



## **Special Education District Plan for 2022-2023**

### **Committee on Special Education PK-12**

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## **Regulations**

The New York State Commissioner of Education Regulations Part 200.1(c) (2) requires the District Plan to include the following components:

A description of the nature and scope of special education programs and services currently available to students and preschool students residing in the district. Including but not limited to descriptions of the district's resource room programs and each special class program provided by the district in terms of group size and composition.

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

The method to be used to evaluate the extent to which the objectives of the program have been achieved.

A description of the policies and practices of the board of education to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of students and preschool students with disabilities;

A description of the policies and practices of the board of education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by boards of services;

A description of how the district intends to ensure that all instructional materials to be used in the schools of the district will be made available in a usable alternative format, as such term is defined in paragraph (10) of subdivision (b) of this section, for each student with a disability at the same time as such instructional materials are available to non-disabled students. To meet this requirement, the district plan may incorporate by reference the plan paragraph (10) of subdivision (b) of this section.

The estimated budget to support such plan; and

The date on which such a plan was adopted by the board of education.

## **Department overview**

Averill Park Central School District is responsible for providing special education services to all students who qualify for such support. These services are coordinated by the district's Special

Education Department (CSE), which encompasses the district’s Committees for Special Education at the preschool, elementary and secondary levels. The CSE Department also oversees the districts, counseling, and mental health (social workers, school psychologists, school counselors) services for all students who attend schools within our school district.

## **Quick Stats for 2022-2023**

The Averill Park Central School District acknowledges its responsibility to educate all of our children with disabilities in the least restrictive, appropriate environment. If a student’s needs necessitate placement in a program the District is unable to provide within its own school buildings, the goal of the Committee on Special Education is to return the child to District placement as soon as possible.

### **Preschool Register**

45 Preschooler with a Disability

### **School | CSE Register**

Miller Hill Sand Lake Elementary	82 SWD
Poestenkill Elementary	42 SWD
West Sand Lake Elementary	68 SWD
Algonquin Middle School	116 SWD
Averill Park High School	123 SWD

### **School | CSE Register**

Full-Day BOCES	15 SWD
Homeschooled	5 SWD
Wildwood	1 SWD
Langan School	2 SWD
Robert C Parker	5 SWD
La Salle School for Boys	1 SWD
Vanderhyden	1 SWD

Disability	Number of students in each disability in the age ranges below					
	Total Ages 4-5	Total Ages 6-11	Total Ages 12-13	Total Ages 14-17	Total Ages 18-21	BEDS Day Total for 2021-22
Autism	2	19	6	14	5	46
Emotional Disturbance	0	0	5	6	2	13
Learning Disability	0	74	36	86	1	197
Intellectual Disability	0	3	0	1	0	4
Deafness						
Hearing Impairment	0	2	0	1	0	3
Speech or Language Impairment	14	33	0	3	0	50
Visual Impairment (Includes Blindness)						

Orthopedic Impairment						
Other Health Impairment	6	62	30	34	2	134
Multiple Disabilities	5	16	2	9	5	37
Deaf-Blindness						
Traumatic Brain Injury	0	1	1	4	0	6
Total (Lines 1-13)	27	210	80	158	15	490

Inside Regular Classrooms for 80% or More of the School Day	62%
Inside Regular Classroom for 40 to 79% of the School Day	21.0%
Inside Regular Classroom for Less than 40% of the School Day	7.5%
Separate School	.2%

## Areas of Disabilities

**Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

**Deafness** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance.

**Deaf blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

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

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

The term includes schizophrenia. The term does not apply to students who are socially maladjusted unless it is determined that they have an emotional disturbance.

**Hearing impairment** means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of deafness in this section.

**Learning disability** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an

imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, as determined in accordance with section 200.4(j) of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

**Intellectual disability** means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student's educational performance.

**Multiple disabilities** mean concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf blindness.

**Orthopedic impairment** means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

**Other health-impairment** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart 200.1 16 conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or Tourette's syndrome, which adversely affects a student's educational performance.

