

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
252 Chestnut Street
West Hempstead, NY 11552

BOARD OF EDUCATION AGENDA
Policy Meeting
December 6, 2011

Chestnut Street Board Room – 7:30 p.m.

A. Convene

B. Pledge of Allegiance

C. Policy Matters

- 1-82 Proposed Policy – Volunteers with Administrative Regulations**
- 1-135 Existing Policy - 1340 – Community Use of School District Facilities**
- 1-136 Existing Policy - 3445 – Capitalization**
- 1-137 Existing Policy – 9280 – School Board Member Ethics**
- 1-138 Existing Policy – 4100 – School District Employee and Officer Code of Ethics**
- 1-139 Existing Policy - 5150 – Extra Classroom Activity Funds**
- 1-140 Existing Policy - 6150 – Education of Children with Disabilities**
- 1-141 Existing Policy - 6151 – Special Education – High School Individualized Education Program Diplomas**
- 1-142 Existing Policy - 6153 – Home Teaching**
- 1-143 Existing Policy - 5138 – Student Records – Students with Disabilities**
- 1-144 Existing Policy - 8310 – Adaptation, Modification or Amendment of Policy Meetings**
- 1-145 Existing Policy - 9342 – Order of Business at Regular and Adjourned Policy Meetings**
- 1-146 Proposed Policy – Equivalence in Instructional Staff and Materials**

- 1-147 **Proposed Policy** – Programs for Students with Disabilities under IDEA and Article 89
- 1-148 **Proposed Policy** – Provision of Special Education Services in the Least Restrictive Environment
- 1-149 **Proposed Policy** – School-Wide Pre-Referral Approaches and Interventions
- 1-150 **Proposed Policy** – Preschool Special Education
- 1-151 **Proposed Policy** – Availability of Alternative Format Instructional Materials for Students with Disabilities
- 1-152 **Proposed Policy** – District-Wide and Statewide Assessments of Students with Disabilities
- 1-153 **Proposed Policy** – Impartial Hearing Officer Appointment and Compensation
- 1-154 **Proposed Policy** – Public Report on Revisions to District Policies, Practices and Procedures upon a Finding of Significant Disproportionality
- 1-155 **Proposed Policy** – Declassification of Students with Disabilities
- 1-156 **Proposed Policy** – Special Education Personnel
- 1-157 **Proposed Policy** – Allocation of Space for Special Education Programs

D. Consideration of policy items for future meetings

Pouring Rights, Dignity of Students, Wellness, Board Member Resignations, 8341 Keeping Track of Board Business, 9348 Executive Session, 9347 Special Meetings

E. Adjournment

School Volunteers

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

No volunteer shall be permitted to have unsupervised direct contact with students.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, **and shall** make provisions for adequate supervision and evaluation **of such volunteers**.

Persons wishing to volunteer must contact the Superintendent or Building Principal or other individual designated by the Superintendent or Building Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions. The application form shall also require the applicant to identify two non-family member personal references. The Superintendent, Building Principal **or their designee** shall be responsible for ensuring that both references are contacted before the volunteer begins rendering volunteer services to verify that the individual is of good moral character. **If the Superintendent, Building Principal or their designee is unable to reach both references listed by the volunteer applicant or is unable to verify that the individual is of good moral character, then such individual shall not be permitted to volunteer for the District.**

The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with District policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates District policies, regulations or school rules to leave school grounds.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

Adoption :

**WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
252 CHESTNUT STREET
WEST HEMPSTEAD, NEW YORK 11552**

APPLICATION FOR DISTRICT VOLUNTEERS

Date:

NAME (PLEASE PRINT):

ADDRESS:

(Number, Street) (City, State, Zip Code)

TELEPHONE: _____ Social SECURITY _____-_____-_____

I do hereby pledge and declare that I will support the Constitution of the United States and the Constitution of the State of New York and I will faithfully discharge the duties of the position of Volunteer to the best of my ability.

Signature _____

Education	Name of School	Location	No. Of Years	Course	Date of Graduation
Elementary					
High School					
College					
Business					
Other					

regulations is John J. Hogan. He may be contacted in writing at 252 Chestnut Street, West Hempstead, NY 11552, or by telephone at (516) 390-3107.

PREVIOUS EMPLOYMENT
(Start with present or last employment)

Employer (Name and Address)	Position and Duties	Reason for Leaving	Dates (from- to)	Supervisors Name and Telephone Number	Salary

PERSONAL REFERENCES - Two (2) non-family member references are required.

Name	Address	Telephone No.

Have you ever been convicted of a crime? NO _____ YES

If so, please explain:

I have truthfully and accurately completed this application.

Signature

Date

DO NOT WRITE BELOW THIS LINE

Comments _____

—
Interviewed by

_____ Date _____

Department _____ Hours _____ Replacing _____

—
Date

Employed _____ Salary _____ Grade _____ Step _____ Building _____

Community Use of School District Facilities

The Board of Education authorizes the use of school district facilities for purposes consistent with the provisions of Section 414 of the Education Law, subject to Administrative Regulations as approved by the Board of Education.

Requests for permission to use school district facilities shall be forwarded to the Board of Education for approval.

In extenuating circumstances, the Superintendent of Schools may approve community use of District facilities. All such occurrences will be placed on the next Board of Education business agenda for Board notification and retroactive approval.

