DISTRICT PLAN FOR
SPECIAL EDUCATION
2018-2020

Submitted by Jeanne M. Dowling
Director of Special Education

Adopted by the Board of Education 07/05/2016
Revised and adopted by the Board of Education 4/16/2019
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WEST ISLIP MISSION STATEMENT

The West Islip Community is committed to excellence in education through the establishment of an academic, vocational and social environment in which all children can learn and succeed.

Our students will be provided the opportunity to develop their self-esteem and a respect for others while acquiring the knowledge, skills and attitudes to become responsible citizens in a rapidly changing world.

Our goal is to have students think in global terms and develop cultural sensitivity and an international orientation. We seek to instill in our students the ability to share their commonalities, celebrate their differences, and appreciate that learning is a lifelong process.
DESCRIPTION OF NATURE AND SCOPE OF SPECIAL EDUCATION PROGRAMS AND PROFESSIONAL STAFF IN DISTRICT

The following is a description of the continuum of services offered within the West Islip School District. The description is meant as a guideline, but the Committee on Special Education (CSE) will make placement decisions based on the individual needs of each student.

Special Classes-Life Skills 8:1:2, 8:1:1, 10:1:1, 12:1:1

Students placed in this program require instruction in adapted living skills. Placement criteria include a severe cognitive disability, severe communication disorder and/or an adaptive behavior component which requires specific, specialized instruction in the area of independence. Student progress will be measured using the alternate performance indicators in the New York State Guide to Students with Severe Disabilities.

Special Classes 15:1, 15:1:1

Students placed in this full day program have academic, social and/or management needs that require a modified curriculum and specialized instruction throughout the day. The focus of this program is to provide direct access to the general curriculum. Class size is capped at the ratio listed on the IEP.

Integrated Co-Teaching

Co-teaching services means the provision of specially designed instruction and academic instruction provided in a classroom setting that includes both disabled and nondisabled students. School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.

Consultant Teacher

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

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

Indirect Consultant Teacher 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.
Resource Room

Students are given resource services for a minimum of 180 minutes per week. Dependent upon the IEP, services may be delivered in a special location or within the classroom. Group size is regulated at no more than five students with disabilities. Through collaboration within the general classroom teacher and other specialists, an individualized program is designed to assist the student’s learning within the general education setting.

Related Services

Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services, parent counseling and training, school health services, school social work, assistive technology services in which all special education students will have equal access to technology that all general education students have, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services and other appropriate support services.

School Psychological Services

The following major areas of responsibility are assigned to school psychologists: assessment; observation; test administration and interpretation; participation in the Committee on Special Education (CSE) as well as sub-committee of Special Education, referral, evaluation and placement; monitoring of student progress; consultation with teachers; student and parent counseling; and liaison activities with community agencies and other professionals. Additional functions relating to special education classes include: assisting teachers in the development of interventions to help students in the development of Individualized Education Programs (IEPs); monitoring the delivery of services to special education students; coordinating CSE annual review meetings; conducting re-evaluations; and exploring out-of district educational alternatives when necessary.

Counseling as a Related Service

Counseling as a related service will be recommended by the CSE under the following circumstances:
• An emotional or management difficulty interferes with a student’s ability to make appropriate educational gains;
• The difficulty is one which, in the clinical judgment of the evaluation team, can be addressed through school-related counseling with a qualified professional; and
• The student does not appear at the present time to require medical intervention or a therapeutic setting in order to make educational gains.

Social Worker

Within the Department of Special Education, the social worker provides the following services: group counseling; monitoring student progress; providing parent education; intervening during crisis (i.e. child abuse, PINS petitions); and serving as general liaison between school and home.
Speech Language and Hearing Services

Specialists in speech and language assist school staff with the identification and instruction of students with speech, language and hearing disorders. They provide diagnostic and remedial services for students with expressive and receptive language problems, hearing deficits, and cerebral dysfunction that impact the students’ functioning in the educational environment. The speech/language therapists are also involved in observations, individual evaluations, and conferences with parents and consultations with teachers regarding instructional methods.

Physical Therapy

Physical therapy is provided in order for a student with a physical disability to benefit from education or to be maintained in the least restrictive environment. The following services may be provided: coordination between medical agencies and professionals serving the student; evaluation of strength, function, motor development and adaptive needs of the student; program planning and treatment program when indicated; consultation with general education teachers in the mainstreaming process; and instruction of nonprofessional personnel in dealing with the physical needs of the students. The West Islip School District uses a contracted agency for this service.