**Speech or language impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a student's educational performance.

**Traumatic brain injury** means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, and anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual

and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

**Visual impairment** including blindness means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

## **Glossary of terms/Definitions**

**Consultant Teacher** is defined as direct and/or indirect services provided to a school-age student with a disability in the student's general education classes, including career and technical education classes, and/or to such student's general education teachers.

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

**In Direct Consultant Teacher Indirect** means consultation provided by a certified special education teacher to a general education teacher to assist the general education teacher in adjusting the learning environment and/or modifying his/her instructional methods to meet the individual needs of a student with a disability who attends the general education class. Indirect CT can be combined with direct CT services.

**Resource room program** is a special education program for a student with a disability registered in either a special class or general education class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. Resource room programs are for the purpose of supplementing the general education or special education classroom instruction of students with disabilities who need such supplemental programs. This means that instruction is not provided in place of the student's regular academic instruction.

**Special class** means a class consisting of students with disabilities who have been grouped together because of similarity of individual needs for the purpose of receiving specially designed instruction in a self-contained setting, meaning that such students are receiving their primary instruction separate from their nondisabled peers.

Special class size is defined as the maximum number of students who can receive instruction

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

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

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

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

**Adaptive behavior** means the effectiveness with which the individual copes with the natural and social demands of his environment.

**Adapted physical education** means a specially designed program of developmental activities, games, sports, and rhythms suited to the interests, capacities, and limitations of students with

disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.

**Annual review** means an evaluation, conducted at least annually by the committee on special education, of the status of each student with a disability and each student thought to have a disability who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.

**Approved private school** means a private school which conforms to the requirements of Federal and State laws and regulations governing the education of students with disabilities, and which has been approved by the commissioner for the purpose of contracting with public schools for the instruction of students with disabilities.

**Assistive technology device** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Such term does not include a medical device that is surgically implanted or the replacement of such a device.

**Assistive technology service** means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

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

**Behavioral intervention plan** means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global

and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

**Change in program** means a change in any one of the components of the individualized education program of a student as described in section 200.4(d)(2) of this Part.

**Change in placement** means a transfer of a student to or from a public school, BOCES or schools enumerated in articles 81, 85, 87, 88 or 89 of the Education Law or graduation from high school with a local high school or Regents diploma. For purposes of removal of a student with a disability from the student's current educational placement under Education Law section 3214, change of placement is defined in Part 201 of this Title.

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

**The Committee on preschool special education (CPSE)** means a multidisciplinary team established in accordance with the provisions of section 4410 of the Education Law.

**Committee on special education (CSE)** means a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law.

**Consent means:**

- the parent has been fully informed, in his or her native language or other modes of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- the parent understands and agrees in writing to the activity for which consent is sought; and
- the parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

**Consultant teacher services** mean direct and/or indirect services, as defined in this subdivision, provided to a student with a disability in the student's regular education classes and/or to such student's regular education teachers.

**Direct consultant teacher services** mean specially designed individualized or group instruction

provided by a certified special education teacher to a student with a disability to aid such students to benefit from the student's regular education classes.

**Indirect consultant teacher services** mean consultation provided by a certified special education teacher to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes.

**Days** means calendar days unless otherwise indicated as school day or business day.

**School day** means any day, including a partial day that students attend school for instructional purposes. The term school day has the same meaning for all students in school, including students with disabilities and students without disabilities, except that, during the months of July and August, school day means every day except Saturday, Sunday and legal holidays.

**Business day** means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

**Declassification support services** mean those services provided by persons appropriately certified or licensed pursuant to Part 80 in the appropriate area of service, to a student or such student's teacher(s) to aid in such student's transition from special education to full-time regular education, including:

- for the student, psychological services, social work services, speech and language services, counseling (other than career counseling), and other appropriate support services; and
- for the student's teacher(s), the assistance of supplementary school personnel, and consultation with appropriate personnel.