Adopted 12/17/91

Reaffirmed 10/21/03, 12/20/06, 10/19/10

Application and Permit amended 10/19/10, 2/15/11

Capitalization

In order to provide for the proper control and conservation of district property, the Superintendent or his/her designee shall maintain inventory records and account for capital expenditures in accordance with the following guidelines:

Inventory Records

1. All equipment items costing in excess of \$500.00 shall be inventoried.
2. All non-equipment capital assets costing in excess of \$5,000.00 shall be inventoried.

The following information must be maintained on the equipment/fixed asset inventory:

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the asset (estimate if unknown)
5. Acquisition date
6. Purpose (note and justify any changes in use)
7. Location of use
8. Date and method of disposal and sale price
9. For items acquired with federal funds:
Funding source
Use and condition of property
Percentage of federal participation in the cost

Capitalization of Assets

1. Equipment items that cost more than \$5,000.00 will be capitalized and depreciated for GASB 34 reporting purposes.
2. Equipment items costing less than \$5,000.00 shall be expensed for GASB 34 reporting purposes.
3. All non-equipment capital assets costing in excess of \$5,000.00 shall be capitalized and depreciated for GASB 34 reporting purposes.
4. All non-equipment capital assets costing less than \$5,000.00 shall be expensed for GASB 34 reporting purposes.

D. 3445
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For financial reporting purposes, fixed assets with a service life of more than two years following the date of acquisition will be capitalized. Useful lives will be determined in the year of purchase based on general guidelines obtained from professional organizations and the asset's present condition. The district will use the straight-line method of depreciation and depreciation expense will be calculated beginning in the year of acquisition.

Ref: GASB 34

Adopted 12/20/05

School Board Member Ethics

As provided by law, the Board of Education recognizes that there are rules of ethical conduct for public officers and employees that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the officers and employees of the West Hempstead Union Free School District. These rules shall serve as a guide for the official conduct of the officers and employees of the West Hempstead Union Free School District. The rules of ethical conduct of this policy shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions

1. "Municipal Officer or Employee" means an officer **or employee** of the West Hempstead Union Free School District, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.
2. "Interest" means a pecuniary or material benefit **accruing** to a municipal officer or employee.

Standards of Conduct

Every officer or employee of the West Hempstead Union Free School District shall be subject to and abide by the following standards of conduct:

1. **Gifts** - He/she shall not directly or indirectly, solicit any personal gift, or, accept or receive any gift on his/her own behalf having a value of \$75 (seventy-five dollars) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.
2. **Confidential Information** - He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interests.

3. **Representation Before One's Own Agency** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer, or employee.
4. **Representation Before Any Agency for a Contingent Fee** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
5. **Disclosure of Interest in Resolutions Submitted for Consideration of Board** - To the extent that he/she knows thereof, a member of the Board and any officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in the adoption of such resolution.
6. **Investments in conflict with Official Duties** - He/she shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with his/her official duties.
7. **Private Employment** - He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
8. **Separation from Service** - He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the West Hempstead Union Free School District in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration except as may be required by the Board or agency in completing or deciding such cases, proceedings or applications not completed during term of service.

9. **Disclosure of Interest in Contracts – Any District officer or employee, as well as his/her spouse, who has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account demand or suit against the West Hempstead Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

The Superintendent, as Chief Executive Officer of the West Hempstead Union Free School District, shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the school district within thirty (30) days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her officer of employment. In addition, a copy of the General Municipal Law regarding conflicts of interest (Section 800-809) shall be posted in a conspicuous place to officers and employees. (GML Section 807) **Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.**

Penalties - In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Code of Ethics and Responsibilities for School Board Members - A School Board Member, operating under the highest ethical standards, should:

1. observe and enforce state laws and regulations pertaining to education;
2. accept office as board member as a means of unselfish service;
3. transact school business only in duly convened sessions of the Board;
4. represent the entire community without fear or favor;

5. remember at all times that he/she is one of the team;
6. abide by all board decisions once they are made and assist in carrying them out effectively;
7. delegate action when appropriate to the chief school administrator as the board executive;
8. employ only competent, trained personnel and these only on the recommendation of the chief school administrator with the exception of the officers of the district;
9. preserve the right and obligation of teachers to teach controversial issues fairly and without bias;
10. assure the opportunity for high quality education for every student;
11. maintain confidentiality of privileged information; and
12. instill respect for our country and fellowman.

Rules of Official Conduct of Individual Members

1. Attend all Board meetings unless prevented by illness or other unavoidable contingencies.
2. Refer all citizens of the district with complaints or suggestions to the appropriate administrative official and, when appropriate, coincidentally notify the Superintendent of Schools, prior to bringing the matter before the entire Board at a duly convened session.
3. Make all requests for reports through the Superintendent of Schools.
4. Whenever possible submit all new matters to the Board Secretary for distribution to the members of the Board and to the administrators involved, in sufficient time for placing such matter on the agenda of a meeting.

Board Member Conflict of Interest

The members of the Board of Education shall avoid acting in circumstances where their personal interest conflicts with that of the public whose interest they have been elected to represent. The actions of the Board shall be governed by the

applicable provisions of the General Municipal Law, any other applicable law and the code of ethics established pursuant to Board Policy.

Teachers shall be appointed by the Board of Education only on the recommendation of the Superintendent of Schools. No person who is related by blood or by marriage to any member of the Board at the time of initial appointment shall be appointed to teach in the district, except upon nomination of the Superintendent and the affirmative votes of two-thirds of the members of the Board.

