role of the Committee on Special Education in Relation to the Common Core Learning Standards

The purpose of this memorandum is to reiterate New York State (NYS) policy for the development and implementation of individualized education programs (IEPs) for students with disabilities in consideration of the general education curriculum. There is increased rigor in the learning standards for NYS students. This means that, for all students, teachers are expected to teach and students are expected to learn higher level critical thinking. In order for students with disabilities to meet these high academic standards and demonstrate their knowledge and skills, it is essential that their instruction must incorporate specially designed instruction.

While all students can benefit from scaffolds, differentiated instruction and universal design for learning, students with disabilities require specially designed instruction. Specially designed instruction means adapting, as appropriate to the needs of a student with a disability, the content, methodology or delivery of instruction to address the unique needs that result from the student's disability. Therefore, IEPs must be developed in consideration of the standards students are expected to meet and lesson planning for each class must specifically address the needs of students with disabilities.

ROLES AND RESPONSIBILITIES

The Committee on Special Education (CSE), school administrators and each student with a disability's general education and special education teachers have important roles to ensure students with disabilities reach the State's learning standards.

To ensure students with disabilities have access to participate and progress in the general curriculum, schools are expected to:

1. develop and implement an IEP which includes annual goals based on information about a student's strengths, needs and present levels of

performance. Goals should be aligned with and chosen to facilitate the student's attainment of chronological grade-level academic standards;

2. ensure that recommended supports and services are provided within the least restrictive environment to meet a student's needs and to assist the student to be successful in the general education curriculum to meet grade level standards; and
3. ensure that teachers, including special education teachers and support personnel, are knowledgeable about the curriculum the school is using to implement the new standards and are prepared and qualified to deliver high-quality, evidence-based specially designed instruction and support services.

IEPs ALIGNED TO THE STANDARDS

In a standards-based IEP, the CSE has incorporated State content standards in its development. Standards-based IEPs are a best practice to create high expectations for students with disabilities.

It is the responsibility of the CSE to recommend goals and services in a student's IEP that will assist the student to be involved and progress in the general education curriculum and to ensure that consideration of the student's progress in meeting those goals is considered in IEP reviews. This means that members of the CSE will need to consider both the State's learning standards as well as the school-based instructional curriculum, which must be aligned to the State's learning standards. CSE members need to know the expectations of the general education classroom for the corresponding grade of the student both in terms of what learning (i.e., knowledge and skills) is expected (general curriculum) as well as how the students are expected to access and demonstrate what they have learned. This information will assist the CSE in determining if the student needs adaptations, accommodations or modifications¹ to the general curriculum for all or part of his/her learning. This is one reason it is essential that the student's general education teacher(s) participate in CSE meetings and that the school district representative be knowledgeable about the general education curriculum.

¹ **Accommodations** mean changes in instruction and assessment that allows a student to gain access to content and/or complete assigned tasks. Accommodations allow students with disabilities to pursue the same course of study as other students. Examples of accommodations include, but are not limited to, teacher-provided notes/outlines, extra time to complete assignments, the use of a computer to complete assignments, a peer note-taker, the use of wider lined paper for written tasks, highlighted text, and the use of spell-checker. The terms 'accommodation' and 'modification' are very different (see definition of modification below). Accommodations determined necessary are based on an individual child's needs related to his/her disability and 'levels the playing field for students' (i.e., give them an equal opportunity). Accommodations may change "how" a student learns, but do not reduce learning expectations nor change "what" the student will learn. In contrast, **modifications** change "what" is learned and the content of the grade-specific curriculum, thereby, reducing learning expectations.

To develop IEPs that are aligned to the standards (sometimes called "Standards-based IEPs"), the CSE should take the following steps:

1. Review the content (i.e., the expectations for what the student will learn) as well as how the student will be expected to demonstrate his/her knowledge and skills in the content areas.
2. Identify the strengths and challenges for the student in relation to those expectations in the present levels of performance section of the IEP.
3. Identify how a student's needs are linked to the general curriculum. Identify areas that will have the greatest impact on the student's progress in the curriculum (e.g., a student's difficulty with visual processing may affect graphing skills required to achieve the math standards).
4. Unpack the standards and identify the goals that the student will be expected to achieve in one year and, when appropriate, short-term instructional objectives or benchmarks that are the intermediate steps to reach those annual goals. Standard-based goals do not mean that goals and objectives in a student's IEP are a restatement of a standard or a curriculum goal in a specific content area, but rather they are statements that reflect the necessary learning that will lead to attainment of the standards. Goals should be chosen to accelerate a student's ability to progress in the general education curriculum.
5. Identify the special education services, including the adaptations, accommodations, or modifications to the general curriculum, and/or instructional environment and materials, as needed by the student to reach those standards.