Occupational Therapy

The occupational therapist serves children whose disabilities prevent them from functioning normally within the school environment. The duties of the occupational therapist include individual assessment, increasing strength and quality of movement of the upper extremities necessary for handwriting and other classroom fine motor tasks, modulating a student’s sensory responses that interfere with everyday activities, developing the activities of daily living and providing adaptive equipment as necessary. The goal of the occupational therapist is to provide appropriate treatment to increase the student’s ability to function independently in the school environment. The West Islip School District uses a contracted agency for this service.
School Age Students
Least Restrictive Environment (LRE)
Setting Report October 2018 Snapshot

<table>
<thead>
<tr>
<th>Disability</th>
<th>Age as of October 3, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Ages 4-5</td>
</tr>
<tr>
<td>Autism</td>
<td>5</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>2</td>
</tr>
<tr>
<td>Learning Disability</td>
<td>0</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>0</td>
</tr>
<tr>
<td>Deafness</td>
<td>0</td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>0</td>
</tr>
<tr>
<td>Speech or Language Impairment</td>
<td>42</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>0</td>
</tr>
<tr>
<td>(Includes Blindness)</td>
<td></td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>0</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>5</td>
</tr>
<tr>
<td>Multiple Disabilities</td>
<td>0</td>
</tr>
<tr>
<td>Deaf-Blindness</td>
<td>0</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>0</td>
</tr>
<tr>
<td>Total (Lines 1-13)</td>
<td>54</td>
</tr>
</tbody>
</table>
### RECOMMENDED SETTINGS

**Report 14B: Report of All Students with Disabilities Receiving Services on October 3, 2018 - Ages 6-21**

**Table 1: In regular school-based programs in buildings attended by disabled and nondisabled students**

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Time INSIDE regular classroom</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>Total (10/2/17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>80% or more</td>
<td>178</td>
<td>89</td>
<td>168</td>
<td>4</td>
<td>439</td>
<td>454</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>40% to 79%</td>
<td>36</td>
<td>23</td>
<td>39</td>
<td>0</td>
<td>98</td>
<td>102</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Less than 40%</td>
<td>42</td>
<td>2</td>
<td>9</td>
<td>4</td>
<td>57</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>Total</td>
<td>256</td>
<td>114</td>
<td>216</td>
<td>8</td>
<td>594</td>
<td>620</td>
<td></td>
</tr>
</tbody>
</table>

**Table 2: In Separate Settings** Outside of regular school facilities, in buildings that are attended by students with disabilities only.

Line 4 includes students who are placed on home instruction by the CSE. Students who are home-schooled by parent choice are reported in Table 3.

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Type of Setting</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>Total (10/2/17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Separate School</td>
<td>14</td>
<td>6</td>
<td>20</td>
<td>8</td>
<td>48</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>Residential Facility</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Hospital (In-patient)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>Home Placement by CSE</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>Total</td>
<td>14</td>
<td>7</td>
<td>21</td>
<td>8</td>
<td>50</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>
Table 3: In Other Specific Settings. School districts do not place students in these settings. Instead, students are in these settings because of court decisions or parental choice.

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Type of Setting</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>Total (10/2/17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Incarcerated in County Correctional Facilities *</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>02</td>
<td>Home Schooled at Parental Choice</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>03</td>
<td>Parentally Placed in Nonpublic School-Receiving Special Education</td>
<td>4</td>
<td>5</td>
<td>88</td>
<td>1</td>
<td>98</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>Parentally Placed in Nonpublic School-Not Receiving Special Education Services</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td><strong>Total</strong></td>
<td>4</td>
<td>5</td>
<td>89</td>
<td>1</td>
<td>99</td>
<td>108</td>
<td></td>
</tr>
</tbody>
</table>
# Report 14A: Report of School-Age Students with Disabilities Ages 4-5 Receiving Services on October 3, 2018

**Table 1: Least Restrictive Environment (LRE) Setting for Students with Disabilities, Ages 4-5, who Receive SCHOOL-AGE Special Education and Related Services (codes ESA01 through ESA12) By Disability**

