

DANSVILLE CENTRAL SCHOOL
DEPARTMENT OF SPECIAL EDUCATION

SPECIAL EDUCATION DISTRICT PLAN

STATUS OF SPECIAL EDUCATION PROGRAMS IN
PREPARATION FOR 2009-2010



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TABLE OF CONTENTS

Executive summary	5
Special Education district Plan Requirements	6
2003-2009 Trend data by disability category.....	9
Direct Consultant special education teacher services	11
Indirect consultant special education services	11
Resource Room Programs	11
Special class 12:1:1 – middle & high school.....	12
Special class 8:1:1 - Primary	12
Special Class 8:1:1 - elementary.....	12
special class 6:1:2 – Primary, elementary, middle	13
special class 8:1:2 – High school.....	13
Special Class related services:.....	13
Home and Hospital instruction.....	14
Out of district placements.....	14
BOCES:.....	14
Private Schools:.....	14
PreSchool.....	15
School aged population (Age 5-21)	16
2009-10 Data chart – disability Count and grade range.....	16
2009-2010 Projected out of district placements - BOCES.....	17
2009-2010 Projected out of district placements – private school.....	17
General Information – Volatility of SWD Population.....	18
Trend data DCS Classification & Placement Data 2003-Present.....	19

Special Education Program Costs and Selected Program Funding Trend Data 2000-2007	20
Cost per pupil for special education services 2005-present.....	21
Student Achievement Data	21

TABLE 1 - REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING (IAES), OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL OR IN-SCHOOL, DURING 2008-2009 SCHOOL YEAR, BY DISABILITY - CONTINUED..... 24

2007-08 high school completers & Non Completers..... 26

What is the method to be used to evaluate the extent to which the objectives of the program have been achieved? 27

A description of the policies and practices of the Dansville Board of Education to Ensure the continual allocation of space within the district for special education programs for school-aged and pre-school students:..... 28

Use of Instructional materials/textbooks..... 28

A description of the district’s plan to file and make this document available for public inspection and review by the commissioner. 29

BOE POLICY #7610 SPECIAL EDUCATION: DISTRICT PLAN..... 29

BOE POLICY #7611 CHILDREN WITH DISABILITIES 30

BOE POLICY #7612 GROUPING BY SIMILARITY OF NEEDS 32

BOE POLICY #7613 THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM..... 33

BOE POLICY #7614 PRESCHOOL SPECIAL EDUCATION PROGRAM..... 35

BOE POLICY #7615 TEMPORARY PLACEMENT OF STUDENTS WITH DISABILITIES..... 37

BOE POLICY #7620 STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS..... 38

BOE POLICY #7621 SECTION 504 OF THE REHABILITATION ACT OF 1973..... 38

BOE POLICY #7622 STUDENT'S PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES..... 39

BOE POLICY #7630 APPOINTMENT AND TRAINING OF CSE AND CPSE MEMBERS..... 41

BOE POLICY #7640 STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION 42

BOE POLICY #7641 TRANSITION SERVICES 44

BOE POLICY #7642 TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS..... 45

BOE POLICY #7650 IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND).....46

BOE POLICY #7660 PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES47

BOE POLICY #7670 *IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS ..49

BOE POLICY #7680 INDEPENDENT EDUCATIONAL EVALUATIONS..... 52

BOE POLICY #7690 SPECIAL EDUCATION MEDIATION..... 53

BOE POLICY #5730 TRANSPORTATION OF STUDENTS 53

BOE POLICY #7222 CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES 55

BOE POLICY #7223 PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS..... 56

BOE POLICY #7240 STUDENT RECORDS: ACCESS AND CHALLENGE..... 58

BOE POLICY #7313 SUSPENSION OF STUDENTS.....59



EXECUTIVE SUMMARY

The goal of this document is to provide the superintendent of schools and the Dansville Central School Board of Education with a detailed description of the district's special education program and services. This document also serves as a district planning document in relation to the needs of students with disabilities.

- **The district has successfully created a wide range continuum of district based placements that will allow us to serve students in the least restrictive environment. The new continuum will also allow us to better control the need for costly out of district placements.**
- **The district's classification rate is 11.3% which is 1.2% lower than the New York State Average.**
- **The district has been identified "At Risk" for citation for high suspension rates for students with disabilities (2.7% is the state threshold).**
- **The district will need to review existing board policies to ensure compliance with changes in federal and state regulations. Most of the policies were adopted in the mid 1990's and in 2004/2005.**
- **Goals for 2009-2011:**
 1. By June 2009, the CPSE compliance rate for the percent of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timelines will increase from 19.2% to 100% compliance as measured by the State Performance Indicator #11 (PD #11) annual report.
 2. By June 2009, the CSE compliance rate for the percent of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timelines will increase from 92.6% to 100% compliance as measured by the State Performance Indicator #11 (PD #11) annual report.
 3. By December 2009, the district will develop a corrective action plan that will identify the root causes of disproportionate representation of African American students in special education and articulate the provision of pre-referral intervention services for the targeted population.
 4. By June 2010, the district will identify the root causes of discrepant performance between students with disabilities and their non-disabled peers for math and ELA grades 3-8 and create an intervention plan to be reported to the superintendent and Board of Education.
 5. By June 2011, teachers, paraprofessionals, and select general education teachers will participate in 20 hours of professional development training related to the unique needs of students with behavioral and emotional disabilities.
 6. By June 2010, ensure that district IEPs are in compliance with District Performance Indicator #13 which requires IEPs to include coordinated, measurable, annual IEP goals and transitions services that will reasonably enable the student to meet their measurable post-secondary goals.

7. By June 2010, the suspension rate for students with disabilities will be below the NYS average of 2.7% as measured by the State Performance Indicator #8 (PD #8).

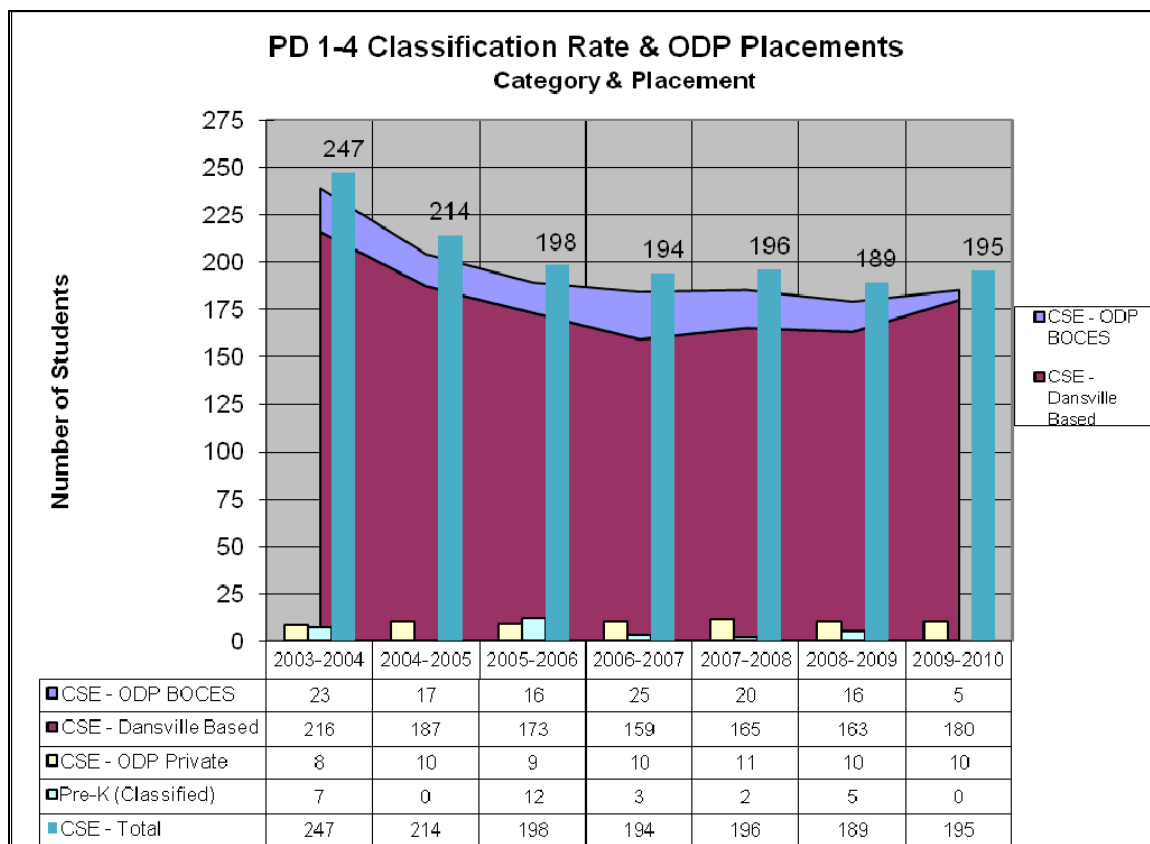
SPECIAL EDUCATION DISTRICT PLAN REQUIREMENTS

NYSED Part 200 Regulation of the Commissioner, Section 200.2 Board of Education Responsibilities, and subdivision 19 of section 3602 of the Education Law, specify that the district shall develop a plan that shall include, but need not be limited to, the following:

- Description of the nature and scope of special education programs and services currently available to students and preschool students residing in the district, including but not limited to descriptions of the district's resource room programs and each special class program provided by the district in terms of group size and composition;
- Identification of the number and age span of students and preschool students to be served by type of disability, and recommended setting;
- The method to be used to evaluate the extent to which the objectives of the program have been achieved;
- A description of the policies and practices of the board of education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by boards of cooperative educational services;
- A description of how the district intends to ensure that all instructional materials to be used in the schools of the district will be made available in usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students;
- The Estimated budget to support such plan and the date the plan is adopted by the Board of Education
- Any change to the allocation of space for special education programs which is not consistent with the regional special education space requirements plan;
- A description of the district's plan to file and make this document available for public inspection and review by the commissioner.