The State's Common Core Learning Standards (CCLS), available at <http://www.engageny.org/resource/new-york-state-p-12-common-core-learning-standards>, are statements of what students are expected to know or be able to do in each content area (such as reading, math) and at each grade level. The Career Development and Occupational Studies (CDOS) Learning Standards (<http://www.p12.nysed.gov/cte/cdlearn/>) are statements of what students are expected to know or be able to do in the areas of career development, universal foundation skills, integrated learning and career areas.

Standards-based IEP goals are **not simply restatements of the standards**; rather, standards-based annual goals identify the essential skills and knowledge that a student with a disability needs to acquire in order to master grade-level content standards. When properly implemented, standards-based IEPs provide students with the opportunity to receive specifically designed instruction that is linked to the general educational curriculum along with appropriate accommodations to support achievement of grade-level expectations.

When developing annual IEP goals, the CSE should first consider the student's grade-level curriculum. Even though the student may not be functioning at grade level in a

specific content area, the student should be working toward meeting grade-level expectations and receiving grade-level content instruction. The National Association of State Directors of Special Education recommends a seven step process to develop standards-based IEPs. An adapted version of these seven steps is provided in Attachment 1. For additional guidance on IEP development, see <http://www.p12.nysed.gov/specialed/publications/iepguidance.htm>.

INTENTIONAL AND PURPOSEFUL PLANNING TO ADDRESS STUDENT NEEDS

Used as a framework for teaching, the CCLS and CDOS Learning Standards direct teachers on what to teach, not how to teach or how to reach all students. Teachers should be using the principles of universal design for learning in developing their lesson plans and differentiating instruction for all students. However, while scaffolds and supports provided through differentiated instruction are important for all students, students with disabilities will require more individualized accommodations and instruction to address their specific disability needs.

Access to the general education curriculum occurs when students with disabilities are actively engaged in learning the content and skills that define the general education curriculum. While each student's IEP should provide information for teachers to effectively provide accommodations, supports, and instruction to students with disabilities to address the needs of the student as they impact on the student's ability to participate and progress in the general education curriculum, IEPs do not prescribe specific instructional methodologies. In addition to supports and services (e.g., resource room, consultant teacher, etc.), special education must include specially designed instruction. As stated previously, specially designed instruction means adapting, as appropriate to the needs of a student with a disability, the content, methodology or delivery of instruction to address the unique needs that result from the student's disability.

The provision of specially designed instruction relies on classroom teachers to have intentionally and purposefully planned to match instruction to the needs of the students with disabilities in their classroom. Specific instructional approaches should be selected and utilized by classroom teachers, in combination with supplemental supports identified in the IEP, such as accommodations, accessible materials, assistive technology, and/or adaptive equipment, to compensate, remediate, or overcome the effects of the disability on the student and on his/her learning in the context of each lesson taught.

In considering and explicitly planning to address the needs of students with disabilities, teachers should identify needed supports, services, accommodations, teaching strategies, learning strategies, etc., that the student may need in each of the following areas.

- Content
- Materials
- Environment
- How learning will be measured

- How instruction should be provided

Special Education School Improvement Specialists (SEIS), Katy B. Weber² and Valerie Cole³ of the State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) were instrumental in creating a lesson planning tool, entitled ***Lesson Plan Template, Accessing the Common Core for Students with Disabilities***. This tool is designed to assist teachers of students with disabilities (which includes both general education and special education teachers) to adapt, as appropriate, the content, methodology and/or instructional approach and to provide the appropriate accommodations or modifications to meet the needs of each individual student with a disability in the context of general education curriculum instruction. This document specifically guides the teacher to plan in advance how he/she will, in consideration of the student's strengths and needs, address how the student's disability impacts the student's ability to participate and progress in the general education curriculum. This guide can be accessed at <http://www.p12.nysed.gov/specialed/commoncore/guidance-commoncore-template.htm>.