<table>
<thead>
<tr>
<th>Educational Environment</th>
<th>Autism</th>
<th>Other Health Impairment</th>
<th>Learning Disability</th>
<th>Intellectual Disability</th>
<th>Speech / Language Impairment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parentally placed in a nonpublic elementary school / receiving majority of hours of special education / related services in the regular classroom.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>PP in a nonpublic elementary school / receiving majority of hours of special education / related services in some other location.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>PP in a nonpublic elementary school / NOT receiving publicly funded special education and related services.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Attending a K/1 for <strong>10 or more hours</strong> a week and receiving the majority of hours of special education/related services in the regular early childhood program.</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Attending a K/1 for <strong>10 or more hours</strong> a week and receiving the majority of hours of special education/related services in other location.</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>Attending a K/1 for <strong>less than 10 hours</strong> a week /receiving the majority of hours of special education/related services in some other location.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Separate Class</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Separate School</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>42</td>
</tr>
</tbody>
</table>
Comparing students’ educational performances after special education services are provided to their prior progress is difficult, if not scientifically unsound. The curriculum becomes increasingly demanding on all children as they move through grade levels. Therefore, comparing the past rate of progress with the present rate would not adequately account for this acceleration in amount or depth of learning which needs to take place in order to maintain stationary academic standing.

However, the IEP provides a reference point to determine reasonable progress. The IEP explicitly describes each student’s learning strengths and weaknesses and contains the stated goals and objectives for each child. These goals were unachieved in regular education even with the utilization of remedial teaching programs, test and instructional modifications and other adaptive technology or strategies. Therefore, the IEP becomes a reasonable source of data or measurement which helps to determine the efficacy of present special educational offerings and the need to decrease, maintain, increase or otherwise amend these services.

Another source of data to determine the ability of special education to meet its objectives is the extensive system of student evaluations conducted. These evaluations take place every three years as full scale individually administered standard tests for all our special education students. This provides a reference point for progress and site of growth for each child. Additionally, the data for progress monitoring and benchmarking is being used to drive instruction and measure growth.

Finally, it is critical to recognize that special education services are not always a destination point for special needs students. The clinical expertise of the staff provides consultation, diagnostic clarification and insight, and instructional recommendations for many students who are determined to be non-disabled by the CSE/CPSE or who are never brought to the CSE because of successful RTI implementation. This is the priority approach of the special education staff, to increasingly provide pre-emptive consult and services in the early school years or in the early stages of academic or social struggles for children. Further assessment is done by comparing the number of building level Response to Intervention meetings and the percentage of these students referred for further CSE evaluation.
The West Islip Board of Education has adopted policy and procedures to ensure appropriate space within the district for all necessary programs. It is the policy and practice of the Board of Education of the district to ensure, to the fullest extent possible, that students with disabilities residing in the district shall be educated within the school district. It is the policy and practice of the Board of Education to ensure, to the fullest extent possible, the allocation of appropriate space within the district for special education programs that meet the needs of school-age students with disabilities. Special education services shall not be denied simply because of a lack of appropriate space.

The West Islip Board of Education supports a system of services offered in the least restrictive environment and will continue to offer space as needed for students with disabilities.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salaries</strong></td>
<td>$6,816,548.00</td>
</tr>
<tr>
<td><strong>Tuition</strong></td>
<td>$2,900,000.00</td>
</tr>
<tr>
<td><strong>Professional and Technical</strong></td>
<td>$841,000.00</td>
</tr>
<tr>
<td><strong>Service Contracts</strong></td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>BOCES</strong></td>
<td>$4,266,424.00</td>
</tr>
<tr>
<td><strong>Supplies</strong></td>
<td>$17,380.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$14,843,852.00</td>
</tr>
<tr>
<td>**NYS IDEA Grant 611 (<strong>2018-2019)</strong></td>
<td>$1,270,915.00</td>
</tr>
<tr>
<td>**NYS IDEA Grant 619 (<strong>2018-2019)</strong></td>
<td>$55,557.00</td>
</tr>
<tr>
<td><strong>Total projected 2018-2019 Budget (*estimated)</strong></td>
<td>$16,170,324.00</td>
</tr>
</tbody>
</table>
APPENDICES

APPENDIX A

BOARD OF EDUCATION POLICY 7610

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two years describing the Special Education program in the West Islip Union Free School District. The District plan shall include the following:

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

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

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

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the need of students and preschool children with disabilities.

e) The estimated budget to support such plan.

f) The date on which such plan was adopted by the Board of Education.