Board Member Removal from Office

A member of the Board of Education may be removed from office for willful violation or neglect of duty, or for willfully disobeying any decision, order or regulation of the Commissioner of Education. Notice of the charge and an opportunity for defense shall be provided. Official misconduct may be grounds for removal by the Board after a hearing.

A member of the Board who is duly notified and refuses or neglects to attend three (3) successive regular meetings of the Board, without sufficient cause, may by a majority vote of the Board be deemed to have vacated his/her office by reason of absence.

A member of the Board who no longer meets the qualifications to serve on the Board must withdraw from the Board at once. For example, a Board member who moves out of the district must withdraw from the Board on the day he/she moves since he/she no longer meets the residency requirement.

Adopted 7/5/60
Amended 2/28/95

School District Employee and Officer Code of Ethics

Ethical Conduct for West Hempstead UFSD Public Officers and Employees

As provided by law, the Board of Education recognizes that there are rules of ethical conduct for public officers and all employees of the West Hempstead UFSD that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct. These rules shall serve as a guide for the official conduct of the officers and employees of the West Hempstead Union Free School District. The rules of ethical conduct of this policy shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

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11. **Confidential Information** - He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interests.

12. **Representation Before One's Own Agency** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer, or employee.
13. **Representation Before Any Agency for a Contingent Fee** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
14. **Disclosure of Interest in Resolutions Submitted for Consideration of Board** - To the extent that he/she knows thereof, a member of the Board and any officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in the adoption of such resolution.
15. **Investments in conflict with Official Duties** - He/she shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with his/her official duties.
16. **Private Employment** - He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
17. **Separation from Service** - He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the West Hempstead Union Free School District in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration except as may be required by the Board or agency in completing or deciding such cases, proceedings or applications not completed during term of service.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account demand or suit against the West Hempstead Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

The Superintendent, as Chief Executive Officer of the West Hempstead Union Free School District, shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the school district within thirty (30) days after its adoption. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her officer of employment. This Code of Ethical Conduct shall be conspicuously posted in throughout the West Hempstead UFSD.

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

Penalties - In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

9. **Disclosure of Interest and Contracts** – Any District officer or employee, as well as his/her spouse, who has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements with the District, shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

New York State Code of Ethics for Educators

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building

comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

Adopted 10/20/09

Amended 12/21/10, 10/18/11

Extraclassroom Activity Funds

The Board of Education adopts this policy for the safeguarding, accounting and auditing of **extraclassroom** activity funds pursuant to Part 172 of the Regulations of the New York State Commissioner of Education. **An organization within the school district whose activities are conducted by students and whose financial support is raised other than by taxation or through charges of the Board of Education shall be known as an extraclassroom activity and the money received by it as extraclassroom activity funds.**

Use of Funds

Extraclassroom activity funds raised by students shall be spent by student bodies to promote the general welfare, education and morale of all students and to finance their legitimate **extracurricular** activities. The Superintendent or his/her designees shall have the authority to cause the implementation of this policy and the rules governing the supervision and administration of activity funds.

Extraclassroom activity funds may exist for any and all educational and school service purposes and operated by, for, or in the name of a school, or particular student group such as a club or grade level.

Development of Rules

1. In order to regulate **extraclassroom** activities and the monies of student bodies, the administration shall develop regulations for the establishment, conduct, operation and maintenance of **extraclassroom** activities and for the safeguarding, accounting and audit of all monies received.
2. The **extraclassroom** activity regulations shall prescribe the following:
 - (a) The method to be followed in establishing an organization;
 - (b) The records of receipts and expenditures to be maintained and the reports to be made at least quarterly and presented to the Board of Education;
 - (c) That the authority to expend monies shall be distinct and separate from the custody of those monies;
 - (d) The independent and impartial audit of those district records; and
 - (e) The method of disposing of funds of a defunct organization.

Deposit and Investment of Funds

1. The monies received from the conduct, operation or maintenance of any **extraclassroom** activity shall be deposited with an official, designated from time to time by the Board of Education, who shall be the treasurer of such **extraclassroom** activity fund.
2. The return on such funds shall be maximized while under the control of the central treasurer in a fiscally prudent manner. The maximization of funds shall include the investment of **extraclassroom** activity funds with substantial amounts of money into **Board-authorized safe investments, including, but not limited to, a certificate of deposit.**

Designation of Board Officers or Employees

The Board of Education may, consistent with law and **any** applicable collective bargaining agreement, designate any of its officers or employees to perform such duties as it may prescribe in connection with any **extraclassroom** activity. Specifically, the Board may, upon recommendation of the Superintendent of Schools, appoint a central treasurer, faculty advisor and activity treasurers, as well as any other officials as it may deem appropriate to carry out the intent of this policy. In those cases, where the Board designates officers or employees for specific assignments, an official undertaking shall be required and the sum thereof fixed by the Board of Education.

Audit of Funds

Extraclassroom activity funds shall be audited at least annually, provided however, the auditor shall report to the Board of Education or its designated representative regularly, and at least quarterly, during the year. The audit report shall be presented directly and independently to the Board of Education.