Resources for Parents of Students with Disabilities on IEP Development and Instruction toward the CCLS

Many parents have asked questions about how NYS' adoption of the CCLS will affect their children who have disabilities. Many of these questions arise from a lack of understanding of what the standards are, concerns about how their own children are struggling with these new standards and how schools are providing needed supports for their children. NYSED's P-12: Office of Special Education, working with the Commissioner's Advisory Panel for Special Education Services and the Special Education Parent Centers, has developed a resource for parents to help them understand the CCLS, and to assist them to bring questions to teachers and CSEs. This resource can be found at <http://www.p12.nysed.gov/specialed/commoncore/instructionCCLS-parents-614.htm>. We encourage districts to print this document and share with parents of students with disabilities.

Resources for Technical Assistance and Professional Development

- For additional professional development and technical assistance on IEP development and the provision of research-based specially designed instruction for students with disabilities, please contact the RSE-TASC in your region of the State. <http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>
- For information and support for parents of students with disabilities, please contact the Special Education Parent Center in your region of the State. <http://www.p12.nysed.gov/specialed/techassist/parentcenters.htm>

² Katy Weber is a SEIS, formerly with the Midwest RSE-TASC located at Monroe #1 BOCES, and currently working as a RSE-TASC SEIS with the Rochester City School District.

³ Valerie Cole is an RSE-TASC SEIS with the Greater Southern Tier BOCES.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE and Committee on Preschool Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations. Questions regarding this memorandum may be directed to the Special Education Policy Unit at (518) 473-2878 or your Special Education Quality Assurance Regional Associate at one of the following Regional Offices:

Central Region	(315) 428-4556
Eastern Region	(518) 486-6366
Hudson Valley Region	(518) 473-1185
Long Island Region	(631) 952-3352
New York City	(718) 722-4544
Western Region	(585) 344-2002
Nondistrict Unit	(518) 473-1185

Attachment

Steps to Creating Standards-Based Individualized Education Programs (IEPs)⁴

The following highlights the major steps Committees on Special Education (CSEs) can follow to create IEPs developed in consideration of the State's learning standards or "standards-based IEPs". Questions the CSE may ask when following the steps include, but are not limited to:

Step 1: Consider the grade-level content standards for the grade in which the student is enrolled or would be enrolled based on age.

- What is the intent of the content standard?
- What is the content standard saying that the student must know and be able to do?

Step 2: Examine classroom and student data to determine where the student is functioning in relation to the grade-level standards.

- Has the student been taught content aligned with grade-level standards?
- Has the student been provided appropriate instructional scaffolding to attain grade-level expectations?
- Were the lessons and teaching materials used to teach the student aligned with State grade-level standards?
- Was the instruction evidence based?

Step 3: Develop the present level of academic achievement and functional performances.

Describe the individual strengths and needs of the student in relation to accessing and mastering the general curriculum.

- What do we know about the student's response to academic instruction (e.g., progress monitoring data)?
- What programs, accommodations (e.g., classroom and testing) and/or interventions have been successful with the student?
- What have we learned from previous IEPs and student data that can inform decision making?
- Are there assessment data (i.e., State, district and/or classroom) that can provide useful information for making decisions about the student's strengths and needs (e.g., patterns in the data)?

Consider the factors related to the student's disability and how they affect how the student learns and demonstrates what he or she knows.

- How does the student's disability affect participation and progress in the general curriculum?
- Is the student on track to achieve grade-level proficiency within a year?

⁴ Adapted from the National Association of State Directors of Special Education (NASDSE): http://nasdse.org/DesktopModules/DNNspot-Store/ProductFiles/36_a7f577f4-20c9-40bf-be79-54fb510f754f.pdf

Step 4: Develop measurable annual goals aligned with grade-level academic content standards.

- What are the student's needs as identified in the present level of performance?
- Does the goal have a specific timeframe?
- What can the student reasonably be expected to accomplish in one school year?
- Are the conditions for meeting the goal addressed?
- How will the outcome of the goal be measured?