**Full-day preschool program** means an approved special education program for preschool students with disabilities that provides instruction for a full-day session as defined in subdivision (q) of this section, provided however that in the event a program is approved by the commissioner to provide instruction for less than a full-day session but more than a half-day session, such program shall be deemed a full-day program solely for purposes of development of a recommendation by the preschool committee on special education pursuant to subparagraph (i) of paragraph b of subdivision 5 of section 4410 of the Education Law and section 200.16(e)(3) of this Part.

**Full-day session** means a school day with not less than five hours of instruction for preschool students with disabilities and for students whose chronological ages are equivalent to those of

students in grades K through 6, and not less than 200.1 4 5 1/2 hours of instruction for students whose chronological ages are equivalent to those of students in grades 7 through 12.

**Functional behavioral assessment** means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of this Part and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

**Guardian ad litem** means a person familiar with the provisions of this Part who is appointed from the list of surrogate parents or who is a pro bono attorney appointed to represent the interests of a student in an impartial hearing pursuant to section 200.5(j) (3) (ix) of this Part and, where appropriate, to join in an appeal to the State Review Officer initiated by the parent or board of education pursuant to section 200.5(k) of this Part. Guardian ad litem shall have the right to fully participate in the impartial hearing to the extent indicated in section 200.5(j) (3) (xii) of this Part.

**General curriculum** means the same general education curriculum as for students without disabilities.

**Half-day preschool program** means an approved preschool special education program for preschool students with disabilities that provides instruction for a half-day session as defined in subdivision (v) of this section.

**Half-day session** means a morning or afternoon session with not less than 2 1/2 hours of instruction for students whose chronological ages are equivalent to those of students in grades K through 6, and not less than three hours of instruction for students whose chronological ages are equivalent to those of students in grades 7 through 12, provided that for preschool students with disabilities, such term shall mean a morning or afternoon session with not more than 2 1/2 hours of instruction per day.

**Home and hospital instruction** mean special education provided on an individual basis for a student with a disability confined to the home, hospital, or other institution because of a disability.

**Impartial hearing officer** means an individual assigned by a board of education pursuant to Education Law, section 4404(1), or by the commissioner in accordance with section

200.7(d)(1)(i) of this Part, to conduct a hearing and render a decision. No individual employed by a school district, school or program serving students with disabilities placed there by a school district committee on 5 200.1 special education may serve as an impartial hearing officer and no individual employed by such schools or programs may serve as an impartial hearing officer for two years following the termination of such employment, provided that a person who otherwise qualifies to conduct a hearing under this section shall not be deemed an employee of the school district, school or program serving students with disabilities solely because he or she is paid by such schools or programs to serve as an impartial hearing officer. An impartial hearing officer shall:

- be an individual admitted to the practice of law in the State of New York who is currently in good standing and who has a minimum of two years practice and/or experience in the areas of education, special education, disability rights or civil rights; or be an individual certified by the State of New York as an impartial hearing officer on September 1, 2001;
- have access to the support and equipment necessary to perform the duties of an impartial hearing officer.
- be independent, shall not be an officer, employee or agent of the school district or of the board of cooperative educational services of which such school district is a component or an employee of the Education Department, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall not have participated in any manner in the formulation of the recommendation sought to be reviewed; and
- be certified by the commissioner as an impartial hearing officer eligible to conduct hearings pursuant to Education Law, section 4404(1) and subject to suspension or revocation of such certification by the commissioner for a good cause in accordance with the provisions of section 200.21 of this Part. To obtain and retain such a certificate, an individual shall:
  - successfully complete a training program, conducted by the department, which program provides information regarding State and Federal laws and regulations relating to the education of students with disabilities, the needs of such students, and the procedures involved in conducting a hearing, and in reaching and writing a decision;
  - attend such periodic update programs as may be scheduled by the commissioner.
  - annually submit, in a format and by a date prescribed by the commissioner, a certification that the impartial hearing officer meets the requirements of paragraphs (1), (2) and (3) of this subdivision.
  - possess knowledge of, and the ability to understand, the provisions of Federal and State law and regulations pertaining to the Individuals with Disabilities Education Act and legal interpretations of such law and regulations by Federal and State courts.