Adopted 11/16/71
Amended 2/23/93
Revised 12/18/07

Education of Children with Disabilities

I. Definition and Identification

1. A pupil with **disabilities** is a person under the age of 21 who is entitled to attend the public schools and who **is found to be eligible for Special Education programs, services, aides and supports in accordance with Part 200 of the Commissioner's Regulations.**
2. The Director of Pupil Personnel Services will locate and identify all **students with disabilities** who reside in the district and are entitled to attend public school or **preschool program** during the next school year. A register of such children will be maintained and revised annually by the Committee on Special Education or **Committee on Preschool Education as appropriate** and identification may be combined with the required school census. The register will be submitted to the Board of Education annually.

II. The Committee on Special Education

1. The Board of Education will establish a Committee on Special Education **in accordance with Part 200 of the Regulations of the Commissioner of Education.**
2. Members of the CSE serve at the pleasure of the Board of Education, and those who are neither employees nor under contract with the school district shall serve without compensation but may be reimbursed for approved expenses.
3. The CSE will receive referrals of pupils suspected of having **a disability, conduct an appropriate evaluation, make determinations of student eligibility and, where appropriate, recommend appropriate services, programs, aides and supports in accordance with Part 200 of the Regulations of the Commissioner of Education.**
4. The CSE is responsible for making an annual report on the status of each child in special education on the basis of annual or at least triennial re-evaluations.
5. The CSE will report annually to the Board of Education on the adequacy of special education programs and services.

III. Referral

1. A pupil suspected of having a **disability** must be referred in writing to the chairperson of the school district's CSE or to the building administrator of the school which the pupil attends or is eligible to attend.
2. The CSE shall process referrals and perform evaluations in accordance with **Part 200 of the Regulations of the Commissioner of Education.**

IV. Individual Evaluation

1. An individual evaluation of each pupil referred to the CSE shall be conducted at no cost to the parents and shall include **all appropriate assessments and examinations in accordance with Part 200 of the Regulations of the Commissioner of Education.**
2. A comprehensive re-evaluation will be conducted at least every three years following the initial evaluation of the child **found to be eligible for Special Education programs, services, aides and supports.**

V. The Individualized Education Program (IEP)

1. **The CSE shall develop Individualized Education Programs where required by Part 200 of the Regulations of the Commissioner of Education.**
2. **Individualized Education Programs shall be developed in accordance with Part 200 of the Regulations of the Commissioner of Education.**
3. The IEP will be **reviewed** at least annually.

VI. Special Services, Programs and Placement

1. Special services or programs including transportation, transitional support services, related services, resource room and special class programs may be provided within the District or by contract with another school district, BOCES, or a private school approved by the Commissioner of Education. When necessary, such programs may also be provided in a pupil's home or in a hospital.

2. Students with **disabling** conditions will be educated in the least restrictive environment. This requires that students should be mainstreamed or integrated into regular school classes and programs to the maximum extent appropriate.
3. Students with **disabling** conditions should have **appropriate** access to all school programs including extracurricular programs.

VII. **Procedural Safeguards – Due Process**

1. The CSE shall implement the procedural safeguards in accordance with **Part 200 of the Regulations of the Commissioner of Education.**
2. The CSE will invite the parent(s) or guardian of a child to all CSE meetings and conferences.
3. The CSE will prepare and make available a register of public or private agencies in Nassau County from which parent(s) or a guardian may obtain an independent evaluation of a child.
4. In the process of evaluating and placing children with **disabling** conditions, all District employees will protect the confidentiality of the parent(s) and child.
5. Arrangements will be made for surrogate parents to appear on behalf of the child under circumstances where the child's natural parents are unknown or unavailable or where the child is a ward of the state.

VIII. **Program Quality**

1. Inservice training will be provided as needed for school personnel who work with students with **disabling** conditions.
2. The K-12 special education curriculum will be reviewed regularly to insure that it meets the District's objectives and complies with Board of Regents requirements. The curriculum will include a practical career education program incorporating a work-study component and provide a transition from school to work for those students who will benefit from such a program.

IX. Meeting Federal and State Requirements

1. The Director of Pupil Personnel Services will prepare the Special Education Plan for submission to the State Education Department as required.
2. The Director of Pupil Personnel Services will maintain a summary of child data on file for the Board of Education and submit such summaries to the New York State Education Department as required.

Special Education – High School Individualized Education Program Diplomas

The West Hempstead Union Free School District shall comply with all federal and state requirements concerning the education of children with **disabling** conditions.

A student with a **disabling** condition who has attained the age of 21 and has achieved the educational goals contained in his current Individualized Education Program shall be awarded a high school Individualized Education Program diploma. Upon application of a student with a **disabling** condition, or the student's parent, an Individualized Education Program diploma shall be issued if the student has attended school, or received a substantially equivalent education elsewhere, for twelve (12) years exclusive of kindergarten, if the student has achieved the educational goals specified in the student's current Individualized Education Program.

Each high school Individualized Education Program diploma shall indicate on its face that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current Individualized Education Program as recommended by the committee on the handicapped.

If a student receiving a high school Individualized Education Program diploma is less than 21 years of age, the diploma shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches age 21 or until the student has earned a high school diploma, whichever is earlier.

The committee on the **disabled** shall review the progress of all **disabled** students who will attain the age of 21 years prior to the end of the current school year and those **disabled** students who have received twelve (12) years of education for whom an application for a high school Individualized Education Program diploma has been made. The committee on the **disabled** shall notify the Superintendent of those students eligible to receive a high school Individualized Education diploma.