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

8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(c)
APPENDIX B

INDEPENDENT EDUCATIONAL EVALUATIONS

At the time of CSE initial or reevaluation, the Office of Special Education will inform parents regarding their right to an independent educational evaluation by providing them with a copy of the Procedural Safeguards Notice. When they disagree with the evaluation conducted by the CSE, parents may request an independent educational evaluation at district expense. A parent is entitled to only one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees. The District will consider evaluations conducted within a 50-mile radius of the District. The District is not responsible for mileage to and from the evaluation site. The school district has a right to initiate an impartial hearing to demonstrate that its evaluation is appropriate or that the evaluation obtained by the parent does not meet school district criteria. If a hearing officer determines that the district’s evaluation was appropriate or the evaluation obtained by the parent did not meet school district criteria, the parent is not entitled to reimbursement at district expense. Any independent educational evaluation, whether paid for by the parent or by the school district, will be reviewed by the CSE and taken into consideration in its final placement determination. If parents intend to seek funding for the cost of the evaluation, they must adhere to the following criteria:

- The qualifications of the evaluator and the location of the evaluation shall be the same as the criteria which the district uses when it initiates an evaluation.

- Psychologists must be licensed by the State of New York as clinical psychologists or certified as school psychologists. If certified as a school psychologist, the evaluator must conduct the evaluation in a school setting.

- Other evaluators should be appropriately certified in the area of their specialty by the New York State Education Department.

- The tests performed must be norm referenced for individual evaluations appropriate for the age and educational level of the student, and measure the same cognitive, motor, and affective skills as district tests.

- The cost of the independent evaluation requested by a hearing officer shall be at district expense.

- Reimbursement will not be in excess of the reasonable cost of such evaluations, less the portion of such costs paid through insurance or Medicaid payments. In the absence of unusual circumstances, costs will be deemed reasonable and allowable in accordance with the following fee schedule:

  Psychoeducational Evaluation $2500  
  Neurological Evaluation $550  
  Educational Evaluation $600  
  Speech/Language Evaluation $300  
  Occupational Therapy Evaluation $175  
  Physical Therapy Evaluation $175  
  Psychiatric Evaluation $1000  
  Neuropsychological Evaluation $4400  
  Audiological Evaluation $350  
  Assistive Technology Evaluation $1500  
  Functional Behavior Assessment $700
PROVIDERS FOR INDEPENDENT EDUCATIONAL EVALUATIONS:

ACCESS-7 SERVICES
6080 Jericho Turnpike
Suite 200
Commack, New York 11725

ACHIEVE BEYOND
538 Broadhollow Road
Suite 202
Melville, New York 11747

DAVINCI EDUCATIONAL RESEARCH
550 North Country Road
St. James, New York 11780

GAYLE E. KLIGMAN THERAPEUTIC RESOURCES
A/K/A KIDZ THERAPY
300 Garden City Plaza
Suite 350
Garden City, New York 11530

LIDC (LONG ISLAND DEVELOPMENTAL CONSULTING)
1355 Stony Brook Road
Stony Brook, New York 11790

METRO THERAPY
1363 Veteran Memorial Highway #8
Hauppauge, New York 11788

NEW YORK THERAPY
5225 Nesconset Highway #30
Port Jefferson Station, New York 11776
APPENDIX C

PROVISION OF SERVICES TO SCHOOL AGE STUDENTS WITH DISABILITIES NOT SUBJECT TO COMPULSORY ATTENDANCE REQUIREMENTS AND NOT ENROLLED IN SCHOOL

The Committee on Special Education (CSE) is responsible to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements, and not on a regular school attendance register for school-age children. These are children with disabilities determined by the CSE to be eligible for school-age special education services who are no longer eligible for preschool special education services (CPSE), are not parentally placed in a nonpublic elementary school, and are not being home schooled.

If a parent of a child who meets the above criteria elects not to enroll his/her child with a disability in the public school until the child is of compulsory school age, the CSE of the child’s school district of residence is responsible to develop an individualized education program and offer special education services to the child. The site where the services are to be provided has been determined by the Board of Education to be the elementary school where the child is registered. For the purpose of claiming State Aid for the provision of special education, these children are deemed enrolled.
APPENDIX D

GUIDANCE ON PARENTALLY PLACED NONPUBLIC ELEMENTARY AND SECONDARY SCHOOL STUDENTS WITH DISABILITIES PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) 2004 AND NEW YORK STATE (NYS) EDUCATION LAW SECTION 3602-c

Education Law section 3602-c, as amended by Chapter 378 of the Laws of 2007, establishes New York State’s (NYS) requirements relating to the provision of special education to students with disabilities enrolled in nonpublic elementary and secondary schools by their parents. Under the provisions of section 3602-c, students with disabilities, placed by their parents in nonpublic schools, are entitled to receive special education services in accordance with an Individualized Education Services Program (IESP) from the public school district in which the nonpublic school is located, while they receive general education from the nonpublic school where their parents enrolled them.