- possess knowledge of, and the ability to conduct hearings in accordance with appropriate, standard legal practice and to render and write decisions in accordance with an appropriate standard legal practice.
- be willing and available to accept appointments to conduct impartial hearings. Notwithstanding the provisions of section 200.21 of this Part, unless good cause has been provided to the commissioner including, but not limited to, cause resulting from poor health as certified by a physician, active military services or other similar extenuating circumstances, the certification of an impartial hearing officer shall be rescinded upon a finding that the impartial hearing officer was not willing or available to conduct an impartial hearing within a two-year period of time.

**Individualized education program** means a written statement, developed, reviewed and revised in accordance with section 200.4 of this Part, which includes the components specified in section 200.4(d)(2) of this Part to be provided to meet the unique educational needs of a student with a disability.

**Independent educational evaluation** means an individual evaluation of a student with a disability or a student thought to have a disability, conducted by a qualified examiner who is not employed by the public agency responsible for the education of the student. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

**Individual evaluation** means any procedures, tests or assessments used selectively with an individual student, including a physical examination in accordance with the provisions of sections 903, 904 and 905 of the Education Law, an individual psychological evaluation, except where a school psychologist has determined pursuant to section 200.4(b) of this Part that a psychological evaluation is unnecessary to evaluate a student of school age, a social history, and other appropriate assessments or evaluations as may be necessary to determine whether a student has a disability and the extent of his/her special education needs, but does not include basic tests administered to, or procedures used with all students in a school grade or class.

**Individual psychological evaluation** means a process by which a New York State certified school psychologist or licensed psychologist uses, to the extent deemed necessary for purposes of educational planning, a variety of psychological and educational techniques and examinations in the student's native language, to study and describe a student's developmental, learning, behavioral and other personality characteristics.

**Interpreting services** means oral transliteration services, cued language transliteration services, sign language transliteration, and interpreting services and transcription services for students

who are deaf or hard of hearing; and special interpreting services for students who are deaf-blind.

**Least restrictive environment** means that placement of students with disabilities in special classes, separate schools or other removals from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- provide the special education needed by the student.
- provide for the education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities, and
- be as close as possible to the student's home.

**Mediator** means a qualified and impartial individual who is trained in effective mediation techniques to resolve disputes in accordance with Education Law, section 4404-a and section 200.5(h) of this Part and who is knowledgeable in laws and regulations relating to the provision of special education services. An individual who serves as a mediator may not have a personal or professional interest that would conflict with his or her objectivity in the mediation process and may not be an employee of a State educational agency that is providing direct services to a student who is the subject of the mediation process or a school district or program serving students with disabilities, provided that a person who otherwise qualifies to conduct mediation under section 200.5(h) of this Part shall not be deemed an employee of the State, a school district, school, or a program serving students with disabilities solely because he or she is paid by a community dispute resolution center through grant funds provided by the State Education Department to serve as a mediator.

**Medical services** means only evaluative and diagnostic services provided by a licensed physician, or by another appropriately licensed or registered health professional in consultation with, or under the supervision of, a licensed physician, to determine whether a student has a medically related disability which may result in the student's need for special education and related services.

**Native language** means:

- if used with reference to an individual of limited English proficiency, the language normally used by that individual, or, in the case of a student, the language normally used by the parents of the student, except that, in all 200.1 8 direct contact with a student (including evaluation of the student), native language means the language normally used by the student in the home or learning environment; and
- for an individual with deafness or blindness, or for an individual with no written language, the mode of communication is normally used by the individual (such as sign

language, Braille, or oral communication).