The Superintendent shall notify the Board of Education, prior to graduation ceremonies in June, which students are eligible to receive a high school Individualized Education Program diploma. The Board shall direct that Individualized Education Program diploma be issued to eligible students.

THIS IS GOING TO BE REPEALED AS PER COUNSEL**Home Teaching**

Home teaching shall be supplied by the Board of Education to physically handicapped children or emotionally disturbed children who are legally exempt from attendance at school upon recommendation of the school district physician and the Superintendent. No other home teaching shall be supplied except by permission of the Superintendent.

Home teaching shall be supplied depending on the ability of the student to receive instruction and in accordance with the policy established by the State Department of Education.

Students Records – Students with Disabilities

E. A. Data Collection

1. The Board of Education shall maintain an informational list of all **disabled** children residing in the District. The information shall include:
 - a. Pupil's name, address and birthdate
 - b. Pupil's parents' or guardians' names and addresses
 - c. Pupil's **disabling** condition
 - d. Pupil's educational placement

This record will be filed in the District's office for the Committee on Special Education.

2. At any meeting of the Board of Education, permitting public attendance, wherein discussion and/or action involves the resolution of **disabling** and/or special education recommendations, no reference shall be made that will reveal the identity of the child under consideration.
3. All records relating to a child's **disabling** condition and/or special education services, shall be maintained and stored in locked files in the District's office for the Committee on Special Education. Copies of such records may be maintained by each special education teacher assigned to provide services for a **disabled** child.
4. All pertinent information stored in **disabled** pupils' folders and all data referring to the pupils' **disabling** conditions and special education services shall be identified as "CONFIDENTIAL INFORMATION."

F. B. Access Rights

1. **Access to a student's educational records shall be limited to:**
 - **Those school officials and personnel with a legitimate educational interest in the records.**
 - **A contractor, consultant, volunteer or other party acting as an agent of the District or to whom the District has outsourced a service or function.**
 - **To officials of another school in which a student seeks or intends to enroll or where the student is already enrolled provided the**

disclosure is for purposes related to the student's enrollment or transfer.

- **To certain officials of the U.S. Department of Education, the Comptroller General and state and local educational authorities, in connection with certain state or federally supported education programs.**
- **In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.**
- **To organizations conducting certain studies pursuant to a written agreement, for or on behalf of the District. The written agreement, among other things, shall specify and contain:**
 - a. **the purpose, scope and duration of the study;**
 - b. **that education records' information may only be used for the study's purpose;**
 - c. **the information cannot be re-disclosed in a manner, which would allow identification of the parents or students;**
 - d. **require the destruction or return of all personally identifiable information; and**
 - e. **the time period for the destruction or return of the information.**
- **To accrediting organizations to carry out their functions.**
- **To parents of an eligible student who claim the student as a dependent for income tax purposes.**
- **To comply with a judicial order or lawfully issued subpoena. Before compliance, the District will make a reasonable effort to notify the parent or eligible student of the order or subpoena unless it is a federal grand jury subpoena or a subpoena issued for law enforcement purposes and the court has ordered the contents not to be disclosed or it is an ex parte order obtained by the U.S. Attorney General for certain purposes.**
- **To appropriate parties, including parents, in a health or safety emergency.**
- **To a third party if the disclosure is information the Board of Education has designated as "Directory Information," except that such disclosure shall not be made in a manner to identify a student as a student with a disability.**
- **The disclosure is to the parent of a student or to the student who has reached age 18 or is attending a post-secondary school.**

- **The disclosure is about a student who is required to register as a sex offender in the state.**
 - **In addition, education records may be released without consent if all personally identifiable information has been removed. Information removed shall include other information that alone, or in combinations, is linked or linkable to a specific student and which would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.**
2. All other persons wishing access to a **disabled** pupil's records must submit a written request to the Chairperson, Committee on Special Education, and such requests must be accompanied by written consent from the parent of the **disabled** child.
 3. Requests for duplicates or copies of a **disabled** pupil's records by other than authorized school personnel, must be accompanied by a District office "Request for Copies of Pupil Records", payment of the required fee, and a written consent from the parent of the child.
 4. The Chairperson of the Committee on Special Education will maintain a list of District personnel who have authorized access to records of **disabled** children and said list will be on file in the District's office for the Committee on Special Education. Copies of the list of such authorized personnel are available to parents of **disabled** children upon request.
 5. An Access Log will be maintained in the District's office for the Committee on Special Education. The names of all authorized persons reviewing a **disabled** pupil's records will be entered into the Access Log. The Access Log will require the following information:
 - a. Name of **disabled** child.
 - b. Name and title of the reviewer.
 - c. Date of the review.
 - d. Purpose of the review.
 - e. Identification of any information that was abstracted and/or copied from the records.

