



Bill de Blasio
Mayor

Carmen Fariña
Chancellor

FAMILY GUIDE TO
**Special
Education
Services** FOR
SCHOOL-AGE CHILDREN

A Shared Path to Success



welcome

Dear Families,

We've come a long way since our special education reform initiative, *A Shared Path to Success*, was launched citywide in September 2012. Thousands of teachers, school leaders, and other professionals have received training on and support with creating inclusive classrooms and school environments. We've made significant progress in making sure that students with Individualized Education Programs (IEPs) learn in the least restrictive environment alongside their general education peers, to the greatest extent possible and with appropriate supports. We've also been changing hearts and minds as our core belief—that special education is a service, and not a place—has taken hold in our schools.

Most important to this process has been our work with you, our parents and families. This *Family Guide* is part of our ongoing efforts to make sure you have access to the information you need to be a partner in your child's education. The guide describes the continuum of services and supports available to school-age students with IEPs. It also contains other information that will help you collaborate with your child's teachers and school. Our goal is to ensure that all students, including students with disabilities, have access to a rigorous education that leaves them well-prepared for college and careers.

In addition to reviewing and using this guide, I urge you to take advantage of all of the opportunities that the DOE offers for you to engage with your child's school. Your child's teacher and principal are always available to speak to you about any questions or concerns you may have about your child's education. Participating in one or more of our parent councils—your Community Education Council, the Citywide Council on Special Education, and/or the District 75 Council (if your child attends a District 75 school)—is an excellent way to share your concerns. The DOE's Office of Family and Community Engagement (schools.nyc.gov/offices/face) administers parent council elections, offers workshops through Parent Academy, and sponsors other events to help you become more involved. In addition, the Special Education Office hosts family conferences and makes a variety of resources specific to families of students with disabilities (including a guide similar to this one for families of incoming kindergarteners) available on our website: schools.nyc.gov/specialeducation.

As a parent, I know how critical you are to your child's success. We look forward to continuing to partner with you as we work together to provide your child with an excellent education. Thank you for your continued commitment to your child's educational success.

Sincerely,



Corinne Rello-Anselmi
Deputy Chancellor

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section 1

Let's Get Started! Getting the Best Possible Education for Your Child

Our goal is to educate and support your child.

You know your child best. Because of this, your ideas, opinions and input are very important in mapping out the best possible education for him or her. Staff members at your child's school are ready to work with you to ensure your child receives the services and supports he or she needs to succeed in school.

Children learn at different speeds and in different ways. Some children have physical and/or intellectual disabilities. Some are challenged in just one area, while others have multiple disabilities. Every child with a disability has the right to what is called a Free Appropriate Public Education (FAPE), alongside their non-disabled peers to the greatest extent possible.

If your child has a disability, the Department of Education (DOE) will provide special education supports and services specially designed to meet his or her individual needs, at no cost to you.

What should you do if you think that your child may need special education services?

– see page 2



Asking the Right Questions at the Beginning

If you believe that your child may require special education services, it is important that you ask the right questions from the start. Talk to your child's current teacher to find out if there are supports available within the general education setting at the school that he or she already attends. Those kinds of supports might be all your child needs.

Schools offer supports including instructional intervention, reading remediation programs, and counseling. It may also be possible to adapt your child's general education program without special education services.

Response to Intervention

Response to Intervention (Rtl) is an instructional approach and preventative tool used by schools to ensure that all students have equal access to high-quality, rigorous instruction that is matched to their needs. Rtl works to improve student performance by identifying struggling students early on and providing necessary supports or interventions. Rtl can be especially powerful in that many students will benefit from the supports provided by Rtl alone and may not require additional services. Prior to referring a student suspected of having a learning disability in reading for a special education evaluation, schools must document the steps taken to support the student in the general education setting within their Rtl model and maintain data regarding the student's responsiveness to the interventions provided. This information will be presented to the school-based team and parents when deciding whether a special education evaluation is necessary. In the event that a special education evaluation is initiated, and the results indicate a learning disability in reading, data collected throughout the Rtl process provides additional information as to the instructional techniques and supports most appropriate for individual students. Please note that parents have the right to request a referral for a special education evaluation at any time.