**Occupational therapy** means the functional evaluation of the student and the planning and use of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the student in his or her daily life tasks.

**Parent** means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in Education Law, section 3212; an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relatives with whom the child resides); or a surrogate parent who has been appointed in accordance with section 200.5(n) of this Part. The term does not include the State if the student is a ward of the State.

**A foster parent** may act as a parent unless State law, regulations, or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Except as provided in paragraph (4) of this subdivision, when one or more than one party is qualified under paragraph (1) of this subdivision to act as a parent, the birth or adoptive parent must be presumed to be the parent unless the birth or adoptive parent does not have legal authority to make educational decisions for the student.

If a judicial decree or order identifies a specific person or persons to act as the parent or make educational decisions on behalf of the student, then such person or persons shall be determined to be the parent for purposes of this Part, except that a public agency that provides education or care for the student, or a private agency that contracts with a public agency for such purposes, shall not act as the parent.

**Participating agency** means a State or local agency, other than the public agency responsible for a student's education that is financially and legally responsible for providing transition services to the student.

**Parent counseling and training** means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's individualized education program.

**Supplementary school personnel** means a teacher aide or a teaching assistant as described in section 80-5.6(a) through (d) of this Title.

**Physical therapy** means a related service provided in accordance with section 6731(a) of the Education Law.

**Preschool student with a disability** is a preschool child as defined in section 4410(1)(i) of Education Law who is eligible to receive preschool programs and services, is not entitled to attend the public schools of the school district of residence pursuant to section 3202 of the Education Law and who, because of mental, physical, or emotional reasons, has been identified as having a disability and can receive appropriate educational opportunities from special programs and services approved by the department. Eligibility as a preschool student with a disability shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team in accordance with all other requirements as described in section 200.4 (b) (1) through (5) of this Part.

Commencing July 1, 1993, to be identified as having a disability a preschool student shall either:

- exhibit a significant delay or disorder in one or more functional areas related to cognitive, language, and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview, and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate
- a 12-month delay in one or more functional area(s); or
- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or
- if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

**Commencing July 1, 1991**, in the calendar year in which such preschool student becomes three years of age, a student shall be first eligible for preschool programs and services on January 2nd of such calendar year, if the student's birthday falls before July 1st, otherwise, a student shall be first eligible on July 1st of the calendar year; except that a student who, as of his or her third birthday, is already receiving services pursuant to section 236 of the Family Court Act or its successor, or section 4204-a of the Education Law, may, if the parent so chooses, continue to

receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services pursuant to section 4410 of the Education Law. A student shall be deemed to be a preschool student with a disability through the month of August of the school year in which the student first becomes eligible to attend school pursuant to section 3202 of the Education Law.

**Preschool program** means a special education program approved pursuant to section 4410 of the Education Law to provide special education programs and services, from the continuum of services set forth in section 200.16(i) of this Part, and to conduct evaluations of preschool students with disabilities if such program has a multidisciplinary evaluation component.

**Prior written notice** means written statements developed in accordance with section 200.5(a) of this Part, and provided to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

**Regular education teacher means:**

- for a school-age student, a teacher qualified to serve nondisabled students who are providing regular education instruction to the student. If the student is not receiving instruction from one or more regular education teachers, a teacher qualified to provide regular education in the type of program in which the student may be placed may serve as the student's regular education teacher.
- for a preschool child, a regular education teacher qualified to provide regular education services to non-disabled preschool or elementary-level students who are providing regular education instruction to the student. If the 11 200.1 students are not receiving instruction from one or more regular education teachers, a teacher qualified to provide regular education in the type of program in which the student may be placed may serve as the preschool student's regular education teacher.

**Related services** mean developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology and audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early

identification and assessment of disabling conditions in students.