Step 5: Assess and report the student's progress throughout the year.

- How does the student demonstrate what he/she knows on classroom, district and State assessments?
- Are a variety of assessments used to measure progress?
- How will progress be reported to parents?

Step 6: Identify specially designed instruction including accommodations and/or modifications needed to access and progress in the general education curriculum.

- What specially designed instruction, including accommodations, has been used with the student and were they effective?
- Has the complexity of the material been changed in such a way that the content has been modified?

Step 7: Determine the most appropriate assessment option.

- What types of responses do the State assessments require?
- What are the administrative conditions of the assessment? (i.e., setting, delivery of instructions, time allotted, etc.)
- What accommodations are allowed on the assessment(s)?
- Are the accommodations approved for the assessment also used in the classroom?
- Has the student received standards-based, grade-level instruction?
- Was the instruction evidence based?
- What is the student's instructional level?
- How different is the student's instructional level from the level of typical peers?
- Can the student make progress toward grade-level standards in the same timeframe as typical peers?
- What can be learned from the student's previous State assessment results?

**Prior Written Notice
(Notice of Recommendation)**

Date:

Dear Parent or Guardian of

Student's DOB:

Local ID Number:

The purpose of this notice is to inform you, in writing, of the school district's recommendation(s) regarding the identification, evaluation, educational placement and/or provision of special education services to your child.

SUBJECT OF THIS NOTICE:

DESCRIPTION OF ACTION PROPOSED OR REFUSED:

EXPLANATION OF WHY THE ACTION IS PROPOSED OR REFUSED:

DESCRIPTION OF EACH EVALUATION PROCEDURE, ASSESSMENT, RECORD, OR REPORT USED IN THE DECISION TO PROPOSE OR REFUSE THE ACTION:

FOR AN INITIAL OR REEVALUATION - DESCRIPTION OF THE PROPOSED INITIAL OR REEVALUATION AND THE USES TO BE MADE OF THE INFORMATION:

DESCRIPTION OF ANY OTHER OPTIONS CONSIDERED AND THE REASONS WHY THOSE OPTIONS WERE REJECTED:

DESCRIPTION OF OTHER FACTORS THAT ARE RELEVANT TO THE PROPOSED OR REFUSED ACTION:

July 2013

YOU HAVE PROTECTION UNDER THE PROCEDURAL SAFEGUARDS OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION.

- ☐ A copy of the Procedural Safeguards Notice is enclosed.
☐ A copy of the Procedural Safeguards Notice may be obtained by:

SOURCES YOU MAY CONTACT TO OBTAIN ASSISTANCE IN UNDERSTANDING THE SPECIAL EDUCATION PROCESS:

ADDITIONAL INFORMATION RELATED TO THE SUBJECT OF THE NOTICE:

You have the right to address the Committee, either in person or in writing, on the appropriateness of the Committee's recommendations. If you have any questions or would like to request a meeting to further discuss information contained in this notice, please contact _____ at _____.

Sincerely,

Enclosures:

July 2013

Meeting Notice
Committee on Special Education (CSE)

Date:

Dear Parent(s) or Guardian of

Student's DOB: Local ID Number:

We have scheduled a meeting of the _____ to discuss your child's educational needs. Your participation in this meeting is very important and you are encouraged to attend. As a member of the Committee, you have a right to participate in discussions and decisions about the identification, evaluation and educational placement of your child. The meeting has been scheduled for the following date, time and location:

Date	Time	Location

Purpose of this meeting:

--

Names and titles of the persons who will attend the meeting:

Name	Title

If post-secondary goals and transition services will be considered at this meeting, your child will be invited to the meeting. In addition, a representative from the following agency/agencies likely to be responsible for providing or paying for transition services will be invited with your consent, or the consent of your child if he/she is 18 years of age or older.

--

You have the right to invite other individuals who you determine to have knowledge or special expertise about your child. Please notify us in advance of the names and titles of any individuals you have invited to the meeting.

For a CSE meeting: You have the right to request that the additional parent member of the CSE (who is a parent of a student with a disability residing in the district or a neighboring district) attend the meeting. This request must be made in writing at least 72 hours (three days) before the meeting. The role of the additional parent member is to bring another perspective as a parent of a child with a disability to the discussions and decision-making process. This individual can also help you to understand and participate in the meeting by explaining procedures, asking questions and clarifying information.