SCOPE OF DISTRICT SPECIAL EDUCATION PROGRAMS

The Dansville Central School District provides a full continuum of Special Education programs and services to students residing in the district. The Dansville District has had a long history of being committed to educating children in their home school as much as possible, and the current data is indicative of that philosophy. In 2008-2009, **86% of the district's students were educated in the least restrictive setting** with their Dansville Central peers. The remaining 14% received services in more restrictive settings due to the nature of their educational needs and disabilities. **In 2009-10, 92% of the district's students will be educated in their home school setting.**

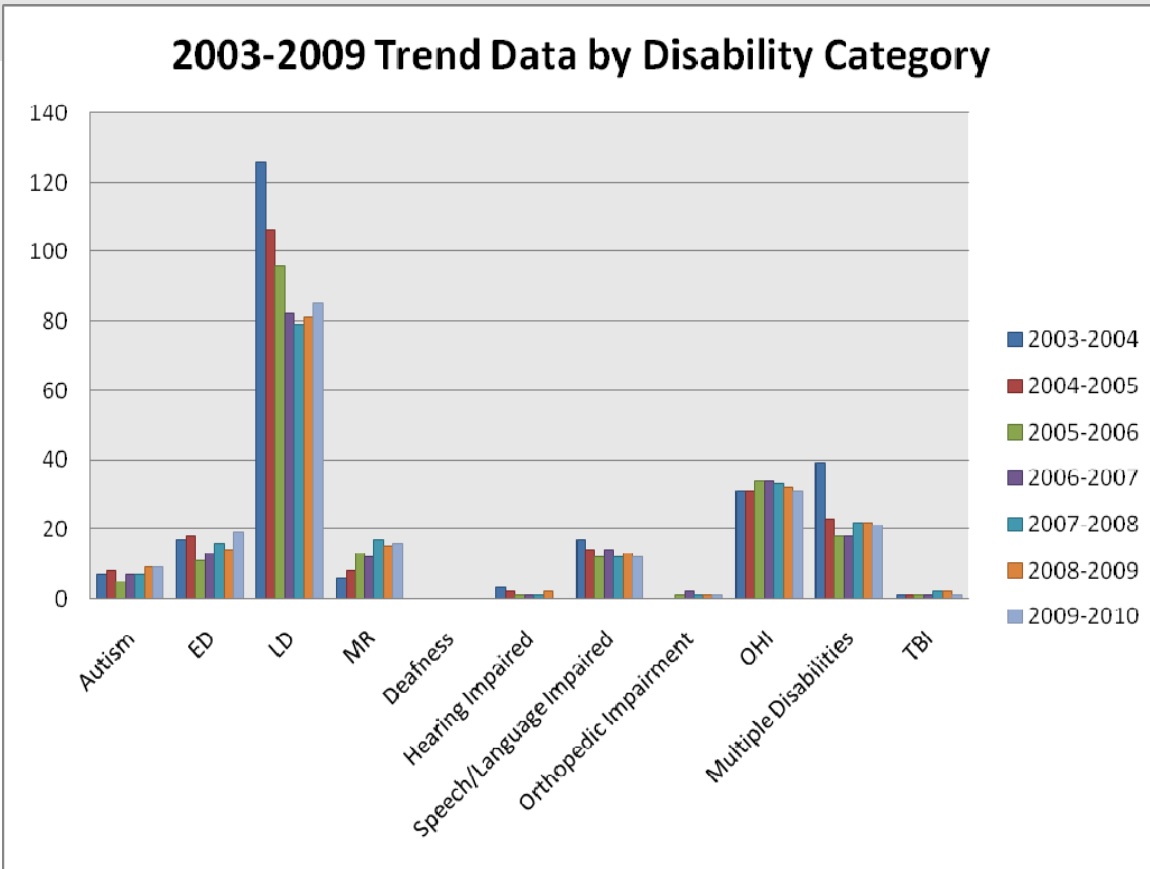


Fact: The number of out of district placed students has ranged from 35 to 26 students over the past four school years. During 2009-2010, that number will be 15 students (7.6% of the classified population; this represents a 43% decrease since 2006-07).

CLASSIFICATION BY DISABILITY CATEGORY OR SERVICES

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Autism	7	8	5	7	7	9	9
ED	17	18	11	13	16	14	19
LD	126	106	96	82	79	81	85
MR	6	8	13	12	17	15	16
Deafness	0	0	0	0	0	0	0
Hearing Impaired	3	2	1	1	1	2	0
Speech/Language Impaired	17	14	12	14	12	13	12
Orthopedic Impairment	0	0	1	2	1	1	1
OHI	31	31	34	34	33	32	31
Multiple Disabilities	39	23	18	18	22	22	21
TBI	1	1	1	1	2	2	1
Total:	247	211	192	184	190	191	195

2003-2009 TREND DATA BY DISABILITY CATEGORY



PD-7 – PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES

Educational Environment ¹		Age 3	Age 4	Total # of Students Ages 3-4	Male	Female	Total Gender	Subset of Column C (# of Students Receiving Related Services Only)	
(1.0) Students Attending Regular Early Childhood Program	(1.1) In the Regular Early Childhood Program at Least 80% of Time.	<u>5</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>0</u>	<u>10</u>		
	(1.2) In the Regular Early Childhood Program at Least 40% to 79% of Time.	<u>1</u>	<u>2</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>3</u>		
	(1.3) In the Regular Early Childhood Program Less than 40% of Time.	<u>0</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>		
(2.0) Students Not Attending a Regular Early Childhood Program	Attending a Special Education Program	(2.1) Separate Class	<u>3</u>	<u>4</u>	<u>7</u>	<u>4</u>	<u>3</u>		<u>7</u>
		(2.2) Separate School	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>
		(2.3) Residential Facility	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>
	Not Attending a Special Education Program	(2.4) Home	<u>2</u>	<u>2</u>	<u>4</u>	<u>3</u>	<u>1</u>	<u>4</u>	
		(2.5) Service Providers Location	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
(3.0) Total		<u>11</u>	<u>16</u>	<u>27</u>	<u>20</u>	<u>7</u>	<u>27</u>	<u>10</u>	

SPECIAL EDUCATION PROGRAMS

DIRECT CONSULTANT SPECIAL EDUCATION TEACHER SERVICES

The program is the District's most successful intervention for the majority of the students with disabilities. A certified special education teacher is present in the regular classroom with the student in order to adapt, modify, re-teach, and review the general education curriculum according to the student's individual needs.

The special education teacher and the general education teacher share responsibilities for all the children in that classroom and are considered partners in that class. The number of students with disabilities in any given class is always a consideration when the make-up of the class is created. Regulation requires that no more than 12 students in the class be students with disabilities (SWD). All students are challenged according to their ability levels and are expected to learn the curriculum as much as their abilities will allow. Dansville's longitudinal studies of the 3-8 testing and Regents exams show that students with disabilities make greater academic gains when they are educated in the regular classroom.

INDIRECT CONSULTANT SPECIAL EDUCATION SERVICES

As the name implies, this program is for students who do not require daily support from a special education teacher in the regular education classroom. This program provides weekly consultation (120 minutes weekly) between the special education teacher and the regular education classroom teacher in order to monitor progress, share strategies, modify curriculum and materials, and provide whatever support the student needs to be successful. Physical Therapists, Occupational Therapists, Speech and Language Pathologists and counselors may also provide their services on an indirect consultant basis. These related service providers meet on a weekly (in some cases monthly) basis with the teachers to provide suggestions and modifications to help their students to be successful.

RESOURCE ROOM PROGRAMS

The Middle School and High School students are provided with Resource Room support in order to provide a daily time for pre-teaching, re-teaching, and review of concepts presented in the regular classroom. A special education teacher provides the services in the Resource Room to

groups of 5 students or fewer for a minimum of 180 minutes per week. In many cases, this Resource Room support supplements and complements the Direct Consultant Teacher services that a student receives. Additional instruction in reading or math skills may take place during the Resource room time for students whose skills many need strengthening. Although the special education teacher is available to assist the students with assignments and can provide the re-teaching and guidance needed to successfully complete assignments, the Resource room program is not intended to be a study hall or to be used solely for the completion of homework.

SPECIAL CLASS 12:1:1 – MIDDLE & HIGH SCHOOL

Students that require a smaller classroom setting and a more intensive special education program may receive their services in a 12:1:1 special class. This class consists of up to 12 students with disabilities with a special education teacher and a teacher aide. Students receive all or almost all of their core academic subjects in this small environment. The special education teacher uses grade level curriculum but focuses more on the application of skills and presents concepts and skills at the instructional readiness level of the students in the program. The purpose of special class is to develop skills so that students can access regular education classes.

Dansville has two 12:1:1 classrooms located in the middle school and one at the high school. These classes emphasize functional academics with a work experience or vocational training component. Pre-employment and functional life skills are embedded in the program provided to these students.

SPECIAL CLASS 8:1:1 - PRIMARY

The Dansville School district provides a special language-based class for Primary school students with significant speech and/or cognitive delays. A teacher dually certified in both Special Education and Speech/Language pathology teaches this class. Two teacher aides assist the students and the teacher in this class. This class consists of up to 8 Primary students. This special class is an early intervention program that focuses on skill development so that the student will be able to access regular education.

SPECIAL CLASS 8:1:1 - ELEMENTARY

The support for students with language and cognitive delays continues in the elementary setting. This smaller class environment allows students to grow and learn at their own pace. Instruction is language enriched with the focus on increasing vocabulary and personal experiences. Strategies to

help students become self-directed are strongly emphasized. Every attempt to push-in related services will be made to increase the amount of instruction students receive in the classroom. The focus on this class is developing skills that students will need so that they can access regular education.

