

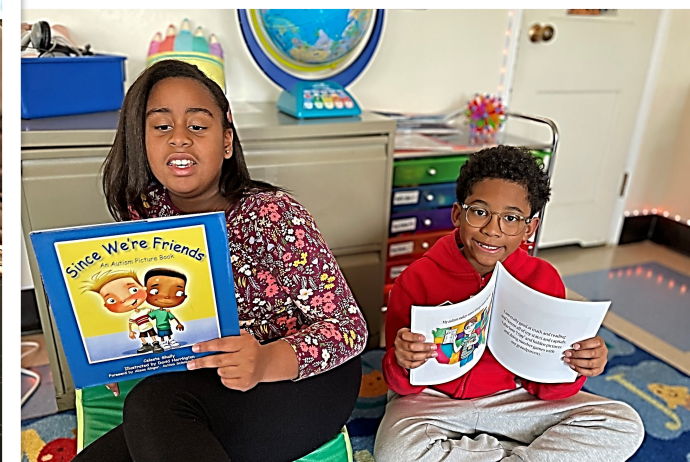


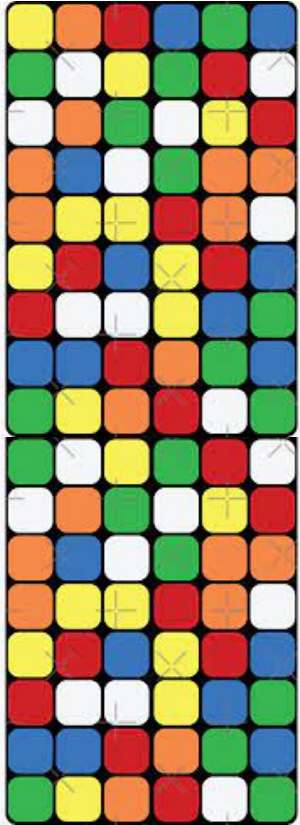
Special Ed Process

Presentation to Nyack Public Schools BOE
November 14, 2023

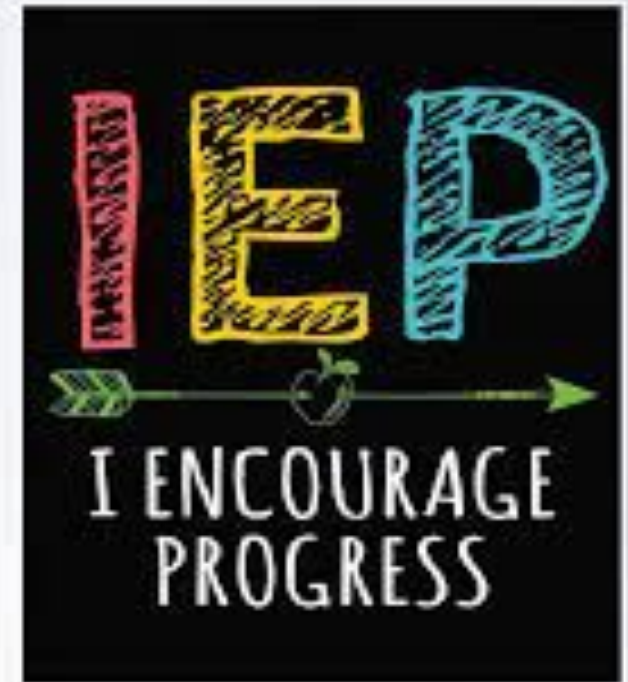
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Services





*Sometimes real superheroes
live in the hearts of small
children fighting big battles*
anonymous





What is Special Education?

- **Federal Law:** The Individuals with Disabilities Education Act (IDEA) is a Federal law that gives students with disabilities the right to receive a Free Appropriate Public Education (FAPE) in the least restrictive environment from age 3 through the end of the school year in which the student turns 21 years or graduates with a high school diploma.
- **State Law:** In order to remain eligible for federal funds under the IDEA, states must have policies and procedures in effect that comply with federal requirements. The special education requirements for New York State are set forth in New York State Education Law and in Parts 200 and 201 of the Regulations of the Commissioner of Education.
- Special Education means specially designed individualized or group instruction or special services or programs to meet the unique needs of students with disabilities.