Services that apply to children with surgically implanted devices, including cochlear implants. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping), maintenance of that device, or the replacement of that device if nothing in this paragraph:

- limits the right of a student with a surgically implanted device to receive related services that are determined by the CSE or CPSE to be necessary for the student to receive a free appropriate public education; or
- limits the responsibility of a school district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or
- prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

**Resource room program** means a special education program for a student with a disability registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day.

### **School health services and school nurse services**

**School health services** mean health services provided by either a qualified school nurse or other qualified people that are designed to enable a student 200.1 12 with a disability to receive a free appropriate public education as described in the individualized education program of the student

**School nurse services** mean services provided by a qualified school nurse pursuant to section 902(2)(b) of the Education Law that is designed to enable a student with a disability to receive a free appropriate public education as described in the individualized education program of the student.

**Social history** means a report of the information gathered and prepared by qualified school district personnel pertaining to the interpersonal, familial, and environmental variables which influence a student's general adaptation to school, including but not limited to data on family composition, family history, the developmental history of the student, health of the student, family interaction and school adjustment of the student.

**Special class** means a class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction as defined in subdivision (vv) of this section

**Specially-designed instruction** means adapting, as appropriate to the needs of an eligible student under this Part, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

**Special education** means specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

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

For the purposes of this definition:

The individual needs of a student shall be determined by a committee on special education in accordance with the provisions of section 200.4 of this Part upon consideration of the present levels of performance and expected to learn outcomes of the student. Such individual-need determinations shall provide the basis for written annual goals, direction for the provision of appropriate educational 13 200.1 programs and services, and the development of an individualized education program for the student. The areas to be considered shall include

- academic achievement, functional performance, and learning characteristics which shall mean the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style;
- social development which shall mean the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments.
- physical development which shall mean the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process; and

- management needs which shall mean the nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction. Management needs shall be determined in accordance with the factors identified in each of the three areas described in clauses (a)-(c) of this subparagraph.

**Group instruction** means instruction of students grouped together according to the similarity of individual needs for the purpose of special education. The curriculum and instruction provided to such groups shall be consistent with the individual needs of each student in the group, and the instruction required to meet the individual needs of any one student in the group shall not consistently detract from the instruction provided by other students in the group.

**Special education provider** means an individual qualified pursuant to section 200.6(b) (3) of this Part who is providing related services to the student. If the student is not receiving related services, an individual qualified to provide related services needed by the student may serve as the related service provider of the student.

**Special education teacher** means a person, including an itinerant teacher, certified or licensed to teach students with disabilities who are providing special education to the student. For a student who is being considered for initial placement in special education, a teacher qualified to 200.1 14 provides special education in the type of program in which the student may be placed may serve as the student's special education teacher.

**Student with a disability** means a student with a disability as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department.

**Substantial regression** means a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity as to require an inordinate period of review at the beginning of the school year to re-establish and maintain IEP goals and objectives mastered at the end of

**Supplementary aids and services** mean aids, services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment.

**Surrogate parent** means a person appointed to act in place of parents or guardians when a student's parents or guardians are not known, or when after reasonable efforts, the board of education cannot discover the whereabouts of a parent, the student is an unaccompanied homeless youth or the student is a ward of the State and does not have a parent who meets the definition in subdivision (ii) of this section, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

**Transitional support services** mean those temporary services, specified in a student's individualized education program, provided to a regular or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a regular program or to a program or service in a less restrictive environment.

**Twelve-month special service and/or program** means a special education service and/or program provided on a year-round basis, for students determined to be eligible in accordance with sections 200.6(k)(1) and 200.16(i)(3)(v) of this Part whose disabilities require a structured learning environment of up to 12 months duration to prevent substantial regression. A special service and/or program shall operate for at least 30 school days during the months of July and August, inclusive of legal holidays, except that a program consisting solely of related service(s) shall be provided with the frequency and duration specified in the student's individualized education program.