6. **Parents of a handicapped child are guaranteed access to their child's records, and, upon request will be granted an opportunity to review the records within a reasonable time, but in no case: (1) more than forty-five (45) calendar days from the District's receipt of a written request, (2) prior to any Committee on Special Education meetings; and/or (3) prior to any due process hearing about the student's special education needs. Copies of any information contained in the file will be provided at a reasonable cost provided that the parent shall not be denied access to records if they are unable to afford the copying fee and cannot otherwise review the records.**
 7. Parents of a **disabled** child wishing to review their child's records must do so in the presence of the chairperson, building principal, and/or the school psychologist. Such parents may question the contents of their child's folder and may request an explanation of the data and its purpose for inclusion.
 8. A **disabled** child 18 years or older is guaranteed access to his/her individual file.
- G. C. Amendment of Records**
1. Any parent of a **disabled** child who believes that the information collected in the pupil's file is inaccurate or misleading or violates the privacy or other rights of the child, may request an amendment and/or a deletion of the information.
 2. If the school administration refuses the request to amend and/or to delete any records, the parent will be informed of the refusal and be advised of their right to a hearing.
- H. D. Destruction of Information**
1. Records relevant to a child's **disabling** condition and/or special education will be destroyed **six (6) years after student graduates/would normally have graduated from high school or six (6) years after student attains age 21, whichever is shorter.**
 2. **The District shall inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child. The parents may request destruction of such records at that time.**

Adaptation, Modification or Amendment of Policy Meetings

Formulation of Policies

The formulation and adoption of written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its supervision and control over the operation of the school system.

Choice of Items for Consideration

All items for consideration must be approved by the Board. Items will have the following priority on the agenda unless changed by Board action:

1. Matters receiving current attention of the Board where policy statements would clarify subsequent action.
2. Items requested for consideration by the Board.
3. Reconsideration of standing policy.

Agenda

The agenda for policy meetings will place previously considered items, which have been prepared for adoption or reconsideration, first and new items second. No worksheet shall be placed on the agenda for consideration or revision unless it has first been submitted to all Board Members.

The notice of the meeting is to be publicized in our local papers at least one week prior to the policy meeting. A copy of the agenda and worksheets will be sent to all professional and non-professional District employee organizations, the PTA, PTSA and SEPTA, the Student Representatives, and any other bona fide organization requesting such notification in writing on their letterhead (bona fide organization, for the purpose of this policy, means an organization qualified to use our school facilities). A statement will be made on the school **website** and calendar advising all residents that the agenda and copies of worksheets for all policy meetings will be available for inspection in the library one week prior to each policy meeting. **All policy meetings of the Board will be posted on the doors to each school and on the District website one week prior to the meeting.**

Preparation of Materials

Materials will be prepared by the Superintendent or other person designated by the Board and sent to Board Members at least one week prior to the meeting night.

Order of Business at Regular and Adjourned Policy Meetings

Unless changed by a two-thirds vote of those present, the order of business for each regular and adjourned policy meeting of the Board of Education shall be as follows:

- A. Convene**
- B. Pledge of Allegiance**
- C. Unfinished Policy Matters**
- D. New Policy Matters**
- E. Consideration of Policy Items for Future Meetings**
- F. Adjournment**

Discussion

The members of the Board will discuss the various facets of each problem and indicate the issues and policy elements involved. Visitors at policy meetings will be encouraged to participate in discussion on each item for which a "worksheet" has been publicized, to present their views as individuals or representatives of groups or organizations. Visitors may also ask questions or offer comment prior to the end of the meeting on any new item contained in an "origination sheet" or submitted orally by a Board Member and discussed by the Board during the meeting.

1. The privilege of addressing the Board will be extended only to those visitors who are residents of the District, Island Park residents or employees (professional or otherwise) of the District.
2. Board Members will always receive preference in being recognized by the chairman.
3. Visitors may not engage in debate but shall be restricted to brief and concise questions and comments directed to the Board.

4. No visitor may speak a second time before all other visitors have had an opportunity to speak.
5. The chairman may terminate public participation on any item in the interest of time or order.

Formal Adoption of Policy

When discussion of a policy item has been terminated Board Members may make concluding statements defining their respective viewpoints, which they may subsequently submit in writing. The Superintendent or other Board designee shall then prepare a statement of policy, which in his opinion, constitutes a synthesis of Board opinion. Such statement shall be submitted to the Board and placed on the agenda of the next Regular Meeting for adoption. If the statement as written is not acceptable to a majority of Board Members it shall be referred back for rewriting.

The formal adoption of policies shall be recorded in the Minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

Official Copies

Official copies of the adopted/**revised policies** will be made available on blue paper for inclusion in the policy binder of each Board Member and administrator. **The Board policies online will be updated as well.**

Definitions

Origination Sheet: This is the first presentation of each given item as prepared by staff for distribution to the Board.

Annotation Sheet: This material may accompany origination sheets or working copies in order to clarify them or to provide background material which may be helpful.

Proposed Policy: This represents a proposed policy statement which has been prepared by staff to reflect Board discussion. It is distributed to the public and presented for consideration and approval by the Board.

8310

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Adopted Policy: This is a policy which has been officially approved at a Regular Board Meeting. It is printed on punched blue paper for inclusion in the policy binder.

Adopted 3/15/60

Amended 8/2/60, 9/8/62, 2/21/67, 12/16/75

11/20/90, 2/23/93, 2/15/94, 2/27/96

THIS IS GOING TO BE REPEALED AND COMBINED WITH 8310.

Order of Business at Regular and Adjourned Policy Meetings

Unless changed by a two-thirds vote of those present, the order of business for each regular and adjourned policy meeting of the Board of Education shall be as follows:

- G. Convene
- H. Pledge of Allegiance
- I. Unfinished Policy Matters
- J. New Policy Matters
- K. Consideration of Policy Items for Future Meetings
- L. Adjournment

Adopted 6/21/60

Revised 10/4/60

Amended 11/21/95, 2/12/02

Equivalence in Instructional Staff and Materials

In accordance with federal regulations, the Board of Education will ensure equivalence among District schools in teachers, administrators and auxiliary personnel; and in the provision of curricular materials and instructional supplies. The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis and report to the Board on the status of District schools with regard to equivalence.