What is the Committee on Special Education (CSE) Process?



- Referral of student
- Evaluation of student
- Recommendation of program for student
- Implementation of program
- Modifications of program



How is a student referred?

- A parent/legal guardian or school designee may want a child evaluated if he/she has poor school performance; frequent, long-standing behavioral difficulties; or a diagnosis of a medical or mental health condition.
- Before referring a student for special education, schools first must consider offering at-risk services such as Response to Intervention (RTI).
 - RTI can be considered an intervention tool that is designed to quickly identify students who need extra help, thereby preventing long-term failure. The monitoring of students allows teaching professionals to identify the exact skill areas where pupils need additional instruction that is targeted to a student's individual needs.
 - If the student is not responding, other instructional approaches are used and/or the intensity is increased. This progression through more intensive instructional practices is the reason RTI is described as a "multi-tier" system.



How is a student referred?

In the RTI Model, the student would be referred for a special education evaluation if:

- A series of research based interventions have been attempted
- There is documentation that the interventions were carried out as designed (treatment/intervention integrity)
- Progress monitoring data shows that the student failed to meet the goal set for his or her improvement (that is, the student shows a 'discrepancy in rate of learning relative to grade peers).



Initial referrals by parents.

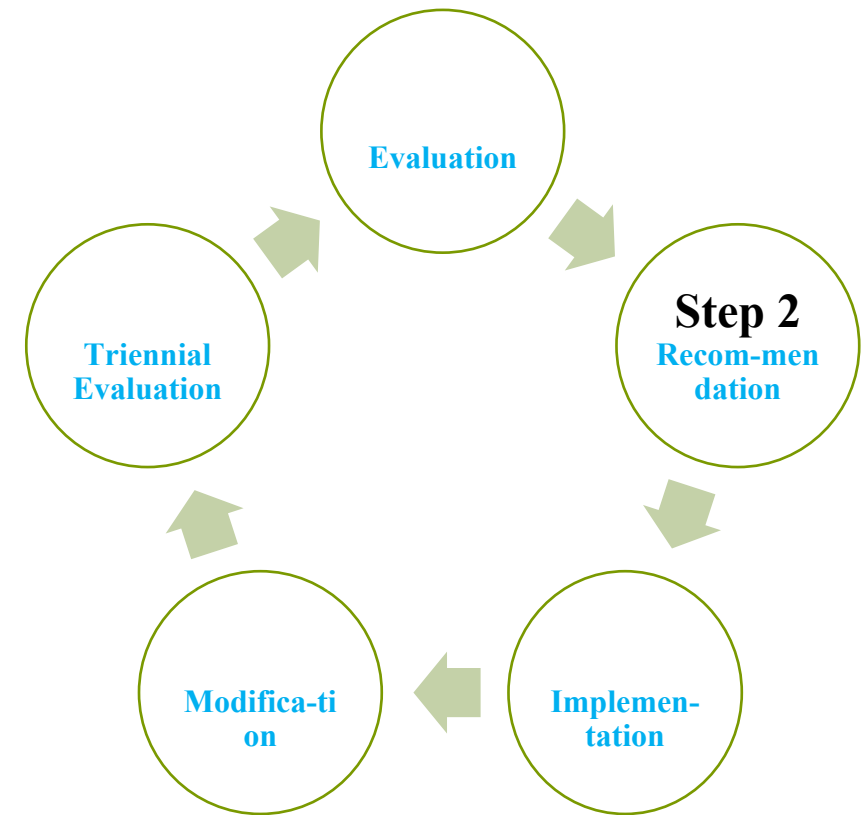
Parents may refer their child for evaluation by:

- Writing directly to the student's principal/teacher/ member of the pupil support team.
- Making an oral request (by phone or in person) to a professional member of the school staff who must promptly assist the parent in creating an initial referral document.
- When a professional school staff member receives a referral, he/she immediately sends to the office of special education.



Students believed to be educationally disabled are **REFERRED** to a multidisciplinary team called the CSE.