**Transition Services** means a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including, but not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences, and interests, and shall include needed activities in the following areas:

- instruction
- related services
- community experiences
- the development of employment and other post-school adult living objectives; and
- when appropriate, acquisition of daily living skills and provision of functional vocational evaluation.

**Travel training is a special education service** that means providing instruction, as appropriate, to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they

live; and learn the skills to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

**Universal design** means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

## Annual Review Process

1. The director and chairs will send out an annual review schedule.
2. All IEPs will be meeting ready at least 10 days before the meeting
  - a. This means case managers have collaborated with related services and have held a pre case meeting with the parents.
  - b. All additional paperwork is uploaded into the repository.
3. The meeting is held. IEP draft is reviewed by the group.
  - a. Changes are suggested by the committee and parents.
  - b. The Director/Chair takes minutes at the meeting
4. After the meeting, the Director/Chair prepares paperwork to be given to clerical staff and requests follow-up items (testing, information, etc.).
5. The IEP is finalized and sent to the BOE

## Continuum of Services at Averill Park Central School District

### Continuum of Services



### **Services provided within the general education**

Related Services

Consultant Teacher

### **Services provided outside the general education**

Related Services pull out

Resource Room

### **Self--contained classrooms**

12:1:1

15:1

6:1:2

### **BOCES Placements**

### **Day Treatment Programs**

### **Residential Treatment Facilities**

## **Programs for Preschool Students with Disabilities**

The Averill Park CSD does not operate special education preschool programs. A continuum of special education and related services are made available to district preschool students with disabilities in programs located in private school settings, typical preschool programs, or at home. Preschool special education programs and related services available to district students are described as follows:

**Related Services.** Related services for preschool students with disabilities may be provided in a variety of settings including home, typical preschool/nursery school programs, Head Start, or a hospital and include:

- Speech/Language Therapy
- Physical Therapy
- Occupational Therapy
- Counseling

**Special Class** in a Segregated Setting. Special class programs in segregated settings do not include non-disabled students. Special classes in segregated settings are available to preschool children with disabilities from 2.5 to 5 hours per day.

**Special Education Itinerant Teacher.** This is a special education service in which the special education teacher provides support to the preschool child with a disability in the setting the child would be in if he/she did not have a disability such as at home or nursery school.

## **Programs for School-Age Students Operated by the Averill Park Central School District**

### **Related Services**

- Related services of speech/language therapy are available to both disabled and nondisabled students. The district employs 5 full-time speech therapists.
- Related services of occupational and physical therapy are available to disabled students as identified by the CSE/CPSE or building level Section 504 Committees. We also provide OT and PT motor improvement to general education students, when possible. We currently employ 1 full-time Occupational Therapist and 4 full-time Occupational Therapist Assistants. The district employs 1 full-time physical therapist.
- We contract with BOCES and other districts for related services: as needed
- Counseling is available to both disabled and nondisabled students. Currently, the District employs 6 full-time school psychologists, 1 full-time social worker, and 9 full-time counselors.

### **Consultant Teacher Services**

Consultant teacher services, as defined in section 200.1(m) of the regulations, shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes, including career and technical education classes, and/or to such students' regular education teachers. Such services shall be recommended by the committee education to meet the specific needs of such students and the student's individualized education program (IEP) the regular education classes in which the student will receive consultant teacher services.

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

and/or indirect services consistent with their IEP for a minimum of two hours per week

- Consultant teachers may have a maximum caseload of 20 students at the elementary level and 25 at the high school level.

**Resource Room.** Resource Room programs are taught by a special education teacher outside of the general education setting.

- No more than 5 students may be placed in a resource room at any one time.
- Students are assigned to resource room programs for not less than three hours per week and not more than 50% of the school day.
- Students are assigned to resource room groups based on the similarity of individual needs according to levels of academic achievement, learning characteristics, social and physical development, and management needs.
- A teacher assigned to teach resource room full time may have a maximum caseload of 20 students. If the teacher is assigned to teach resource room and other special education classes, the caseload is prorated based on time in each assignment area.
- The resource room program supports general education through small group review and reinforcement of skills, remediation of learning deficits, and pre-teaching of new concepts.