Rtl can also be used as a multi-tiered model of intervention for students with disabilities in their least restrictive environments, the same way it is used for all other students. In this way, students with disabilities also receive additional supports as appropriate, while still receiving services and accommodations in accordance with their Individualized Education Programs (IEPs). To learn more about Rtl, ask your school for additional information or visit NYSED—A Parent's Guide to

Response to Intervention (Rtl) <http://www.p12.nysed.gov/specialed/RTI/parent.htm> and the NYC DOE's parent resources on Rtl <http://schools.nyc.gov/ParentsFamilies/getmoreinfo/RTIoverview.htm>

What's Next? Does Your Child Need Additional Supports?

If Response to Intervention (Rtl) strategies have been implemented and you have talked with your child's teacher and school, you may still feel that your child needs additional support. In that case, you may refer your child for a special education evaluation, which is a series of evaluations to determine if your child has a disability. You can make a referral for a special education evaluation at any time. *Please see Page 4, The Initial Referral Process.*

Parents and Schools Working Together:

It is important for you, as parents, to be involved in your child's education. Exchanging information with your child's teachers and related service providers will help them to learn as much as possible about your child. For example, it is important to share positive educational experiences your child has had and what you have observed about times when your child is most successful.

- What brings out the best in your child?
- What supports, if any, are needed for your child to maintain positive behavior?
- What does your child like to do outside of school?

In addition, you may want to ask questions of the teacher and other school staff that will help you understand how to help your child grow and progress. For example,

- What sorts of questions should I ask my child as we read together?
- How can I help my child if he/she is struggling with homework?
- What are some learning activities I can do at home or in the neighborhood?
- Does my child get along well with the other students in school?
- Does my child have difficulty following directions or doing what is asked of him or her? What do you do if that happens in class?
- Are there specific interventions that are being used to address any difficulties my child is having?
- What can you tell me (what have you noticed) about how my child learns?
- Is my child learning at a rate that is expected at this stage of development?

section 2

Determining if your child has a disability and requires special education services.

When the Special Education Process Begins: An Initial Referral for an Evaluation Is Made

Any student thought to have a disability is eligible for an evaluation. It is important, when possible, that personnel who know your child and will likely be providing services to him or her be a part of the evaluation process.

Who Is Responsible for the Referral, Evaluation and Placement?

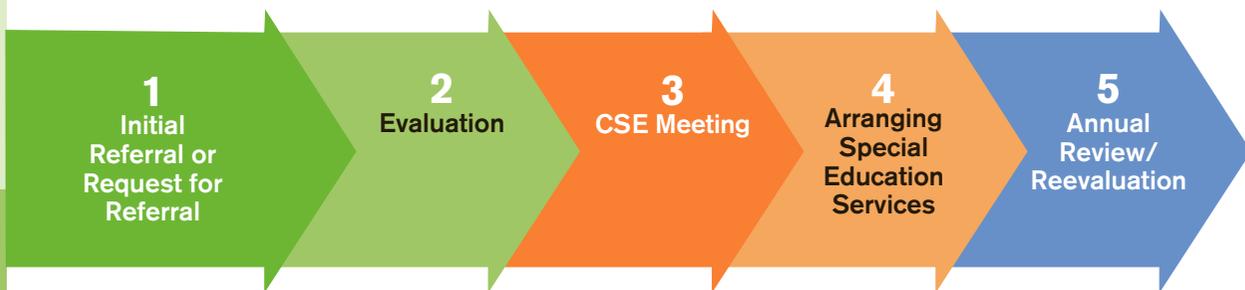
If your child is in public school, that school is responsible for evaluating the student, and if needed, developing the Individualized Education Program (IEP) and providing special education services. For students who attend a non-public, private, parochial or charter school, or are non-attending students, staff at your local Committee on Special Education Office (CSE) are responsible for evaluating the student and developing the IEP. The district CSE is also responsible for arranging services.

What if my child needs a bilingual evaluation?