SPECIAL CLASS 6:1:2 – PRIMARY, ELEMENTARY, MIDDLE

During the 2009-10 school year the district returned students from out of district placements who were identified as having cognitive and behavioral/emotional disabilities that were impairing the ability to learn at a rate comparable to their non-disabled peers. The 6:1:2 (6 students, 1 teacher, and 2 paraprofessionals) self-contained special education classroom is designed to offer academic, emotional, behavioral, and family supports. The program is designed to serve the unique needs of this population of learners and to eventually provide opportunities for successful mainstreaming experiences when appropriate. Individual and group counseling is provided in addition to the support of psychiatric services when warranted.

SPECIAL CLASS 8:1:2 – HIGH SCHOOL

The 8:1:2 (8 students, 1 teacher, and 2 paraprofessionals) self-contained special education classroom is designed to offer academic, emotional, behavioral, and family supports to high school aged students. The program is designed to serve the unique needs of this population of learners and to eventually provide opportunities for successful mainstreaming experiences when appropriate. Individual and group counseling is provided in addition to the support of psychiatric services when warranted. Students in this program are generally working toward a GED, Local, or Regents Diploma.

Credit recovery programming is available to those students who have fallen significantly behind in earning the required credits for graduation due to prior behavioral infractions or suspensions.

Students in this program generally spend part of the day in the BOCES vocational program or work experience program.

SPECIAL CLASS RELATED SERVICES:

Students with disabilities may receive Adapted Physical Education, Speech/language Therapy, Occupational Therapy, Physical Therapy, Music Therapy, Teacher of the Deaf, Vision, and Counseling services in conjunction with their regular or special education programs. These services may be delivered individually or in a group of no more than 5 students as specified on the I.E.P. Students receiving Speech and Language therapy need to be provided a minimum of two weekly 30-minute sessions as appropriate to meet the student's needs. Licensed and/or certified providers

provide all therapy. The district utilizes a number of district employees to provide related services but may contract through BOCES or private-sector providers to secure necessary services.

HOME AND HOSPITAL INSTRUCTION

Students with disabilities who are recommended for home and/or hospital instruction by the committee on special education shall be provided instruction and appropriate related services as determined by the committee on special education in consideration of the student's unique needs. Home and hospital instruction would only be recommended if such placement is in the least restrictive environment and must be provided a minimum of five (5) hours per week at the elementary level and ten (10) hours at the secondary level.

OUT OF DISTRICT PLACEMENTS

Dansville students whose unique special needs require services and programs that are not available in the Dansville Central School district may be provided those services and programs outside of the District. The committee on special education may recommend 'out of district' placements in order to insure that all students are provided with an appropriate program.

BOCES:

The Dansville Central School District will place students in classes in Genesee Valley, Steuben-Allegany, and Monroe I/II BOCES as appropriate to accommodate more intensive management and educational needs. BOCES placements are made with the goal of bringing the student back to the district as soon as the student is able to be successful in the home school.

PRIVATE SCHOOLS:

Dansville students are placed at private schools such as Norman Howard, Mary Cariola, Crestwood Children's Center, Creekside, and School of the Holy Childhood when such a placement is necessary to meet a child's needs.

STUDENT PLACEMENT

Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

PRESCHOOL

Dansville Central School District preschool students are served in a variety of programs and settings. The least restrictive environment for a preschooler could be the home, daycare, a private preschool program, a universal Pre-K program, or a center-based program. The placement and services provided to each preschool student with a disability (PSWD) is determined according to the individual student needs and approved by the Committee on Preschool Special Education (CPSE).

<u>Program:</u>	<u>Number of Students</u>
<i>Universal Pre-K in Dansville Primary School</i>	2
<i>ARC Integrated Classroom - Geneseo</i>	5
<i>ARC 12:1:1 Special Class (Self-Contained)</i>	3
<i>Headstart with related services</i>	1
<i>Transitioning from Early Intervention</i>	2
<i>Special Early Childhood Setting</i>	0
<i>Related Services Only</i>	17

SCHOOL AGED POPULATION (AGE 5-21)

There are currently 195 students in grades K-12 who receive Special Education Services in Dansville Central School district-operated programs. Two students receive special education support and related services at home. A vast majority of the students with learning Disabilities, Other health impairments, hearing Impairments, Speech and language Impairments, and Emotional Disturbances receives their support services in the Consultant Teacher Program.

- Up to 22 High School students will receive services in the 12:1:1 HS Class.
- Up to 8 Primary and elementary students will receive services in the 8:1:2 Primary program or 8:1:1 Elementary program.
- All students in the District general education programs will be served in the Consultant Teacher program and/or Resource Room Program.
- 31 children ages 3-5 participate in the pre-school special education program.

2009-10 DATA CHART – DISABILITY COUNT AND GRADE RANGE

Disability	K-2	3-5	6-8	9-12+
Visual Impairment	0	0	0	0
Speech/Language	5	7	0	1
Mental Retardation	1	2	4	9
Multiple Disabilities	0	8	6	7
Emotional Disturbance	6	6	4	3
Hearing Impairment	0	0	0	0
Autism	2	6	1	0
TBI Brain Injury	0	1	0	0
Other Health Impaired	2	8	9	9
Learning Disabled	2	24	22	37

2009-2010 PROJECTED OUT OF DISTRICT PLACEMENTS - BOCES

At the beginning of the 2007-08 school year, 19 Dansville district students ages 5-21 were receiving special education services from programs operated by a BOCES. These are typically students with emotional or multiple disabilities that require more intensive and specialized services. As of September 2009, only five students with disabilities will require an out of district BOCES placement.

<u>Program:</u>	<u>Number of Students</u>
<i>GV BOCES at Leicester Academy (6:1:1)</i>	1
<i>GV BOCES at Mt. Morris Central School (6:1:1)</i>	1
<i>GV BOCES at Pavilion (6:1:1)</i>	0
<i>Monroe #1 BOCES at Creekside</i>	1
<i>GST – BOCES (Alfred Access Program)</i>	2

2009-2010 PROJECTED OUT OF DISTRICT PLACEMENTS – PRIVATE SCHOOL

The Dansville School District anticipates that 10 students will receive their Special Education services in Private School programs. The School of the Holy Childhood will serve 6 Dansville students with multiple disabilities. Three students will attend Mary Cariola Children’s Center and one will attend Crestwood Children’s Center.

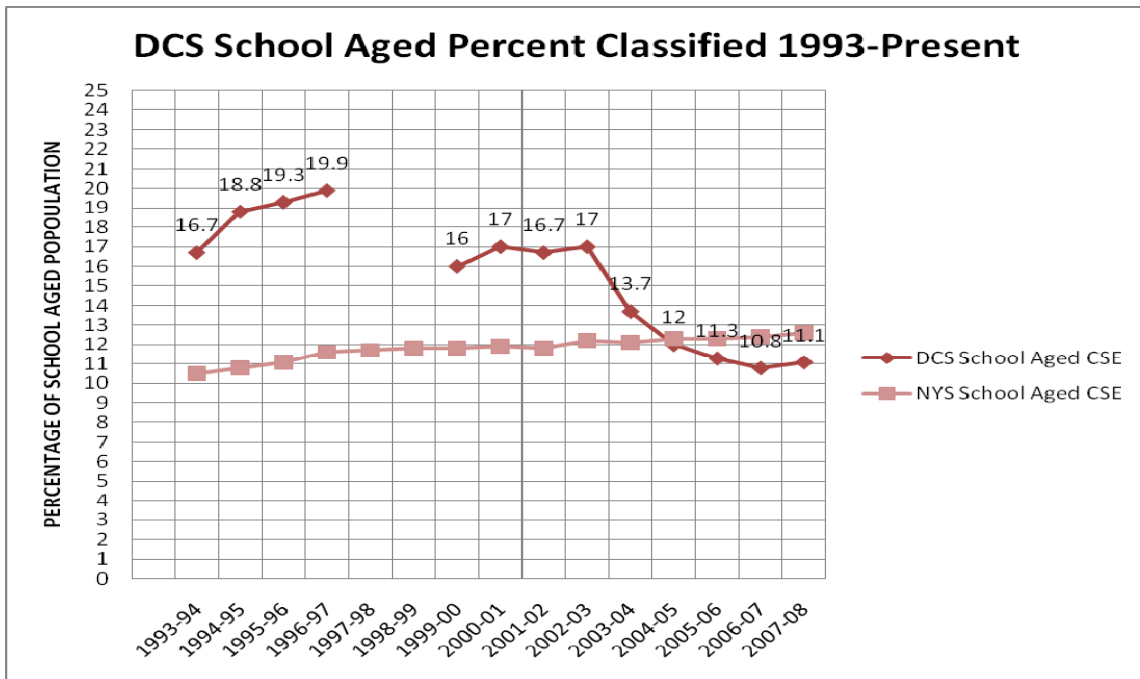
<u>Program:</u>	<u>Number of Students</u>
<i>Norman Howard School</i>	0
<i>School of the Holy Childhood</i>	6
<i>Mary Cariola Children’s Center</i>	3
<i>Crestwood Children’s Center</i>	1