You may also request that the school district include the participation of the school physician in the CSE meeting. This request must also be made in writing at least 72 hours (three days) before the meeting.

For a Subcommittee meeting: A Subcommittee of the CSE includes the same members as a CSE, except that the additional parent member, the school physician and the school psychologist (except under certain circumstances), are not members of a Subcommittee. If you disagree with any recommendation made by a Subcommittee, you may request, in writing, that the Subcommittee refer the matter to the CSE.

If you have any questions regarding information contained in this meeting notice or if the scheduled date, time or location of the meeting is not convenient and/or if you need assistance understanding the special education process, please contact (name) at (telephone number). If you are unable to attend but wish to participate in this meeting, please contact us to discuss alternative means of participation, such as a conference telephone call. We look forward to your participation in this important meeting.

Sincerely,

September 2012

SCHOOL DISTRICT IDENTIFYING INFORMATION

STUDENT INFORMATION SUMMARY

STUDENT NAME:	LOCAL STUDENT ID #:
AGE:	DATE IEP DEVELOPED / DATE OF COMMITTEE MEETING:
DATE OF BIRTH:	TYPE OF MEETING:
DISABILITY CLASSIFICATION:	

ADDRESS:	ELIGIBLE FOR 12-MONTH SERVICE AND/OR PROGRAM: YES <input type="checkbox"/> NO <input type="checkbox"/>
TELEPHONE #:	PROJECTED DATE OF ANNUAL REVIEW MEETING:
COUNTY OF RESIDENCE:	PROJECTED DATE OF THREE-YEAR REEVALUATION:
MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	CURRENT GRADE / GRADE EQUIVALENT:
NATIVE LANGUAGE OF STUDENT:	CREDITS EARNED TOWARD GRADUATION WITH A REGENTS OR LOCAL DIPLOMA:
INTERPRETER FOR STUDENT NEEDED: YES <input type="checkbox"/> NO <input type="checkbox"/>	DIPLOMA TYPE EXPECTED:
IF YES, SPECIFY LANGUAGE:	STUDENT WITH LIMITED ENGLISH PROFICIENCY: YES <input type="checkbox"/> NO <input type="checkbox"/>
RACIAL/ETHNIC GROUP OF STUDENT:	MEDICAL ALERTS AND/OR CONCERNS:
SURROGATE PARENT NEEDED: YES <input type="checkbox"/> NO <input type="checkbox"/>	TRANSPORTATION: <input type="checkbox"/> PER DISTRICT POLICY <input type="checkbox"/> SPECIAL TRANSPORTATION REQUIRED
	TRANSPORTATION OPTIONS FOR PRESCHOOL CHILD: <input type="checkbox"/> NO TRANSPORTATION NEEDED <input type="checkbox"/> TRANSPORTATION PROVIDED BY MUNICIPALITY <input type="checkbox"/> PARENT WILL TRANSPORT CHILD AT PUBLIC EXPENSE
MEETING PARTICIPANTS:	

School District Identifying Information

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

STUDENT NAME:	LOCAL ID #:	DISABILITY CLASSIFICATION:
DATE OF BIRTH:		
PROJECTED DATE IEP IS TO BE IMPLEMENTED:		PROJECTED DATE OF ANNUAL REVIEW:

PRESENT LEVELS OF PERFORMANCE AND INDIVIDUAL NEEDS

DOCUMENTATION OF STUDENT'S CURRENT PERFORMANCE AND ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS

EVALUATION RESULTS (INCLUDING FOR SCHOOL-AGE STUDENTS, PERFORMANCE ON STATE AND DISTRICT-WIDE ASSESSMENTS)

ACADEMIC ACHIEVEMENT, FUNCTIONAL PERFORMANCE AND LEARNING CHARACTERISTICS

LEVELS OF KNOWLEDGE AND DEVELOPMENT IN SUBJECT AND SKILL AREAS INCLUDING ACTIVITIES OF DAILY LIVING, LEVEL OF INTELLECTUAL FUNCTIONING, ADAPTIVE BEHAVIOR, EXPECTED RATE OF PROGRESS IN ACQUIRING SKILLS AND INFORMATION, AND LEARNING STYLE:

STUDENT STRENGTHS, PREFERENCES, INTERESTS:

ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

SOCIAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S RELATIONSHIPS WITH PEERS AND ADULTS; FEELINGS ABOUT SELF; AND SOCIAL ADJUSTMENT TO SCHOOL AND COMMUNITY ENVIRONMENTS:

STUDENT STRENGTHS:

SOCIAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

PHYSICAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S MOTOR AND SENSORY DEVELOPMENT, HEALTH, VITALITY AND PHYSICAL SKILLS OR LIMITATIONS WHICH PERTAIN TO THE LEARNING PROCESS:

STUDENT STRENGTHS:

PHYSICAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

MANAGEMENT NEEDS

THE NATURE (TYPE) AND DEGREE (EXTENT) TO WHICH ENVIRONMENTAL AND HUMAN OR MATERIAL RESOURCES ARE NEEDED TO ADDRESS NEEDS IDENTIFIED ABOVE:

EFFECT OF STUDENT NEEDS ON INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL STUDENT, EFFECT OF STUDENT NEEDS ON PARTICIPATION IN APPROPRIATE ACTIVITIES

STUDENT NEEDS RELATING TO SPECIAL FACTORS

BASED ON THE IDENTIFICATION OF THE STUDENT'S NEEDS, THE COMMITTEE MUST CONSIDER WHETHER THE STUDENT NEEDS A PARTICULAR DEVICE OR SERVICE TO ADDRESS THE SPECIAL FACTORS AS INDICATED BELOW, AND IF SO, THE APPROPRIATE SECTION OF THE IEP MUST IDENTIFY THE PARTICULAR DEVICE OR SERVICE(S) NEEDED.

Does the student need strategies, including positive behavioral interventions, supports and other strategies to address behaviors that impede the student's learning or that of others? ☐ Yes ☐ No

Does the student need a behavioral intervention plan? ☐ No ☐ Yes:

For a student with limited English proficiency, does he/she need a special education service to address his/her language needs as they relate to the IEP?
☐ Yes ☐ No ☐ Not Applicable

For a student who is blind or visually impaired, does he/she need instruction in Braille and the use of Braille? ☐ Yes ☐ No ☐ Not Applicable

Does the student need a particular device or service to address his/her communication needs? ☐ Yes ☐ No

In the case of a student who is deaf or hard of hearing, does the student need a particular device or service in consideration of 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?
☐ Yes ☐ No ☐ Not Applicable

Does the student need an assistive technology device and/or service? ☐ Yes ☐ No

If yes, does the Committee recommend that the device(s) be used in the student's home? ☐ Yes ☐ No

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)

MEASURABLE POSTSECONDARY GOALS

LONG-TERM GOALS FOR LIVING, WORKING AND LEARNING AS AN ADULT

EDUCATION/TRAINING:**EMPLOYMENT:****INDEPENDENT LIVING SKILLS (WHEN APPROPRIATE):****TRANSITION NEEDS**

In consideration of present levels of performance, transition service needs of the student that focus on the student's courses of study, taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities:

THE FOLLOWING GOALS ARE RECOMMENDED TO ENABLE THE STUDENT TO BE INVOLVED IN AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM, ADDRESS OTHER EDUCATIONAL NEEDS THAT RESULT FROM THE STUDENT'S DISABILITY, AND PREPARE THE STUDENT TO MEET HIS / HER POSTSECONDARY GOALS.

[illegible]

identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parents:

Identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parents:

**ALTERNATE SECTION FOR STUDENTS WHOSE IEPs WILL INCLUDE SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS
(REQUIRED FOR PRESCHOOL STUDENTS AND FOR SCHOOL-AGE STUDENTS WHO MEET ELIGIBILITY CRITERIA TO TAKE THE NEW YORK STATE ALTERNATE ASSESSMENT)**