1. The CSE **EVALUATES** students' abilities.
2. The CSE **RECOMMENDS** an appropriate Individualized Education Program (IEP) based on evaluation results.
3. The program is **IMPLEMENTED** based upon parental approval. After parental approval the BOE is responsible for arranging for the provision of services takes place.
4. The IEP is **MODIFIED** or adjusted by the CSE at an Annual Review.
5. The student has a **Triennial Evaluation** at least every third year to assure that the student continues to require special education programs and services.

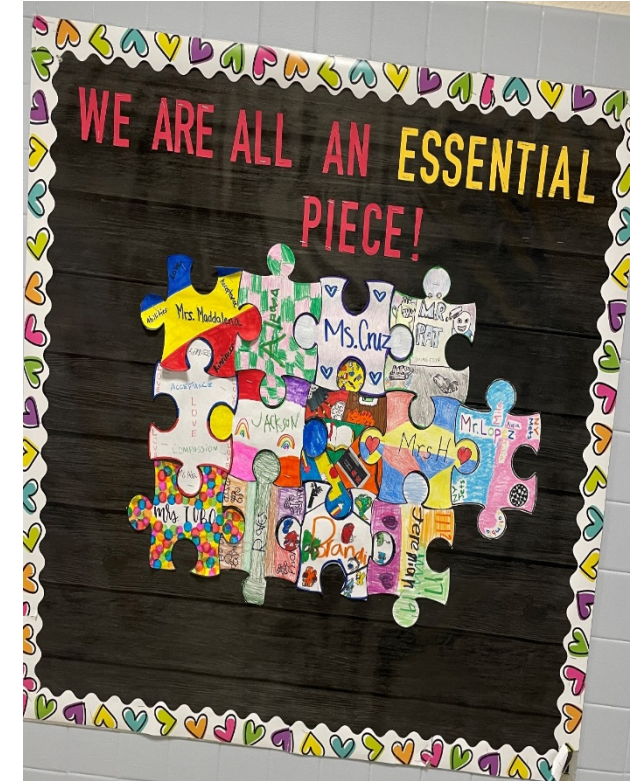




Who is the Committee on Special Education (CSE)?

Required members include:

1. A district representative (CSE Chair),
2. The child's parents and teacher,
3. A special education teacher or provider,
4. A school psychologist
5. Other members may include: the student, a physician, or any others that the parent or school district request.





What is a "multidisciplinary evaluation"?

The components include:

- Social history
- Observation in the classroom
- Academic achievement
- Psychological assessment
- Physical examination
- Other assessment in all areas related to the suspected disability
- Specific other assessments may include:
 - social - emotional development
 - communication skills
 - motor abilities





How does the CSE determine eligibility?

The student must meet the qualifications for at least one of the 13 classifications:

- **Autism**
- **Deafness**
- **Deaf/Blindness**
- **Emotional Disability**
- **Hearing Impairment**
- **Learning Disability**
- **Intellectual Disability**
- **Multiple Disabilities**
- **Orthopedic Impairment**
- **Other Health Impairment**
- **Speech or Language Impairment**
- **Traumatic Brain Injury**
- **Visual Impairment**



CSE Process: 13 Classifications Defined

Autism

- A developmental disability, mainly affecting a child's social and communication skills. It can also impact behavior and covers a wide range of symptoms.

Deafness

- A student with a hearing impairment is unable to hear most or all sounds even with a hearing aid.

Deaf-Blindness

- A student with both severe hearing and vision loss. Communication and other developmental and educational needs are so unique that programs for students with deafness or with blindness cannot meet their needs.



CSE Process: 13 Classifications Defined

Emotional Disability

A student who exhibits one or more of the following characteristics over a long period of time and to a degree that adversely affects the 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 relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A generally pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems

Hearing Impairment

- A student with a hearing loss not covered by the definition of deafness. This type of hearing loss can change over time.



CSE Process: 13 Classifications Defined

Intellectual Disability

- A student with significantly below average intellectual ability and adaptive (life) skills. A student may also have poor communication, self-care and social skills.