GENERAL INFORMATION – VOLATILITY OF SWD POPULATION

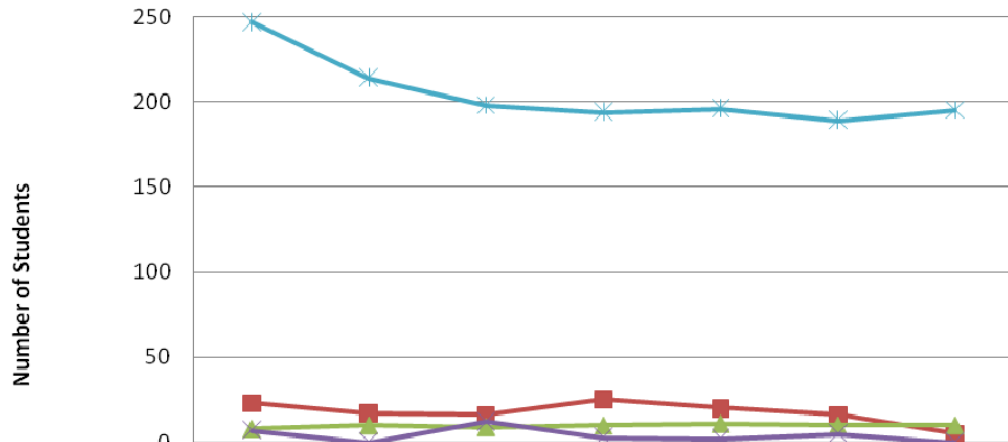
It should be noted that the overall number of special education students in the Dansville School District could vary greatly from week to week. The New York State Regulations require the Dansville Committee on Special Education to constantly assess a student’s continuing need and eligibility for special education support. It is to our district’s credit that the CSE has declassified several students who no longer need special education services in the last four years. Conversely, there are many new referrals to the CSE and CPSE throughout the course of the school year. Students found to be eligible for special education classification and services will be added to the overall number of students in the District’s Special Education programs. A third variable that can affect the number of Special Education students is the mobility of families with classified students moving either into our out of Dansville during the school year. The number of state operated chapter homes and foster care placements also impacts our program. Although the number will vary from week to week, the average total number of students, age 5-21 receiving special education services in the Dansville School District is around 195. **This is approximately 11.3% of our total population.**

A third variable that can affect the number of Special Education students is the mobility of families with classified students moving either into our out of Dansville during the school year.

CLASSIFICATION RATE 1993-PRESENT



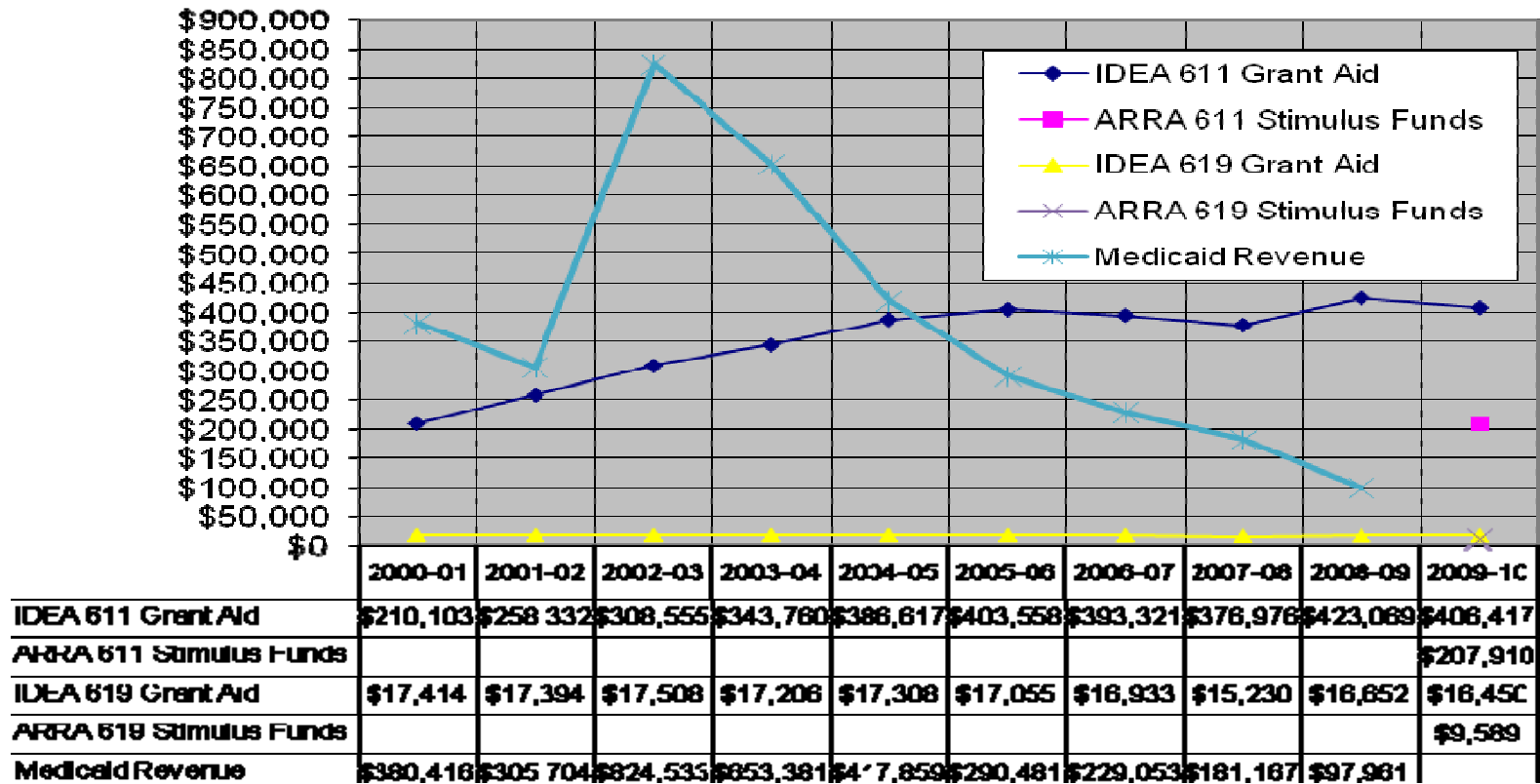
DCS Classification & Placement Trend Data 2003-2009



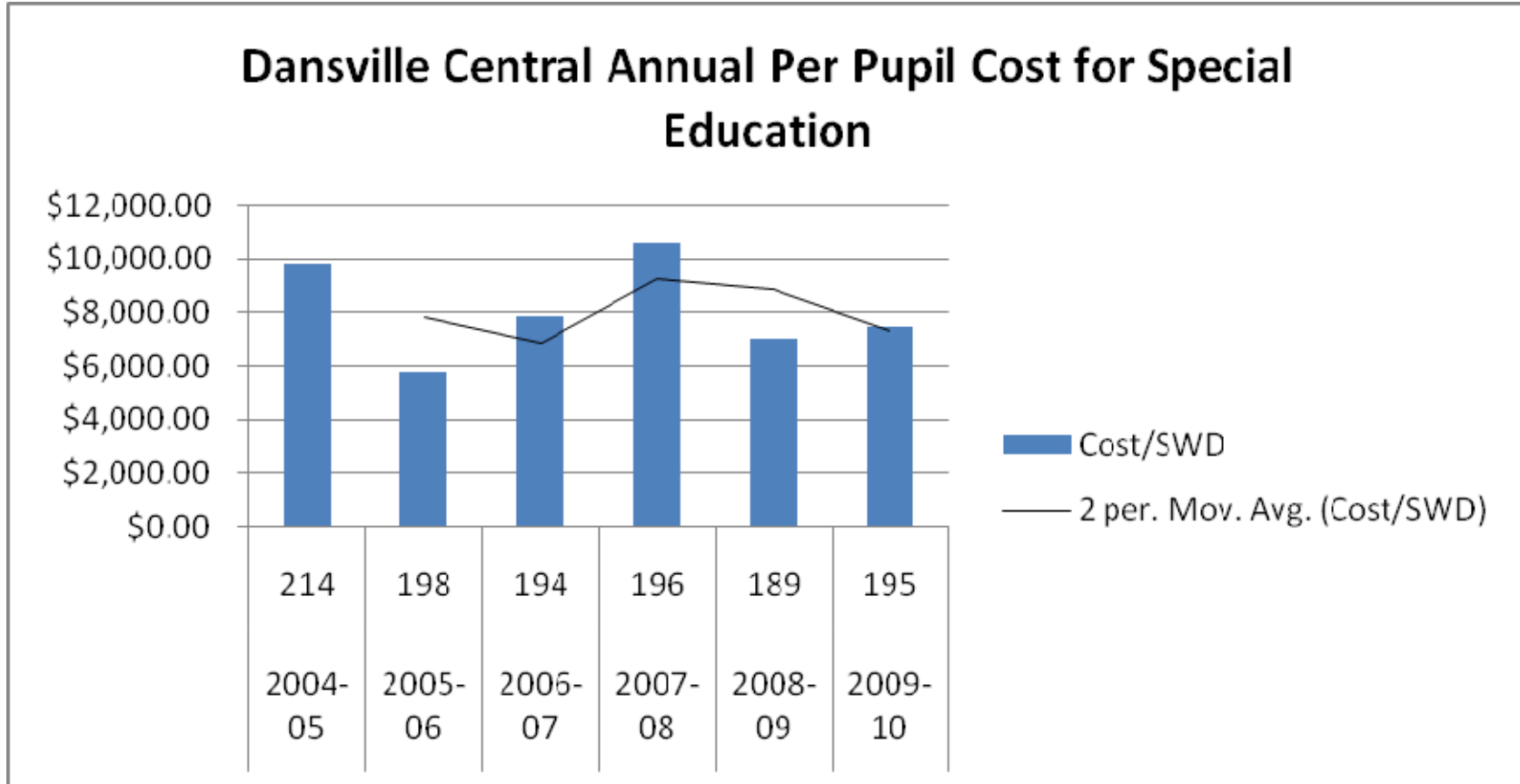
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
# of GV BOCES ODP	23	17	16	25	20	16	5
# of Private ODP	8	10	9	10	11	10	10
Pre-K (Classified)	7	0	12	3	2	5	0
CSE - Total	247	214	198	194	196	189	195

SPECIAL EDUCATION PROGRAM COSTS AND SELECTED PROGRAM FUNDING TREND DATA 2000-2007

The Special Education Program at Dansville Central is funding by local tax dollars, Federal IDEA and CPSE Administrative Grants. Each district is required to maintain a “local effort” at the same rate or higher each year. During 2008-09 the actual local effort was \$913,028. The approved expenditure plan for special education during 2009-2010 is \$1,464,336. Special education services represent \$1,198,332 and special transportation costs an additional \$266,004.