References: **Section 1120A(c) of the Elementary and Secondary Education Act**

Programs for Students with Disabilities Under IDEA and Article 89

The Board of Education shall make available to all students eligible under the Individuals with Disabilities Education Act and Article 89 of the Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board acknowledges its responsibility to offer, at public expense, special education and related services, which are designed to provide educational benefits to students in conformity with their Individualized Education Program. Special education services or programs will be designed to enable a student with disabilities to have access to the general education curriculum to the extent appropriate to his/her needs.

Consistent with the requirements of federal and state law and regulations, the Board will:

1. Appoint a committee on special education (CSE) and, as appropriate, CSE subcommittees to **ensure** the identification and placement of eligible students with disabilities.
2. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of federal and state law and regulations. As part of the periodic reevaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulations.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The District will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

To ensure the appropriate delivery of services to students with disabilities in the District, the Superintendent of Schools shall ensure that:

1. All children with disabilities residing in the District, including those attending private school are identified, located and evaluated.
2. School-wide approaches and pre-referral interventions including, but not limited to, academic intervention services, are implemented in order to remediate a student's performance prior to initiating a referral to special education.
3. The CSE is informed of the process prescribed by law and regulations for the appropriate classification and declassification of students with disabilities.

The Superintendent shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.

The Superintendent shall also develop and maintain a Comprehensive System of Personnel Development plan so that professional and paraprofessional staff working with students with disabilities possess the skills and knowledge necessary to meet the needs of students with disabilities.

References: Education Law §4401 et seq. (Article 89)
20 U.S.C. §§1400 **et seq.** (IDEA)
34 CFR Part 300
8 NYCRR Part 200

Provision of Special Education Services in the Least Restrictive Environment

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA (Individual with Disabilities Education Act) and Article 89 of New York's Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the District will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the District will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the District will implement the provisions of Section 200.6 of the New York State Department of Education Commissioner's regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development and management needs.

The Superintendent will establish a process for ensuring that the CSE (Committee on Special Education) or CSE Subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, the District will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored co-curricular and extracurricular activities, to the maximum extent appropriate to each individual student's needs. The District also will provide students with disabilities with supplementary aids and services that the CSE or CSE Subcommittee, as applicable, determines to be appropriate and necessary for the students to participate in such activities.

References: Individuals with Disabilities Education Act (IDEA) 20 USC §§1400 et seq.
8 NYCRR §§200.2(b)(4); 200.6
8 NYCRR § 200.1(cc)
Education Law §§ 4401 et seq. (Article 89)

School Wide Pre-Referral Approaches and Interventions

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student's performance, and help avert the need for referral for possible classification as a student with a disability. Therefore, the District will implement on a school-wide basis practices appropriate to enable all of the District's students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA and which may be coordinated with similar activities conducted under the New York State Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. It also may include educational and behavioral evaluations, services and supports.
2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by the New York State Department of Education Commissioner's regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.
3. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student's right to a free appropriate public education.

References: Individuals with Disabilities Education Act (**IDEA**) 20 U.S.C. §§ 1413(f); 1414(b)(6)(B)
34 CFR §§ 300.226; 300.307(a)(2)
8 NYCRR §§ 100.2(ii); 200.2(b)(7)

Preschool Special Education

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures, which shall include:

1. Locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. 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);
2. Ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. Developing an individualized education program (IEP) for each preschool age child with a disability;
4. Appointing appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the District contracts have appropriately trained and qualified personnel;
5. Maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the District is located;
6. Preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well as students referred but not served, and the reasons why they are not served; and
7. Reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframe established by statute and regulation.

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, as least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the District's children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the District to try and resolve the complaint within fifteen (15) days of the District receiving the notice, and before the initiation of an impartial hearing.

If an agreement cannot be reached, parent/guardians shall be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.

The Board directs the Superintendent to develop and maintain a plan, which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

References: Individuals with Disabilities Education Act, 20 U.S.C. §§ **1400** et seq.
34 CFR §§300.12; 300.503
Education Law §4410
8 NYCRR Part 200, 200.2, 200.5, 200.16

Availability of Alternative Format Instructional Materials for Students with Disabilities

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the District's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the District will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as a accommodation for a student with a disability enrolled in the school district, including but not limited to, Braille, large print, open and closed captioned, audio or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.
2. Consultation with appropriate school personnel regarding how students will access electronic files. The District's technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio or alternative display.
3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.
4. The yearly review of the District's ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.
5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.

6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the District's timelines for the purchase of instructional materials.
7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his/her selected courses are made available to the student in an accessible format.
8. Timely request of state assessments in alternative format.

References: Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)
NY Education Law §§1604(29-a); 1709(4-a), 1950(4-a), 2503(7-a) 2554(7-a), 3602(8)(b)
8 NYCRR §§ 200.2(b)(10)
State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Policy 02-05 Amendment to Section 200.2 of the Regulations of the Commissioner Implementing Chapter 377 of the Laws of 2001: Plans to Provide Instructional Materials in Alternative Formats for Students with Disabilities, May 2002, (available electronically from the VESID website at: <http://www.vesid.nysed.gov/specialed/publications/policy/alterformat502.htm>).