MEASURABLE ANNUAL GOALS			
THE FOLLOWING GOALS ARE RECOMMENDED TO ENABLE THE STUDENT TO BE INVOLVED IN AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL CHILD, IN APPROPRIATE ACTIVITIES, ADDRESS OTHER EDUCATIONAL NEEDS THAT RESULT FROM THE STUDENT'S DISABILITY, AND, FOR A SCHOOL-AGE STUDENT, PREPARE THE STUDENT TO MEET HIS/HER POSTSECONDARY GOALS.			
ANNUAL GOAL WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):			
SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):			
SHORT-TERM INSTRUCTIONAL OBJECTIVES AND/OR BENCHMARKS (INTERMEDIATE STEPS BETWEEN THE STUDENT'S PRESENT LEVEL OF PERFORMANCE AND THE MEASURABLE ANNUAL GOAL):			
(DUPLICATE TABLE/ROWS AS NEEDED)			

REPORTING PROGRESS TO PARENTS
Identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parents:

RECOMMENDED SPECIAL EDUCATION PROGRAMS AND SERVICES					
SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING/ SERVICE DATE(S)
SPECIAL EDUCATION PROGRAM:					
RELATED SERVICES:					
SUPPLEMENTARY AIDS AND SERVICES/PROGRAM MODIFICATIONS/ACCOMMODATIONS:					
ASSISTIVE TECHNOLOGY DEVICES AND/OR SERVICES:					
SUPPORTS FOR SCHOOL PERSONNEL ON BEHALF OF THE STUDENT:					
* Identify, if applicable, class size (maximum student-to-staff ratio), language if other than English, group or individual services, direct and/or indirect consultant teacher services or other service delivery recommendations.					

12-MONTH SERVICE AND/OR PROGRAM – Student is eligible to receive special education services and/or program during July/August ☐ No ☐ Yes

If yes:

☐ Student will receive the same special education program/services as recommended above.

OR

☐ Student will receive the following special education program/services:

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS	FREQUENCY	DURATION	LOCATION	PROJECTED BEGINNING/ SERVICE DATE(S)

Name of school/agency provider of services during July and August:

For a preschool student, reason(s) the child requires services during July and August:

TESTING ACCOMMODATIONS (TO BE COMPLETED FOR PRESCHOOL CHILDREN ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL CHILDREN)
INDIVIDUAL TESTING ACCOMMODATIONS, SPECIFIC TO THE STUDENT'S DISABILITY AND NEEDS, TO BE USED CONSISTENTLY BY THE STUDENT IN THE
RECOMMENDED EDUCATIONAL PROGRAM AND IN THE ADMINISTRATION OF DISTRICT-WIDE ASSESSMENTS OF STUDENT ACHIEVEMENT AND, IN ACCORDANCE
WITH DEPARTMENT POLICY, STATE ASSESSMENTS OF STUDENT ACHIEVEMENT

TESTING ACCOMMODATION

CONDITIONS*

IMPLEMENTATION RECOMMENDATIONS**

☐ NONE

*Conditions – Test Characteristics: Describe the type, length, purpose of the test upon which the use of testing accommodations is conditioned, if applicable.

**Implementation Recommendations: Identify the amount of extended time, type of setting, etc., specific to the testing accommodations, if applicable.

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).

COORDINATED SET OF TRANSITION ACTIVITIES

NEEDED ACTIVITIES TO FACILITATE THE STUDENT'S MOVEMENT FROM SCHOOL TO POST-SCHOOL ACTIVITIES	SERVICE/ACTIVITY	SCHOOL DISTRICT / AGENCY RESPONSIBLE
Instruction		
Related Services		
Community Experiences		
Development of Employment and Other Post-school Adult Living Objectives		
Acquisition of Daily Living Skills (if applicable)		
Functional Vocational Assessment (if applicable)		

PARTICIPATION IN STATE AND DISTRICT-WIDE ASSESSMENTS

(TO BE COMPLETED FOR PRESCHOOL STUDENTS ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL STUDENTS)

- ☐ The student will participate in the same State and district-wide assessments of student achievement that are administered to general education students.
- ☐ The student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement.
Identify the alternate assessment:
Statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student:

PARTICIPATION WITH STUDENTS WITHOUT DISABILITIES

REMOVAL FROM THE GENERAL EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES, EDUCATION CANNOT BE SATISFACTORILY ACHIEVED.