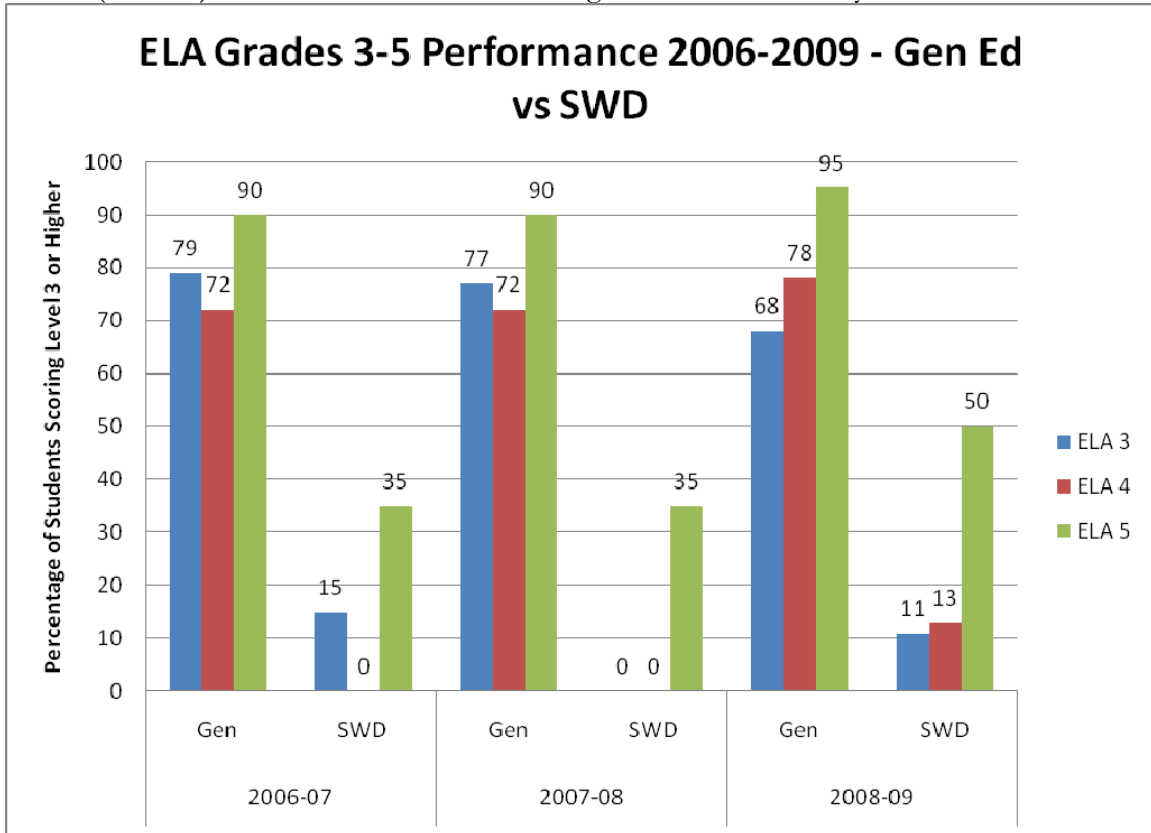
COST PER PUPIL FOR SPECIAL EDUCATION SERVICES 2005-PRESENT



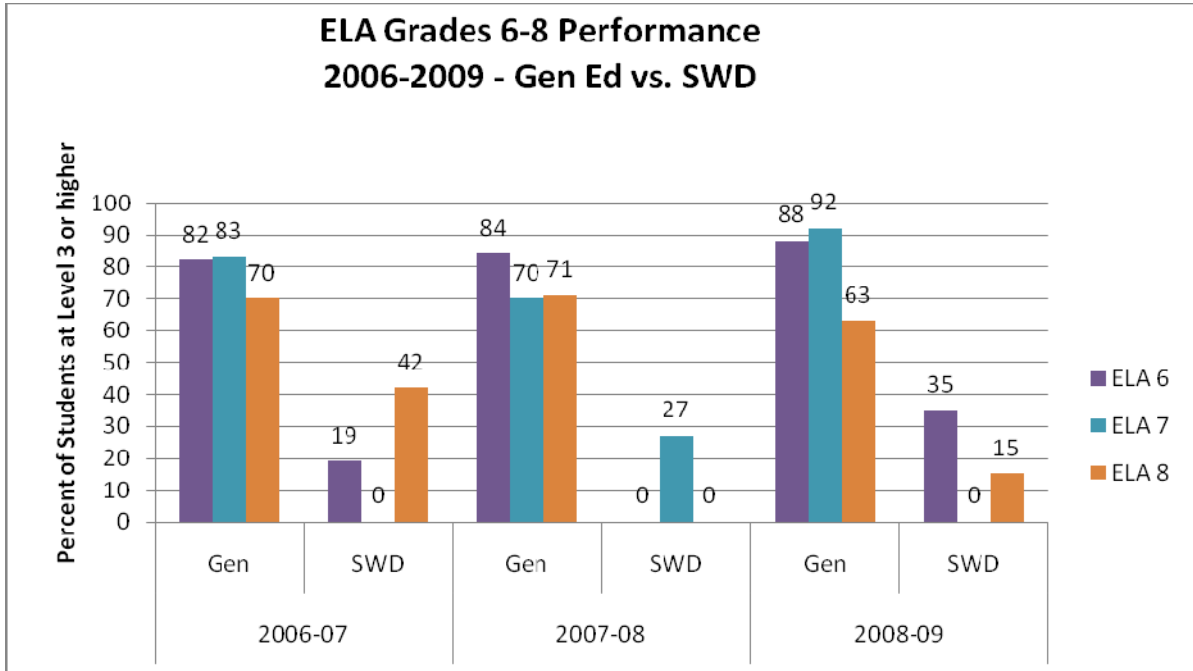
Note: *The 2009-10 represents anticipated expenditures – the actual cost per pupil is likely to be lower than the previous year.*

STUDENT ACHIEVEMENT DATA

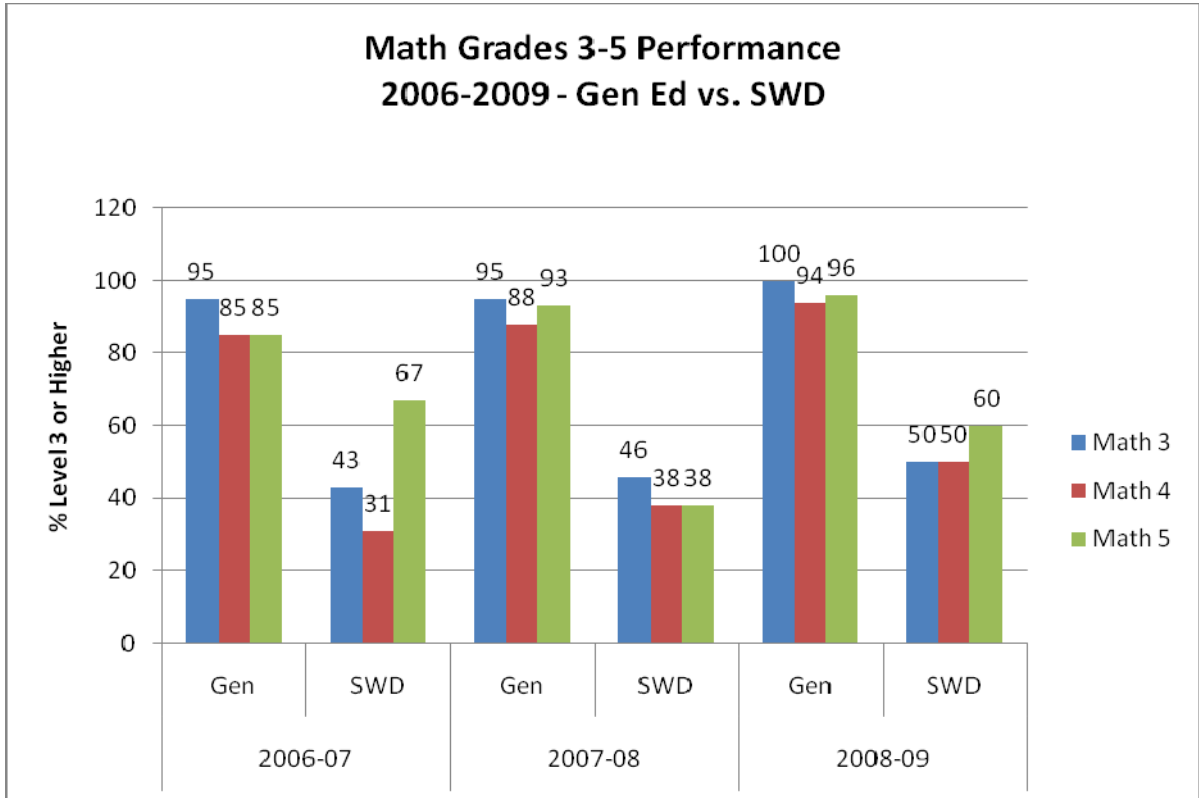
The Dansville Central School has participated in a number of Targeted Achievement Reviews as required by the State Education Department. The first review occurred during the 2003-04 school year and focused on the area of math performance. “The results of the data analysis indicated: Achievement scores on the NYS math assessment for grades 4 and 8 show lack of performance in mathematical reasoning/critical thinking skills.” Over the next three years the district classification rate dropped from 17% down to its current level of 11.3%. As a result of this Targeted Achievement Review the district adopted the Everyday and Connected Math programs. On October 5, 2006, the district was notified that district would be required to participate in a Quality Improvement Process (QIP) due to weak performance of students with disabilities on the 2004-05 Grades 4 & 8 NYS ELA examinations. Currently a district committee is analyzing trend data and engaging in targeted activities to address these concerns. The district has been identified under NCLB procedures as a “district dangerously close to being publicly identified for poor academic performance of this subgroup population. The Special Education Technical Resource Center (SETRC) worked with the district during the 2006-07 school year.