– see page 6



The Steps of the Special Education Process*



The Initial Referral Process

Under the **Individuals with Disabilities Education Improvement Act (IDEIA)** and New York State Regulations, only specific people may make a referral for an initial evaluation, while different individuals may make something called a **Request for Initial Evaluation**. This process is outlined below.

The first step in determining if your child has a disability and if he or she requires special education services is to request an evaluation. This initial referral *must be in writing* and may be made by you or a designated school district official.

Ways for you to request an initial evaluation for your child:

- Send a letter to the principal at your child's school if your child attends public school;
- Send a letter to the local District CSE requesting an evaluation (*see page 55 for contact information*) if your child is currently attending a private, non-public, parochial or charter school, or is currently non-attending or;
- Give a written statement to a professional staff member of your child's school;
- Ask a school professional to assist you in making a referral.

Who can make an initial referral in addition to the parent?

- **A school district official**, which means the principal of the public school in the district in which your child resides, legally attends or is eligible to attend, or the District CSE Chairperson if the student is non-attending or attending parochial, charter or private school;
- **The commissioner or a public agency official** who is responsible for the education of your child;
- **An official of an education program** affiliated with a child-care institution with CSE responsibility.

Who can make a request for initial referral?

- **A professional staff member** of the school district in which your child resides or the public or private school your child legally attends or is eligible to attend;
- **A licensed physician;**
- **A judicial officer;**
- **A professional staff member** of a public agency with responsibility for welfare, health or education of the child;
- **A student** who is 18 years of age or older, or an emancipated minor.

After the request for initial referral has been made:

Within 10 school days, the school will either:

- Initiate the referral process by sending you a **Notice of Referral Letter**, in your preferred language, if it is a covered language as defined by the DOE (*see Glossary, Page 48*); or
- Provide you with a copy of the request for referral, inform you that you may refer your child yourself, offer you an opportunity to discuss the request for referral and discuss the availability of appropriate general education support services for your child. The **Notice of Request for Initial Referral**, which details the process, will be sent to you.

What's next? When an initial referral has been made:

Once a referral has been made, you will be sent a **Notice of Referral Letter**, which:

- Explains your rights as a parent;
- Provides the name and telephone number of a person to call if you have any questions; and
- Asks for you to meet with the school social worker at a social history interview. During that meeting, all of your rights will be explained to you in your preferred language or mode of communication, with the help of an interpreter, upon request.

*At any point during this process, it may be determined that your child is not eligible or does not require special education services. (See Eligibility on page 14 for more information.)

If your child has never received special education services, you will be asked to sign a **Consent for Initial Evaluation** form, in your preferred language, if it is a covered language as defined by the DOE (see *Glossary, Page 48*).

Even if you made the written referral yourself, you must still consent to the evaluations in order for the process to begin.

If you choose *not* to sign consent, and if it is an *initial referral*, your child *will not* be evaluated.*

What Will the Initial Evaluation Include?

An initial evaluation to determine if your child has a disability *must* include:

- A comprehensive psycho-educational evaluation that looks at what your child knows and how he or she learns;
- A social history of your child's developmental and family history, often from birth to present;
- An observation of your child in his or her current educational setting;
- Other tests that may be appropriate for your child, such as speech, language, functional behavior assessments or assistive technology, if requested;
- Assessments that include a review of school records, teacher assessments, and parent and student interviews to determine vocational skills and interest for students age 12 and older.

The evaluations will determine your child's skills, abilities and areas of need that affect his or her school performance.

The evaluations will determine your child's skills, abilities and areas of need that affect his or her school performance, including involvement in the general education curriculum. You will also be asked to provide the school based or district CSE with a recent physical examination of your child. If you have trouble obtaining one, the school based or district CSE will help you get one, at no cost to you.

Independent Evaluations

An independent evaluation means a test or assessment done by a qualified examiner who does not work for the Department or your child's school. Although the Department will conduct any necessary tests and assessments, you also have the right to provide the school or district CSE with private evaluations conducted at your own expense.