District-Wide and Statewide Assessments of Students with Disabilities

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their non-disabled peers. Two elements that contribute to an effective assessment program are proper use of use of accommodations and use of universal design principles in developing and administering tests.

Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education , the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 multidisciplinary committee will include the appropriate test accommodations as part of the 504 plan.

The recommendations will be reviewed annually by the CSE, CSE Subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among District staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

In some situations a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his/her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his/her professional judgment. He/she also may confer with CSE, CPSE and/or Section 504 Committee members.

Universal Design Principles in District-Wide Assessments

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to district-wide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the District's assessment program and to facilitate its use to the extent feasible. Any steps taken **in** this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent will explore how District assessments can be:

1. Made more usable by students with diverse abilities.
2. Designed to better accommodate a wide range of individual preferences and abilities.
3. Made more understandable.
4. Made to communicate necessary information to students more effectively.
5. Designed to minimize adverse consequences of accidental or unintended actions.
6. Use more efficiently and comfortably with a minimum of student fatigue.

References: Individuals with Disabilities Education Act (IDEA)
20 USC §§1401(35), 1412(a)(16)(E)
34 CFR § 300.44
Assistive Technology Act, 29 USC § 3002(19)
8 NYCRR §§ 200.1(jjj), 200.2(b)(13,14), **200.4(d)(2)(vi)**

Impartial Hearing Officer Appointment and Compensation

The Board of Education will appoint Impartial Hearing Officers (**IHO**) as needed to hear complaints regarding the identification, evaluation or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

Selection

The updated list of certified IHOs for this county, as promulgated by the New York State Education Department, will be **issued** in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the District their interest in serving as an IHO in the District.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the District of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable **means** by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The District representative shall then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the Impartial Hearing Officer whose name first appears after the Impartial Hearing Officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

An IHO on the District's rotational list may not accept appointment unless he/she **is** available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five (5) days of receiving such a request; and
2. Initiates the hearing within the first **fourteen** (14) days after either:

The date on which he/she receives written notice that the parents and the District waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or The expiration of the thirty (30)-day period beginning with the receipt of the due process complaint, whichever occurs first.

Appointment

The Board President, or in his/her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he/she is available.

The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The District shall compensate an Impartial Hearing Officer for his/her services at the maximum rate established for such purpose by the **Director of the Division of the Budget**. Currently, this rate is \$100.00 per hour for pre-hearing, hearing and post-hearing activities. In addition, Impartial Hearing Officers may be reimbursed for reasonable, actual **and** necessary expenses for automobile travel, meals and overnight lodging in accordance with the current District reimbursement rate set for District employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse Impartial Hearing Officers for administrative assistance, secretarial or other overhead expenses.

Cancellation

The District shall attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or re-scheduling of an impartial hearing. Should the District request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the District agrees to pay the Impartial Hearing Officer a fee of \$100.00. The District shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the Impartial Hearing Officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the District and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

References: 8 NYCRR §§200.2; 200.5; 200.21

Public Report on Revisions to District Policies, Practices and Procedures upon a Finding of Significant Disproportionality

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

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the District's students with disabilities, the Board will immediately review the District's policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the District's policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

References: Individuals with Disabilities Education Act (IDEA), 20 U.S.C.
§§ 1412(a)(24), 1418(d)
34 CFR §§ 300.173, 300.646
8 NYCRR §§ 200.2(b)(15)

Declassification of Students with Disabilities

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A Student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by and Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed **in** a full-time regular education program, the CSE, CSE Subcommittee or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE Subcommittee or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE Subcommittee or CPSE Chairperson, as applicable, will notify the student's parent of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the District will not conduct any further assessments.

The District will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination. Consistent with applicable law and regulation, the District will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he/she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the District will provide the student with a summary of his/her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his/her post-secondary goals.

Declassification Support Services

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling and other appropriate support services.
2. For the students' teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services and will specify the nature and duration of those services.

References: 8 NYCRR §§ **200.2(b)(8)**, **200.4(b)(4)-(6)**, (c)(3)

Special Education Personnel

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
2. Seek candidates for teaching positions who are dually certified, to the extent possible.
3. Provide appropriate on-going training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained and that they meet the “highly qualified” standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department.

References: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)
34 CFR §§ 300.156, 300.207
Education Law §4410
8 NYCRR § 200.2(b)(3) and (12)

Adoption date:

Allocation of Space for Special Education Programs

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

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities and in programs provided by the Board of Cooperative Educational Services (BOCES) **that are** attended by District residents; and
2. Serving students with disabilities in settings with non-disabled peers as well.

The District will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the **biennial** plan regarding the provision of services to students and preschool students with disabilities.

Through the Director of Pupil Personnel Services, the District also will share with the appropriate BOCES personnel information relevant for BOCES to determine its own facility space needs for serving the District's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disable peers, the Superintendent, in consultation with the Director of Pupil Personnel Services will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the District's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the District's latest child find efforts, including child find activities conducted with respect to parentally placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the District will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and settings in which those services will be provided.
4. **Based on the above information, review current space capacity and identify any additional space requirements to meet both current and future needs.**

References: Individuals with Disabilities Education Act (IDEA) 20 USC **1400 et seq.**
Education Law §§3602(**8**)
8 NYCRR §§155.1(a); **200(c)**; 200.2(g)