Federal regulation (34 Code of Federal Regulations (DFR) section 300.130) defines parentally placed private (or nonpublic) school children with disabilities as “children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary or secondary school, other than children with disabilities covered under 34 CFR 300.145–147 – “Placement of children by parents if free appropriate public education (FAPE) is at issue.”

District of location means the school district within whose boundaries a nonpublic elementary or secondary school is located.

District of residence means the school district where the student legally resides.

Elementary or secondary school means a school providing an education program to students in grades kindergarten through grade 12.

CONSULTATION REQUIREMENTS

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district during the design and development of special education and related services for students with disabilities and throughout the school year to ensure that parentally placed nonpublic school students identified through the child find process can meaningfully participate in the special education and related services. The school district must engage in consultation regarding the child find process, provision of special education services, and use of federal funds. Consultation is not specific to individual students. Individual services are determined by the Committee on Special Education (CSE). The consultation process must be timely and meaningful and include discussion of the following:

1. Child Find

- The child find process and how parentally placed nonpublic school students suspected of having a disability can participate equitably, including how parents, teachers and nonpublic school officials will be informed of the process.
How the consultation process will operate throughout the school year to ensure that parentally placed nonpublic school students with disabilities identified through the child find process can meaningfully participate in special education and related services.

2. Provision of Special Education Services

- How, where and by whom special education and related services will be provided to such students, including a discussion of types of services, such as direct services and alternate service delivery mechanisms. For example:
  - the scheduling for resource room services;
  - whether services would be provided onsite and offsite of the nonpublic school or the factors that would be considered in the determination of where services would be provided;
  - whether services will be provided by the public school district directly or provided through contract with another agency.

- For students who reside out-of-state but are parentally placed in nonpublic schools located in the geographic boundaries of the public school, how a proportionate share of federal IDEA Part B funds will be spent on special education services to such students.

- How, if the school district disagrees with the views of the nonpublic school officials in the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

3. Use of Federal Funds

- The determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities, including the determination of how the amount was calculated.

- How such services will be apportioned if funds are insufficient to serve all parentally placed out-of-state resident students with disabilities and how and when these decisions will be made.

(Note: For all NYS students, the school district must provide services pursuant to the student’s IESP, regardless of the apportionment of federal funds. For students who are not New York residents who are parentally placed in NYS nonpublic schools, the school district would need to consult on how such students can participate equitably consistent with the federal proportionate share of IDEA funds.)

CHILD FIND REQUIREMENT

The school district of location is responsible for child find for students who are parentally placed in nonpublic schools located in their geographic boundaries. Child find is the practical method the public school district will develop and implement to identify, locate and ensure the evaluation and identification of students with disabilities who are parentally placed in nonpublic schools.

- The child find activities must be similar to activities undertaken for students with disabilities in its public schools and must be completed in a time period comparable to that for other students attending public schools in the school district.
• Each public school district must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

• The district of location must have procedures for conducting evaluations and reevaluations of students enrolled in nonpublic schools located within their district within required timeframes and at no cost to parents.

• Unless the parent and district agree otherwise, the district of location must conduct a reevaluation at least once every three years of each parentally placed nonpublic school student with a disability, even if the student is not currently receiving special education services. It is important that required reevaluations are conducted because they provide current data needed to determine the total number of eligible students which is used in calculating the proportionate share of funds that must be used on services.

PARENT CONSENT:
Federal regulation (34 CFR Section 300.300) establishes specific parent consent requirements for parentally placed nonpublic school students, as follows:

Consent for sharing personally identifiable information regarding special education:

• If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student legally resides, parental consent must be obtained before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence. Therefore, parental consent is required before sharing individual evaluations, individualized education programs (IEPs), IESPs or Service Plans and other special education records between the district of location and the district of residence.