If your child is eligible for Medicaid, these evaluations may be covered by Medicaid. If you want the DOE to consider independent evaluations, you should provide them to your child's school if your child attends a public school, or to the district CSE if your child attends a non-public, private, parochial or charter school or is not yet attending a school.

If you disagree with the Department's evaluation and would like the Department to pay for an independent evaluation, you must notify the school based or district CSE of this request *in writing*. The Department may either agree to pay for an independent evaluation or initiate an Impartial Hearing to show that its evaluations are appropriate.



*Please be aware that the District CSE or school principal may request Mediation or an Impartial Hearing in order to obtain authority to conduct an initial evaluation.

Bilingual Evaluations

Some children require a bilingual evaluation, which is conducted in both English and your child's home/native language by professionals who understand both languages. Your child will be given a bilingual evaluation based on the language you use in your home, as indicated on the Home Language Identification Survey, and the results of the New York State Identification Test for English Language Learners (NYSITELL) or the New York State English as a Second Language Achievement Test (NYSESLAT), which are tests that evaluate your child's speaking, reading, listening and writing abilities in English. If it is determined that your child needs a bilingual evaluation, a New York City Department of Education bilingual evaluator will be assigned. If a bilingual evaluator is not available, the Department will use a bilingual evaluator who works for an agency under contract to the Department, a non-Department independent bilingual evaluator or a monolingual evaluator with an interpreter to conduct the evaluation.

The NYSITELL and NYSESLAT are also used to determine if your child is an English Language Learner (ELL). If your child is an ELL but the school based or district CSE suspects your child does not require ELL services (e.g., English as a second language or bilingual services), the school based or district CSE may request a staff member with ELL expertise to review your child's information through the English Language Acquisition Needs Determination (ELAND) process. Not all students are eligible for ELAND. Please ask your school based or district CSE or your school's principal if your child is eligible.

If the DOE pays for the evaluation, you *must* provide the Department with the results.

If the Impartial Hearing Officer finds that the evaluation conducted by the DOE is appropriate, you have the right to obtain and submit a private evaluation to the school based or district CSE, but the Department does not pay for the evaluation. When the DOE has agreed to pay for an independent evaluation or an Impartial Hearing Officer has ordered that an independent evaluation be conducted, the independent evaluator(s) must meet the criteria set forth by the Department. The Department will pay for independent evaluations only if:

- They are done by qualified individuals;
- The cost of the evaluation does not exceed the maximum rate established by the DOE; and
- You request reimbursement for the independent evaluation(s) within a reasonable time.

What if Your Child Has Already Been Identified as a Student with a Disability?

After your child has received special education services, a CSE meeting is held annually to review your child's progress. This is called an **Annual Review**.

Additionally, he or she may be referred for what is called a **Reevaluation**. With your input, the school based or district CSE will review current data about your child and determine if new evaluations should be conducted.

The DOE can request a reevaluation if it determines that the educational or related services need to be reassessed. A reevaluation can be requested by you or school staff but may not be conducted more than one time a year unless you and the Department agree otherwise *in writing*.

In addition, a reevaluation must be completed once every three years, unless you and the school district agree *in writing* that it is not necessary. This is called a **Mandated Three-Year Reevaluation** (formerly called a **Triennial**). Once the evaluation is completed, all written reports will be shared with you. The reports include your child's strengths and weaknesses and the supports your child may need in school.

If the school based or district CSE determines that new evaluations are needed as part of a reevaluation, you will be asked to provide consent to conduct new tests or assessments. Consent to evaluation means you are giving your permission to proceed with an evaluation to determine continued eligibility.

If this is a reevaluation and the DOE does not receive a response from you, DOE staff may proceed with the evaluation after documented attempts to contact you.

If you refuse to consent to the new assessments, the district CSE or school principal may request Mediation or an Impartial Hearing in order to obtain authority to conduct new assessments. In this

case, an Impartial Hearing Officer will decide whether or not your child should be evaluated.

Timelines for Evaluations

Once the DOE has received your consent, the Department has **60 calendar days** to evaluate your child. However, if you unreasonably delay the evaluation process, the timeline may be adjusted.