FOR THE PRESCHOOL STUDENT:

Explain the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers (e.g., percent of the school day and/or specify particular activities):

FOR THE SCHOOL-AGE STUDENT:

Explain the extent, if any, to which the student will not participate in regular class, extracurricular and other nonacademic activities (e.g., percent of the school day and/or specify particular activities):

If the student is not participating in a regular physical education program, identify the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education:

EXEMPTION FROM LANGUAGE OTHER THAN ENGLISH DIPLOMA REQUIREMENT: ☐ No ☐ Yes - The Committee has determined that the student's disability adversely affects his/her ability to learn a language and recommends the student be exempt from the language other than English requirement.

SPECIAL TRANSPORTATION
TRANSPORTATION RECOMMENDATION TO ADDRESS NEEDS OF THE STUDENT RELATING TO HIS/HER DISABILITY

☐ None.

☐ Student needs special transportation accommodations/services as follows:

☐ Student needs transportation to and from special classes or programs at another site:

PLACEMENT RECOMMENDATION

Regulations of the Commissioner of Education 200.5(b)

(b) Consent. (1) The school district must make reasonable efforts to obtain written informed consent of the parent, as such term is defined in section 200.1(l) of this Part, and must have a detailed record of its attempts, and the results of those attempts. Written consent of the parent is required:

(i) prior to conducting an initial evaluation or reevaluation, except that:

(a) parental consent is not required before reviewing existing data as part of an evaluation or a 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;

(b) parental consent need not be obtained for a reevaluation if the school district can demonstrate that it has made reasonable efforts to obtain that consent, and the student's parents failed to respond;

(c) in the event the parent of the student to be evaluated does not grant consent for an initial evaluation, such parent shall be informed by the committee chairperson that, upon request, the parent will be given an 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 an evaluation pursuant to section 200.4(a)(1)(ii), (iii) and/or (iv) of this Part, and counsel or an advisor of the parent's choice, at which time the parent shall be afforded an opportunity to ask questions regarding the proposed evaluation. If at this meeting the parent and such 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 section 100.10 of this Title or a student placed in a private school by the parents at their own expense, if the parent does not request or attend such a conference, or continues to withhold consent for evaluation otherwise required for a period of 30 days after the date of receipt of a referral, the board of education may pursue the initial evaluation of the student by utilizing the due process procedures described in this section;

(ii) 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 may not be construed as consent for initial provision of special education services; and

(iii) prior to releasing any personally identifiable information as described in subdivision (e) of this section, in accordance with sections 200.2(b)(6) and 200.4(h) of this Part;

(2) A school district may not use a parent's refusal to consent to one service or activity under paragraph (1) of this subdivision to deny the parent or child any other services, benefit, or activity of the school district, except for the conditions under paragraph (1) of this subdivision for which consent is required.

(3) If the parents of a student with a disability refuse to give consent for an initial evaluation or reevaluation or fail to respond to a request to provide consent 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 subdivisions (h) through (k) of this section. The school district does not violate its obligation to locate, identify, and evaluate a student in accordance with sections 200.2(a) and 200.4(b) and (c) of this Part if it declines to pursue the evaluation.

(4) 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 subdivisions (h) through (k) of this section to challenge the parent's refusal to consent.

(i) 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 the failure to provide such student with the special education program and services for which the parent refuses to or fails to provide consent; and

(ii) the school district shall not be required to convene a meeting of the committee on special education or develop an IEP under section 200.4 of this Part for the student.

**NYS Regulations of the Commissioner of Education 200.5(b)(5) Parent Revokes
Consent for Special Education Services**

(5) If, at any time subsequent to the initial provision of special education programs and services, the parent of a student **revokes consent** in writing for the continued provision of special education programs and services, the school district;

(i) shall not continue to provide any special education programs and services to the student, but must provide prior written notice in accordance with subdivision (a) of this section before ceasing the provision of special education programs and services;

(ii) shall not use the due process procedures described in subdivisions (h) through (k) of this section to obtain agreement or a ruling that the services may be provided to the student;

(iii) shall not be considered to be in violation of the requirement to make available a free appropriate public education to the student because of the failure to provide the student with further special education programs and services;

(iv) is not required to convene a meeting of the committee on special education or develop an IEP for the student for further provision of special education programs and services; and

(v) is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.