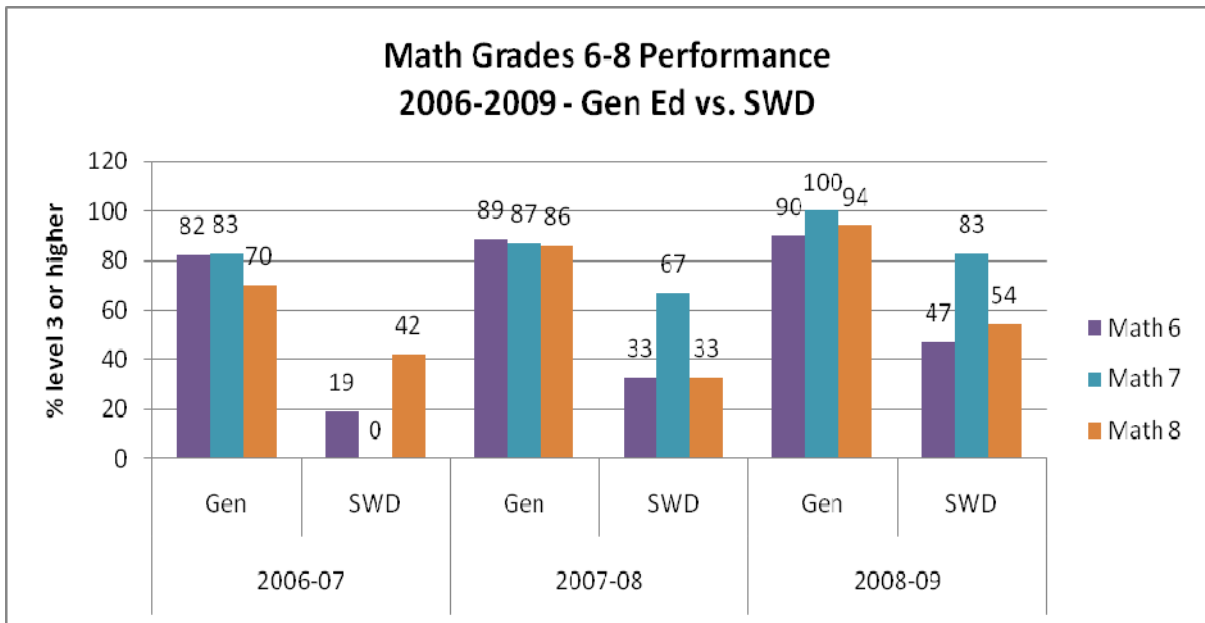
Note: The performance of SWD has increased significantly by grade 5 on the NYS ELA Exam. A significant achievement gap remains between SWD and the performance of non-disabled peers.



Note: The performance of SWD has varied significantly between grades 6-8 on the NYS ELA Exam. A significant achievement gap remains between SWD and the performance of non-disabled peers. The district has achieved “Safe Harbor” status with SWD but must improve the subgroup’s overall performance.



Note: Significant progress has been noted in math performance on grade 3-5 testing. A significant gap still remains and threatens the district’s ability to meet “Safe Harbor” status for this subgroup.



Note: The performance of SWD on the math 6-8 NYS assessment has increased over the last three years particularly in grades 7 and 8.

TABLE 1 - REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING (IAES), OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL OR IN-SCHOOL, DURING 2008-2009 SCHOOL YEAR, BY DISABILITY - CONTINUED

Students with Disabilities Ages 3-21	4. In-School Suspensions		5. Disciplinary Removals			
	A. Number of Students with Disabilities with In-School Suspensions Totaling 10 Days or Less	B. Number of Students with Disabilities with In-School Suspensions Totaling More Than 10 Days	A. Total Number of Disciplinary Removals	B. Number of Students with Disabilities with Disciplinary Removals Totaling 1 Day	C. Number of Students with Disabilities with Disciplinary Removals Totaling 2-10 Days	D. Number of Students with Disabilities with Disciplinary Removals Totaling More Than 10 Days
1. Autism	0	0	0	0	0	0
2. Emotional Disturbance	7	0	49	1	5	5
3. Learning Disability	17	0	45	4	14	2
4. Mental Retardation	0	0	1	1	0	0
5. Deafness	0	0	0	0	0	0
6. Hearing Impairment	0	0	0	0	0	0
7. Speech or Language Impairment	0	0	0	0	0	0
8. Visual Impairment Including Blindness	0	0	0	0	0	0

TABLE 1 - REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING (IAES), OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL OR IN-SCHOOL, DURING 2008-2009 SCHOOL YEAR, BY DISABILITY - CONTINUED

Students with Disabilities Ages 3-21	4. In-School Suspensions		5. Disciplinary Removals			
	A. Number of Students with Disabilities with In-School Suspensions Totaling 10 Days or Less	B. Number of Students with Disabilities with In-School Suspensions Totaling More Than 10 Days	A. Total Number of Disciplinary Removals	B. Number of Students with Disabilities with Disciplinary Removals Totaling 1 Day	C. Number of Students with Disabilities with Disciplinary Removals Totaling 2-10 Days	D. Number of Students with Disabilities with Disciplinary Removals Totaling More Than 10 Days
9. Orthopedic Impairment	0	0	0	0	0	0
10. Other Health Impairment	5	1	41	0	6	2
11. Multiple Disabilities	2	0	9	0	1	1
12. Deaf-Blindness	0	0	0	0	0	0
13. Traumatic Brain Injury	0	0	0	0	0	0
14. Preschool Student with a Disability	0	0	0	0	0	0
15. Total	31	1	145	6	26	10

Note: The district has been cited “At-Risk” for high suspension rates for students with disabilities. The 2008-09 PD #8 data indicates that students classified as emotionally disturbed, Learning Disabled, and Other Health Impaired are most at-risk for suspensions. A building and grade level analysis will be conducted during 2009-2010 school year. It should be noted that the district returned the 6:1 BOCES programs to district in hopes of both reducing the suspension rate and increasing academic performance for the ED student population. The state average for suspensions for SWD is 2.7%.

2007-08 HIGH SCHOOL COMPLETERS & NON COMPLETERS

High School Completers

		All Students		General-Education Students		Students with Disabilities	
		Number of Students	Percentage of Graduates	Number of Students	Percentage of Graduates	Number of Students	Percentage of Graduates
Total Graduates	2007-08	124		111		13	
	2006-07	105		95		10	
	2005-06	104		86		18	
Receiving a Regents Diploma	2007-08	109	88%	106	95%	3	23%
	2006-07	89	85%	86	91%	3	30%
	2005-06	81	78%	74	86%	7	39%
Receiving a Regents Diploma with Advanced Designation	2007-08	63	51%	63	57%	0	
	2006-07	37	35%	37	39%	0	
	2005-06	0		0		0	
Receiving an Individualized Education Program (IEP) Diploma	2007-08	3	N/A	0		3	N/A
	2006-07	0		0		0	
	2005-06	4	N/A	0		4	N/A

NOTE Students receiving Regents diplomas and Regents diplomas with advanced designation are considered graduates; recipients of IEP diplomas are not.

High School Noncompleters

		All Students		General-Education Students		Students with Disabilities	
		Number of Students	Percentage of Students	Number of Students	Percentage of Students	Number of Students	Percentage of Students
Dropped Out	2007-08	10	1%	7	1%	3	3%
	2006-07	11	2%	11	2%	0	
	2005-06	11	2%	6	1%	5	5%
Entered Approved High School Equivalency Preparation Program	2007-08	8	1%	7	1%	1	1%
	2006-07	2	0%	1	0%	1	1%
	2005-06	6	1%	4	1%	2	2%
Total Noncompleters	2007-08	18	3%	14	2%	4	4%
	2006-07	13	2%	12	2%	1	1%
	2005-06	17	3%	10	2%	7	7%

Note: The 2008-09 data is not yet formally available. The percentage of SWD earning a Regents diploma has declined from the 2007-08. The percentage of SWD who have dropped out is three times that of non-disabled peers.

PROGRAM EVALUATION

WHAT IS THE METHOD TO BE USED TO EVALUATE THE EXTENT TO WHICH THE OBJECTIVES OF THE PROGRAM HAVE BEEN ACHIEVED?

The objective of the Dansville Central School District Special Education Department is to provide the necessary programs, supports and services to all students with disabilities in order to:

- Maximize the students' learning of the general education curriculum
- Facilitate the students' continued progress toward the State Standards
- Prepare the students to live, learn, and earn

The primary responsibility for evaluating the Special Education program and services lies with the Committee on Special Education (CSE). The CSE evaluates both the results of individualized education programs (IEP) implemented for each identified student along with the appropriateness of all special education programs, services, and facilities.

The IEP identifies both the annual goals and short-term instructional and behavioral objectives for each student. Students ages 14 and older will have a Transition Plan to address post-school outcomes included as part of their IEP.