Consent for initial evaluations and reevaluations:

• If a parent who has placed a student with a disability in a nonpublic school at his/her expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the school district may not use the consent override procedures described in 34 CFR sections 300.300 (a)(3) and (c)(1) and the school district is not required to consider the student as eligible for special education services under 34 CFR Sections 300.132 through 300.144.

FOR STUDENTS WHO ARE RESIDENTS OF NYS, THE FOLLOWING REQUIREMENTS APPLY:

Development of the IESP

• The CSE of the district of location must develop an IESP for students with disabilities who are NYS residents and who are enrolled by their parents in nonpublic elementary and secondary schools located in geographic boundaries of the public school.
• The IESP must be developed in the same manner and with the same contents as an IEP is developed.
• The CSE must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IESP is developed. If the representative cannot attend, the school district must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls.
The IESP must be reviewed periodically, but not less than annually.

**Parent Request for Special Education Services**

- The parent must request special education services in writing to the school district of location by June 1 preceding the school year for which the request for services is made, except that when a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day in April of such current school year, the parent must submit the written request for services within 30 days after a student was first identified.

**Provision of Special Education Services**

- The school district of location is responsible to provide special education services pursuant to the IESP developed for each eligible student. Services must be provided on an equitable basis as compared to other students with disabilities attending public or nonpublic schools located within the school district.
- The manner (how, where and by whom) in which special education and related services will be provided to students is determined by the district of location based on the consultation process and in consideration of the individual needs of the student. The final decision with respect to services provided to individual students is made by the CSE of the district of location. Services provided to parentally placed students may be provided on the site of the private school or at another location.

**Due Process Complaints**

A parent of a student who is a NYS resident who disagrees with the individual evaluation, eligibility determination, recommendations of the CSE on the IESP and/or the provision of special education services may submit a Due Process Complaint Notice to the school district of location.

**Process for the School District of Location to Recover its Costs from the School District of Residence for NYS Resident Students**

The actual cost for CSE administration, evaluations and special education services provided to a student with a disability who is a resident of NYS but a nonresident to the district of location may be recovered from the student’s school district of residence as follows:

- If the district of location has parent consent to share personally identifiable special education information about the student with the district of residence, the district of location is entitled to bill the district of residence for the costs of evaluation, CSE administration and providing services. The amount charged by the district of location cannot exceed the actual cost of the school district of location, after deducting any costs paid with Federal or State funds.

**OR**

- In the event the parent has not provided consent to release personally identifiable information concerning their child, the school district of location must submit to the Commissioner, in a form prescribed by the Commissioner (under development), a claim for costs of services, evaluation costs, and CSE administrative costs.
- Parental consent must be obtained before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence. Therefore, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.
FOR OUT-OF-STATE STUDENTS WITH DISABILITIES, PARENTALLY PLACED IN NONPUBLIC SCHOOLS LOCATED WITHIN NYS, THE FOLLOWING REQUIREMENTS APPLY:

Child Find
A school district in which nonpublic elementary schools and secondary schools are located must, in carrying out its child find requirements, include parentally placed nonpublic school children who reside in a state other than the state in which the nonpublic schools that they attend are located (34 CR Section 300.131 (f)). The school district of location must evaluate an out-of-state parentally placed student suspected of having a disability. Pursuant to federal requirements, the cost of the evaluation cannot be billed to the district of residence or the state where the student legally resides, nor can the federal Part B proportionate share of dollars be used for child find, including evaluations.

Parent Request for Services
The June 1 date to request services does not apply to residents of another state who are parentally placed in a nonpublic school located in NYS.

Services Plan
The school district of location is obligated to provide special education services to an eligible student who legally resides in another state and is parentally placed in a nonpublic school located in NYS only to the extent that such services provide the student equitable participation in the services funded with federal IDEA funds. A description of these services is to be provided to the CSE of the district of location. The Services Plan is the written plan that describes the specific special education and related services that the district of location will provide to the student, consistent with the services that the school district of location has determined through the consultation process to be provided to such students in relation to the proportionate share of federal IDEA Part B dollars.

Due Process
A parent of an out-of-state student suspected of having a disability has the right to mediation or an impartial hearing for disputes regarding evaluations and an eligibility determination. Since out-of-state resident students have no individual right to services, there is no right to mediation or an impartial hearing for disputes regarding services.

Costs for Services
The provision of services to out-of-state students is limited to services based on a proportionate share of federal IDEA funds. Federal law provides no mechanism for interstate billing.