**Special Class.** The District provides special class programs. Special class programs are taught by a special education teacher outside of the general education setting. The chronological age range within special classes for students less than 16 years of age may not exceed 36 months. If circumstances arise which would result in an age range greater than 36 months, the district will apply to the commissioner for a variance to Part 200.6(g)(5).

**Outside the District Special Class Programs.** The District provides special class programs. Special class programs are taught by a special education teacher outside of the general education setting. BOCES Program placements based on individual student needs.

**Approved Day Treatment Programs.** The District provides program placement in approved Day Treatment programs based on individual student needs.

**Approved Residential Programs.** The District provides program placement in approved Residential Treatment programs based on individual student needs.

## **Parentally Placed CSE**

Robert C. Parker School is the private school within the Averill Park CSD attendance zone. This

obligates Averill Park CSD to oversee all special education needs and referrals from the Robert C Parker School. This includes testing students suspected of having a disability. We provide special education teacher services, speech, and language and counseling to IEP students at Robert C. Parker

Number of students to be served Parentally Placed Private or Parochial Schools:

- District of Residence – CSE student lives in our district but attends a private school outside of the district: 1

## **Space Allocation for Special Education**

Averill Park Central School District ensures that adequate and appropriate space is available for special education according to the New York Commissioner of Education Regulations NYCRR 200.2(c)(iv) and (v) in the following ways:

- Adequate and appropriate space to meet the needs of special education programs and students is assessed each April when the Superintendent requests waivers of Board of Education policy if needed, from building principals.
- The Special Education Director monitors out of district facilities to ensure appropriate conditions for the instruction of students with disabilities through site visitations.
- Allocation of Space for Special Education Programs and Services is a recommended BOE policy.

## **Availability of Instructional Materials in Alternate Formats**

Pursuant to New York Commissioner of Education Regulations NYCRR 200.2(b) (10), the Averill Park Central School District will use the following procedures to ensure that all instructional materials to be used in the schools of the District are available in a usable an alternative format for each student with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled Students:

- When purchasing instructional materials, the District will give preference to vendors who agree to provide such instructional materials in alternative formats.
- When an electronic file is provided, the format will be accessed by students, or converted to an accessible format, using District technology and/or equipment available in the school building and/or through the Library/Media Specialist and/or Technology Coordinator;
- The needs or anticipated needs of students with disabilities for instructional materials

in an alternative format will be reported to the building principal by the Chairperson of the Committee on Special Education yearly, or as soon as those needs are known, to provide sufficient time for planning and budgeting;

- When considering the purchase of instructional materials, building principals will consult with the Chairperson of the Committee on Special Education to identify the needs of students with disabilities residing in the District to ensure that alternative format materials are ordered and available at the same time as regular format materials are available;
- When a student with a disability who requires materials in an alternative format moves into the District during the school year, the Chairperson of the Committee on Special Education will immediately notify the building principal of that student’s needs and assess whether appropriate materials are currently available. If appropriate materials are not available in the District’s inventory, such materials will be acquired as soon as possible and without undue delay.

## **District Classification Rates**

2015-2016	16%
2016-2017	16.7%
2017-2018	17.1%
2018-2019	16.9%
2019-2020	18.4%
2021-2022	18%

The objectives of the overall special education program are described State Performance Plan indicators assigned by Regional Special Education – Technical Assistance Centers (RES-TACs) each year.

Additional methods of evaluation include student-based assessment of the progress of each student with a disability in the spring using individual measures of academic achievement such as standardized tests, curriculum-based assessments, and state testing.

**2022-2023 Special Education Budget:** \$7,275,147.00