Learning Disability

- This is an umbrella term that covers learning challenges that impact a student's ability to read, write, listen, speak, reason or do math.
- the student does not achieve commensurate with his or her age and ability levels in one or more areas if provided with learning experiences appropriate for the student's age and ability levels; and
- the CSE finds that a student has a severe discrepancy between achievement and intellectual ability in one or more of the following areas: oral expression, listening comprehension, written comprehension, basic reading skill, reading comprehension, mathematics calculation, and mathematics reasoning.

Multiple Disabilities

- A student with more than one condition that creates educational needs that cannot be met in a program designed for any one disability.

Orthopedic Impairment

- An orthopedic impairment means that a student lacks function or ability in their body; for example, cerebral palsy.



CSE Process: 13 Classifications Defined

Other Health Impairment

- This is an umbrella term that covers conditions that limit a student's strength, energy or alertness. One example is ADHD which impacts attention.

Speech or Language Impairment

- A student with a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that makes it hard for a student to understand words or express themselves.

Traumatic Brain Injury

- A student with an injury to the brain caused by an accident or some kind of physical force.

Visual Impairment

- A student whose eyesight impacts their educational performance. Any vision problem that cannot be corrected by eyewear qualifies, including partial sight and blindness.



What is meant by least restrictive environment?

- LRE refers to the extent special education services are provided to a student in a setting with the student's nondisabled peers.
- The continuum of services identifies different service delivery models to provide specially designed instruction to a student with a disability. Some of the services such as consultant teacher services are directly designed to support the student in his/her general education class.
- Others may or may not be provided in settings with nondisabled peers, depending on the complex needs of the student.



Least restrictive environment in more detail.

- The CSE team may determine that the child cannot be educated satisfactorily in the regular education classroom, even when supplementary aids and services are provided. An alternative placement must then be considered.
- This is why the CSE have been, and still are, required to ensure that “a **continuum of alternative placements** is available to meet the needs of children with disabilities for special education and related services” [IDEA Sec 300.115(a)]. These placement options include:
 - instruction in regular classes,
 - special classes,
 - special schools.



Least restrictive environment in more detail.

Having a continuum of placements available “is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully in the LRE” (71 Fed. Reg. 46587). It also reinforces the importance of the individualized inquiry in determining what placement is the LRE for **each** child with a disability. As such, the requirement for a continuum of alternative placements supports the fact that determining LRE must be done on an **individualized basis**, considering “each child’s unique educational needs and circumstances, rather than by the child’s category of disability, and be based on the child’s IEP” (71 Fed. Reg. 46586).



Out of district process explained.

An out-of-district placement recommended by the CSE is a **complex process** that places a student at a **New York State Education Department (NYSED) approved** specialized school or program outside of the local school district, at the expense of the district.

- Out-of-district placements include:
 - **BOCES programs**
 - **NYSED approved private schools**
 - **853 schools**, created by Chapter 853 of the Laws of 1976, are operated by private agencies and provide day and/or residential programs for students with disabilities.
 - **Special act school districts**
 - are considered public schools, were created by special action of the legislature for the purpose of providing education services to students.
 - **State supported schools**
 - established by the State Legislature (section 4201 of Education Law), provide educational services to students with disabilities with deafness, blindness, severe emotional disabilities or severe physical disabilities. State-supported schools are privately operated programs.
 - **State operated schools**
 - two in NYS, which are operated by NYSED, were established pursuant to Article 87 of the Education Law (for students who are legally blind and have additional disabilities)



Out of district intake process explained.

- The District CSE Chair will research NYSED approved placements that support the student's profile and the nature of the disability.
 - **Prior Written Notice (PWN)** is sent to parent/legal guardian allowing the district to send the child's educational records to perspective programs.
 - Once PWN is received from parent/legal guardian, **packets** are sent to perspective programs.
 - Perspective programs coordinate an **intake appointment** with parent/legal guardian.
 - Parents/legal guardians will have an opportunity to **visit** the perspective program.
 - Program will inform the district and parent/legal guardian of their **decision** to accept.
 - CSE is **reconvened** to discuss intake process and accepted programs
 - CSE will make **recommendation** and update IEP
 - District will coordinate **transportation** to accepted program.