Progress toward meeting specific objectives is reported to parents in writing every 10 weeks. The CSE office receives an updated copy of the evaluated objectives every 10 weeks.

The CSE meets at least annually to evaluate the status of each student with a disability to recommend the continuation, modification, or termination of the Special Education programs and services that the student is receiving.

Progress toward meeting State Standards and achieving mastery of concepts in the general education curriculum will be measured with state tests such as the 3-8 math and ELA assessments, along with RCT and Regents exam performance as reported on the annual School Report Card. The State of New York will require that students with disabilities show adequate yearly progress toward state goals and standards.

The State of New York will require that students with disabilities show adequate yearly progress toward state goals and standards.

Previously, the district is participated in the New York State Education Departments Quality Improvement Process (Q.I.P.) due to our weak students with disabilities performance on the 2004 ELA exam. The district had been identified as being “dangerously close to being identified as a school in need of improvement under NCLB.” A committee of administrators, teachers, special education teachers, and SETRC (Special Education Technical Resource Center) addressing that issue for

the district and we have remained a school “IN GOOD STANDING” in all areas.

SPACE ALLOCATION

A DESCRIPTION OF THE POLICIES AND PRACTICES OF THE DANVILLE BOARD OF EDUCATION TO ENSURE THE CONTINUAL ALLOCATION OF SPACE WITHIN THE DISTRICT FOR SPECIAL EDUCATION PROGRAMS FOR SCHOOL-AGED AND PRE-SCHOOL STUDENTS:

All special education classes are housed in the District facility where a student ordinarily attends school. Classroom space has been allocated for all special education classes. All consultant teachers have classrooms to bring small groups of students for pull out support services.

Special education pre-school students attend the District Universal Preschool program located in the Primary School building.

USE OF INSTRUCTIONAL MATERIALS/TEXTBOOKS

All Special Education students have access to all grade level instructional materials as appropriate. Special education students have access to alternative materials that are more appropriate to their particular learning styles and needs. The District currently offers special education students the Wilson Reading Program and Reading Recovery and the materials that correspond to these programs. Both the Harcourt Trophies Reading Series and Everyday Mathematics have intervention components that are targeted to assist disabled students.

Books on tape and adapted materials for the visually impaired are secured for students as needed through the Commission on the Blind and Visually Impaired.

**A DESCRIPTION OF THE DISTRICT’S PLAN TO FILE AND MAKE
THIS DOCUMENT AVAILABLE FOR PUBLIC INSPECTION AND
REVIEW BY THE COMMISSIONER.**

The district’s special education plan will be presented to the Board of Education during a public meeting in August and placed on file in both the district and special education office. The plan will also be accessible via the district’s website at www.dansvillecd.org .

BOE POLICY #7610 SPECIAL EDUCATION: DISTRICT PLAN

Date Approved: September 14 1999

Students

A District plan shall be developed and updated every two years describing the Special Education program in the Dansville Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) The estimated budget to support such plan.
- f) The date on which such plan was adopted by the Board of Education.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

8 New York Code of Rules and Regulations
(NYCRR) Section 200.28

BOE POLICY #7611 CHILDREN WITH DISABILITIES

Date Approved: September 14 1999

Students

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

- e) The Superintendent and building principals will ensure that allocation of appropriate space exists within the District for special education programs that meet the needs of students with disabilities. This information will be reported annually to the Board of Education.
- f) The Superintendent or the Committee on Special Education (CSE) Chairperson will provide assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES and other agencies/education institutions. This information will be reported annually to the Board of Education.

Equivalency of Instruction

All students must be given the opportunity to earn a high school diploma. Some students with disabilities may not be able to benefit from instruction within the regular classroom. The following procedure will be followed to insure equivalency of instruction for these students:

- a) The content, instructional techniques, materials, and competency levels will be reviewed by the Director of Special Education Chair and the Department Chair in the specific content area.
- b) Based on the review of the Department Chair and the Director of Special Education, the high school principal will determine whether or not the conditions for equivalency of instruction have been met. Carnegie credits will be given in accordance with the New York State Commissioner's Regulations Part 100.

20 United States Code (U.S.C.)
Sections 1400-1485, Individuals with
Disabilities Education Act (IDEA)
State Law - Education Law Sections
4401-4407
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5, 100.9,
200.2(b)(3), 200.2(c)(2)(v), and
200.6(a)(1)

BOE POLICY #7612 GROUPING BY SIMILARITY OF NEEDS

Date Approved: September 14 1999

Students

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics; (2) social needs; (3) physical development; and (4) management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) A student's range of needs should be limited to the extent that one student's needs do not infringe on another student's ability to learn.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(3), 200.6(a)(3)

**BOE POLICY #7613 THE ROLE OF THE BOARD OF EDUCATION
IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED
EDUCATION PROGRAM**

Date Approved: September 14 1999

Students

Committee on Special Education

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for

the appropriate special education programs and services to be provided within 60 days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians a copy of the statement

of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than 30 days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(d)(1), 200.4(c),
200.4(d), 200.5 and 200.16(e)

BOE POLICY #7614 PRESCHOOL SPECIAL EDUCATION PROGRAM

Date Approved: September 14 1999

Students

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs the Superintendent to establish administrative practices and procedures to:

- a) Ensure for the provision of special education services and programs for each preschool child with a disability residing in the District.

- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation of a preschool aged child.
- d) Locate and identify all preschool children with disabilities who reside in the District and are eligible to attend a preschool program in accordance with the relevant provisions of the Education Law during the next year. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE). (Refer to Policy #7650 -- Identification and Register of Children With Disabilities.)
- e) Develop an individualized education program (IEP) for each preschool age child with a disability. (Refer to Policy #7640 -- Student Individualized Education Program.);
- f) Appoint and train appropriately qualified personnel including the members of the CPSE. (Refer to Policy #7630 -- Appointment and Training of CSE and CPSE Members.);
- g) Maintain lists of State Education Department approved preschool programs within the county and adjoining counties in which the District is located; and
- h) Report to the State Education Department the number of children with disabilities that are being served, as well as those not served.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.

Education Law Section 4410
20 United States Code (U.S.C.)
Sections 1400-1485, Individuals With
Disabilities Education Act (IDEA)
8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(5)

**BOE POLICY #7615 TEMPORARY PLACEMENT OF STUDENTS
WITH DISABILITIES**

Date Approved: September 14 1999

Students

The Board of Education authorizes the Chairperson for the Committee on Special Education to make an immediate, temporary placement of a student with a disability in an appropriate educational program, contingent upon obtaining written parental approval to do so, to prevent such student from being denied the benefit of the program while the Committee on Special Education is in the process of reviewing the referral documents and formulating their recommendation. Temporary placement may not exceed a thirty (30) day period from the date of the student's initial registration.

Upon completion of the review, a recommendation shall be submitted to the Board from the Committee on Special Education for each case whereby temporary placement will be made.

8 New York Code of Rules and Regulations (NYCRR)
Section 200.4(d)(1)

**BOE POLICY #7620 STUDENTS WITH DISABILITIES
PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

Date Approved: September 14 1999

Students

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(1)

**BOE POLICY #7621 SECTION 504 OF THE REHABILITATION
ACT OF 1973**

Date Approved: September 14 1999

Students

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and

services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

On a yearly basis, the Superintendent will bring recommendations to the Board of Education to insure compliance with the above and other accessibility issues.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et
seq.

**BOE POLICY #7622 STUDENTS PRESUMED TO HAVE A
DISABILITY FOR DISCIPLINE PURPOSES**

Date Approved: October 11 2005

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

8 New York Code of Rules and Regulations (NYCRR) Section 201.5

**BOE POLICY #7630 APPOINTMENT AND TRAINING OF CSE
AND CPSE MEMBERS**

Date Approved: September 14 1999

Students

Appointment

The Board of Education shall appoint a Committee on Special Education (CSE) comprising the child's teacher as defined by applicable federal regulations; a representative of the District who is qualified to provide, administer or supervise special education; a school psychologist; a school physician; and a parent of a child with a disability residing in the District provided that the parent shall not be employed by or under contract with the School District; as well as such other members as the Board of Education or legislation shall designate.

In addition, the Board shall establish a Committee on Preschool Special Education (CPSE) in accordance with Policy #7614 - Preschool Special Education Program.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education and members appointed by the Board of Education to the Committee on Preschool Special Education.

The District will make available and encourage special education staff and Committee on Special Education members, when appropriate, to participate in in-service programs provided through the BOCES Special Education Training and Resource Center (SETRC), and opportunities to attend other relevant professional conferences and workshops.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(2), 200.3 and
200.5
20 United States Code (U.S.C.)
Sections 1400-1485, Individuals with
Disabilities Education Act (IDEA)

**BOE POLICY #7640 STUDENT INDIVIDUALIZED EDUCATION
PROGRAM (IEP): DEVELOPMENT AND PROVISION**

Date Approved: January 14 2003

Development of Individualized Education Program

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Educational Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

Provision of Individualized Education Program

The Board of Education shall provide a copy of each student's IEP, prior to implementation of the program, to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's IEP.

The Chairperson of the Committee on Special Education shall designate a professional employee of the School District with knowledge of the student's disability and education program to inform each teacher, assistant and support staff person and other service provider of his/her responsibility relating to the implementation of the IEP and the specific accommodation, modification and supports that must be provided for the student in accordance with the EIP. This must be done prior to the implementation of the IEP.

Any copy of a student's IEP provided to teachers and other service providers shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act.