What is an IEP?

An Individualized Education Program (IEP) must include:

- Present levels of performance
- A description of how your child is currently doing in school.
This includes:
 - Evaluation results
 - Academic achievement
 - Social development
 - Physical development
 - Management needs





What is an IEP? (continued)

Measurable Annual Goals

- Academic, social, behavioral, and/or physical goals that can be reasonably met in a school year.

Progress Reports

- A description of when you will receive updates on your child's progress.

Recommended Special Education Programs and Services

- A list of the programs and services your child requires in order to access, participate and progress in the general education curriculum. This includes the date the programs and services will begin, how often they will be provided, where they will be provided (in the classroom or another school location), and the length of each session.

Participation with Students without Disabilities

- The extent to which your child will participate in general education classes and other school activities with his/her non-disabled peers.



What is an IEP? (c0ntinued)

Participation in State and District-Wide Assessment

- This section identifies if your child will participate in the same State and district-wide assessments that are given to general education students or if your child will participate in alternate assessments for students with severe cognitive disabilities. Regardless of the type of assessment in which your child participates, s/he may have testing accommodations.

Diploma Objective

- The IEP identifies the diploma type your child is working toward or if s/he will work towards a commencement credential instead.

Transition Services

- Transition services are included on the first IEP that will be in effect when your child is 15 years old. Transition services include a coordinated set of activities, services, and supports that will support your child's movement from school to post-school life with goals of education, employment, and independent living as appropriate.

Language

- If your child is a multilingual or English Language Learner and requires English as a New Language (ENL) and/or bilingual services, this will be noted on the IEP. The language of instruction and service is included on your child's IEP.



Who sees an IEP?

The special education teacher has direct access to IEP **DIRECT** which is the warehouse for a student's IEP, plus:

- Regular Education Teachers
- Special Area Teachers
- Related Service Providers
- other support staff responsible for implementation of the IEP must have **ACCESS** to the document through the special education teacher



What happens if the student's IEP needs to be changed?

- Either the student's teacher or parent may refer the student back to the CSE for review of the IEP at any time.



What are test accommodations and how are they implemented?

- Test accommodations are changes in testing procedure or format that enable students with disabilities to participate in state and district testing programs. The CSE determines if a student's disability needs to be accommodated during testing and indicates the accommodations on the student's IEP.
- Some examples of accommodations include:
 - extended time
 - administering test in a separate location
 - directions clarified
 - others



What are the timelines for receiving services?

The Board of Education must arrange for services and/or programs within **60 school days** from the date of parental consent for the initial evaluation.

What does consenting to services involve?

- After the IEP is developed, the IEP team will ask the parent/guardian for written permission to start services. We will not arrange for any services to be provided until we receive informed consent to do so.
- A parent/guardian can withdraw consent for special education services at any time. After withdrawing consent, the parent/guardian has the right to change their mind. If a parent/guardian later decides they want their child to be evaluated for special education services, they must write a new referral letter and give it to the school.



Procedural Safeguards

Under the **Individuals with Disabilities Education Act (IDEA)**, families have legal protections during the evaluation and IEP process.

- These protections are called ***procedural safeguards***.
- The school must provide families with a written explanation of your rights under IDEA.
- Procedural safeguards don't spell out what services or accommodations should be in an IEP. Instead, they describe the ground rules for how you'll work with the school.



Procedural Safeguards

Here are 10 important procedural safeguards and what they mean for families.

1. Procedural safeguards notice
2. Parent participation
3. Access to educational records
4. Confidentiality of information
5. Informed consent
6. Prior written notice
7. Understandable language
8. Independent educational evaluation (IEE)
9. “Stay put” rights
10. Dispute resolution options



CPSE EXPLAINED

- Committee on Preschool Special Education (CPSE) Responsibilities. CPSEs are responsible to determine eligibility for special education services for preschool students (3&4 years old) with disabilities and to develop the IEP for each student.
 - exhibit a significant delay or disability 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 disability 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.



"Start where you are. Use
what you have.
Do what you can."

- ARTHUR ASHE

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