Individual re-evaluations of Individualized Education Program

The CSE shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant of reevaluation, or if the student's parent or teacher requests a re-evaluation; however, a re-evaluation must take place at least once every three years. The re-evaluation will be conducted with a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's convincing eligibility for special education. The results of the re-evaluations must be addressed by the committee on special education in reviewing and, as appropriate, revising the student's IEP.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs (IEPs) for students with disabilities.

Education Law Section 4402(7)
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(11), 200.4(b)(4),
200.4(e)(3), and 200.4(f)

BOE POLICY #7641 TRANSITION SERVICES

Date Approved: September 14 1999

Students

The Board of Education will provide transition services for students with disabilities who are 15 and older (and at a younger age if determined appropriate). As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Community experiences;
- c) The development of employment and other post-school adult living objectives; and

d) If appropriate, acquisition of daily living skills and functional vocational evaluation.

Regulations shall be developed by the administration to implement this policy.

20 United States Code (U.S.C.)
Sections 1400-1485, Individuals With
Disabilities Education Act (IDEA)
Education Law Section 4401
8 New York Code of Rules and Regulations
(NYCRR)
Sections 200.1(rr), 200.1(ss),
200.4(c)(2)(v), 200.4(c)(4), 200.4(d)(3),
and 200.5(a)(1)(xii)

**BOE POLICY #7642 TWELVE MONTH SPECIAL SERVICES
AND/OR PROGRAMS**

Date Approved: September 14 1999

Students

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve months duration in order to prevent substantial regression as determined by the Committee on Special Education or Committee on Preschool Special Education.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(qq), 200.6(j) and
200.16(h)(3)(v)

**BOE POLICY #7650 IDENTIFICATION AND REGISTER OF
CHILDREN WITH DISABILITIES (CHILD FIND)**

Date Approved: October 11 2005

The school district is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board of Education is to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions. However, per IDEA of 2004, for children who attend a private school, the district in which the child's private school is located, as opposed to the district where the child resides, is responsible for "child find" and services for these children.

Census data shall be reported by October 1 to the Committee on Special Education or the Committee on Preschool Special Education as appropriate.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

Register of Children with Disabilities

It is the policy of the Board of Education of the Dansville Central School District to maintain a register containing the data requirements as indicated in the Commissioner's Regulations.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 612

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USE) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 3240-3242 and 4402(1)(a)

8 New York Code of Rules and Regulations (NYCRR)

Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7160 -- School Census

BOE POLICY #7660 PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

Date Approved: October 11 2005

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Parental Consent

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District may pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District shall not provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free

appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for a Ward of the State

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability. The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

Surrogate Parents

In the event that no parent or guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or guardian cannot be determined, or the child with a disability is a ward of the State, the Board shall assign an individual to act as a surrogate for the parents or guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4401 and 4402

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

**BOE POLICY #7670 *IMPARTIAL HEARINGS/SELECTION OF
IMPARTIAL HEARING OFFICERS**

Date Approved: April 28 2004

STUDENTS

*Required Policy

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Hearing Process/Prehearing Conference

The following is an overview of the impartial hearing process/prehearing conference:

a) Either the parent or the School District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board of Education describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.

b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide the parent with a copy of the District's Procedural Safeguards Notice.

c) The District must immediately [but not later than two (2) business days after receipt of the written request for the hearing] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.

d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

e) The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.

f) The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO's appointment, unless an extension is granted pursuant to Commissioner's Regulations.

g) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.

h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

i) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.

j) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.

k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Recordkeeping and Reporting

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHO's and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4404(1) and 4410(7)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1, 200.2, 200.5, 200.16, 200.21, and 201.11

**BOE POLICY #7680 INDEPENDENT EDUCATIONAL
EVALUATIONS**

Date Approved: September 14 1999

Students

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(a)(1)(vi). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation. These documents are available from the District for parent(s) who desire additional information.

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations on independent evaluations in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(u) and 200.5(a)
34 Code of Federal Regulations (CFR)
Sections 300.12 and 300.503

BOE POLICY #7690 SPECIAL EDUCATION MEDIATION

Date Approved: September 14 1999

Students

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center under Article 21-A of the Judiciary Law.

Parents or persons in parental relationship to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in 34 Code of Federal Regulations Sections 300.500-300.515 and in 8 New York Code of Rules and Regulations Section 200.5(c). Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Education Law Section 4404-a

BOE POLICY #5730 TRANSPORTATION OF STUDENTS

Date Approved: September 14 1999

Non-Instructional/Business Operations

Walking Distance

Students attending kindergarten through grade five, who live at least .5 mile and not more than 15 miles from the school which they attend, shall be eligible for transportation.

Students attending grade six through twelve, who live at least .75 mile and not more than 15 miles from the school which they attend, shall be eligible for transportation.

For the purpose of determining the distance, it shall be from the midpoint of the driveway of the students residence where said driveway intersects with the public road to the midpoint of the main school driveway via the nearest available route for K-5 and 9-12 on North Main Street, and to the midpoint opposite the main entrance on Clara Barton Street for students in grades 6-8.

Students in kindergarten through grade five who elect to arrive at school on the early bus run will be governed by the .75 mile walk rule.

If a K-5 student lives on a spur route which is less than .5 mile from a designated bus stop, the student will be expected to walk to that stop. If a 6-12 student lives on a spur route which is less than .75 mile from a designated bus stop, the student will be expected to walk to that stop.

Requests For Transportation to and From Non-Public Schools

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay.

Transportation of Students With Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless

the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Transportation of Non-Resident Students

The District shall not extend its bus routes outside of the District to pick up non-resident students.

Transportation to School Sponsored Events

If the District provides transportation for student athletes participating in inter-scholastic competition and students attending District sponsored educational field trips, students will not be authorized to use any other means of transportation when participating in these events, unless the principal or his/her designee authorizes such alternate transportation. The principal shall require written application prior to approval. As an exception to this policy a coach may release a student to the parent/guardian for transportation from an inter-scholastic event upon the receipt of a written request from the parent/guardian.

Education Law Sections 3635,
4401(4), 4404, and 4405

NOTE: Refer also to Policies #5731 -- Transportation of Students In Private Vehicles and
#5732 -- Transportation -- Preschool.

**BOE POLICY #7222 CREDENTIAL OPTIONS FOR STUDENTS
WITH DISABILITIES**

Date Approved: September 14 1999

Students

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. However, when necessary, the District may award local certificates and high school individualized education program diplomas to students with disabilities.

The administration shall develop regulations to implement this policy.

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.6 and 100.9

**BOE POLICY #7223 PHASE IN GRADUATION STANDARD OF 65
ON REQUIRED REGENTS EXAMINATIONS**

Date Approved: December 13 2005

The Board of Education supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). However, the Board recognizes that additional time may be necessary for students to transition to these higher standards. Therefore, it is the policy of this District that the following phase in schedule of the 65 graduation standard on required Regents exams is established.

In order to obtain a local diploma, students who first enter grade 9 in September 2005, 2006 and 2007 must attain the following scores on the five required Regents examinations:

Students Entering Grade 9 in September 2005

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2005 must attain a score of 65 or above on two of the five required Regents examinations and a score of 55 or above on the remaining three required Regents examinations.

Students Entering Grade 9 in September 2006

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2006 must attain a score of 65 or above on three of the five required Regents examinations and a score of 55 or above on the remaining two required Regents examinations.

Students Entering Grade 9 in September 2007

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2007 must attain a score of 65 or above on four of the five required Regents examinations and a score of 55 or above on the one remaining required Regents examination.

Students entering Grade 9 in 2008

Unless otherwise authorized pursuant to law and/or regulations, students must pass all five required Regents examinations at a score of 65 or above.

Regents Diplomas

Students who score 65 or above on all five required Regents examinations receive a Regents-endorsed diploma. Students who score 65 or above on eight Regents examinations will receive an Advanced Regents diploma.

Students with Disabilities

Students with disabilities will still have the safety net option of taking and passing the Regents Competency Test if they have not been successful on the corresponding Regents exam in order to earn a local diploma. This provision will continue for students with disabilities entering grade 9 prior to September 2010.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

Appeals Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements

The District has established an appeals process in which students who score within three points of 65 and have met other criteria enumerated in Commissioner's Regulations that demonstrate they have achieved the State learning standards would be eligible to appeal.

Education Law Sections 3202 and 4402(5)
8 New York Code of Rules and Regulations (NYCRR)
Section 100.5

**BOE POLICY #7240 STUDENT RECORDS: ACCESS AND
CHALLENGE**

Date Approved: September 14 1999

Students

*Student Records

The Dansville Central School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974". Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns".

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of Federal Law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

Students With Disabilities: Confidentiality of Personally Identifiable Information

In order to assure confidentiality of personally identifiable information, records pertaining to a student with a disability shall not be disclosed by any officer or employee of the New York State Education Department, or any school district, or member of the Committee on Special Education or Committee on Preschool Special Education to any person other than the parent of such student, except in accordance with the provision of Part 99 of Title 34 of the Code of Federal Regulations and signed parental consent.

*The Dansville Central School Manual on Student Records, Policies, and Procedures, available in each principals and Superintendents Office, will provide specific details.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Family Educational Rights and Privacy
Act of 1974
20 United States Code (U.S.C.)
Section 1232(g)

BOE POLICY #7313 SUSPENSION OF STUDENTS

Date Approved: October 11 2005

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or

c)A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

Suspension: Five Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or

mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall

be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

Suspension: More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less

than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

a) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

b) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

SUSPENSION OF STUDENTS WITH DISABILITIES

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, the Committee on Special Education shall conduct a review of the relationship between the child's disability and the behavior subject to the disciplinary action. If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the student may not be removed from the current placement unless in accordance with law. The student shall be referred to the CSE for program modification. If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or faculty.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES will continue to receive all educational services necessary to make progress on his/her IEP. The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student

current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801 and 3214
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2) and Part 201