If assessments are not completed within 60 calendar days and you did not delay the process, you will receive an **Assessment Authorization Letter**. The letter explains how you can select an appropriately licensed non-Department of Education independent evaluator at no cost to you. It includes a list of names, addresses and telephone numbers of appropriate public and private agencies and other professional resources from which you may obtain an independent evaluation.

Guidelines for Parentally-Placed Students

Parentally-placed students are students whose parents have placed them in a non-public school at the parent's expense. These students may be New York City residents or may reside outside New York City but in New York State, or may reside in another state. The DOE has certain responsibilities for parentally-placed students who are attending a non-public school located in New York City, regardless of where they reside.

A parent of a parentally-placed student who has been found eligible for special education services must request them *in writing* from the school district of location, in this case, the New York City service district CSE.

To facilitate this process, the district CSE will send out the **Request for Special Education Services** form every year to all parents of parentally-placed students with disabilities that they have identified

An annual CSE meeting is required to review your child's progress.

as their responsibility. In order for services to continue, parents must complete the form and return it to the appropriate district CSE .

After the Evaluations Are Completed: The CSE meeting

Once your child's evaluation is completed, you will be invited to attend an CSE meeting at a mutually agreeable date and time. This is an important meeting where you will meet with the staff of your child's school, or the district CSE if your child is not attending a school or attending a non-public, private parochial or charter school. It is very important that you and the school staff share information and ideas and work together as a team.

You should receive a written invitation in your preferred language, if it is a covered language as defined by the DOE (*see Glossary, Page 48*) at least five days before the meeting. Staff from your child's school, or district CSE if your child attends a non-public or charter school or is non-attending, may attempt to contact you by telephone to confirm that you will attend.

If you cannot attend the meeting, *you must contact the school based or district CSE* and ask to change the date. It is very important that you attend CSE meetings so that you will be able to participate in a final decision that will be made about your child's special education services and programs. Your observations and opinions are valuable and must be considered at the meeting. Upon request, an interpreter will be provided for you at the CSE meeting.

You may request that all evaluations, records and reports that were used to assess your child be provided to you before the CSE meeting and must be explained in your preferred language or mode of



communication. In some instances, it may be preferable for you to pick up the reports prior to the day of the CSE meeting rather than to have them mailed so that any immediate concerns may be addressed. If you choose to pick up the evaluations, the social worker will provide you with contact information to arrange a time to pick up the evaluations and discuss and/or review the evaluations.

If you need language assistance (including interpretation and translation) to understand your child's assessments and IEP, please inform your school based or district CSE.

CSE meetings will be held at your child's school if your child attends a public school. If your child is not attending, or attending a non-public school or charter school, the CSE meeting will be held at the district CSE or at the non-public or charter school, if possible.

Each team member brings important information to the CSE meeting. At the CSE meeting, members share information and work together to determine whether your child has a disability and to request the special education services that are appropriate. *You are a legally mandated member of the school based or district CSE, and your input is important.*

Summary of School Based or District CSE Members' Expected Contribution

Teachers

Teachers are vital participants in the CSE meeting. If your child is or may be participating in the general education environment, at least one of your child's *general education teachers* must attend the CSE meeting. The teacher is expected to present information about your child's performance in the general education class and to help the school based or district CSE make decisions about participation in the general education curriculum and other school activities.

General Education Teacher

- Describes the general education curriculum in the general education classroom;
- Determines appropriate supplementary aids and services (e.g., behavior interventions or support plans, curriculum accommodations, curriculum modifications, individualized supports) or changes to the educational program that will help your child learn and achieve;
- Helps to develop appropriate behavioral interventions if behavior is an issue;
- Might discuss supports for school personnel that are necessary for the student to participate in the general education curriculum.

Questions to Ask at a CSE Meeting

- How has the teacher accommodated my child's learning and behavioral needs in the classroom?
- Are there things I can do at home to support the IEP goals?
- What type of learner is my child? Does the teacher attempt to use my child's strengths while teaching him or her?
- How frequently is my child's progress monitored? What are the best ways for me to stay in touch with my child's teachers to be informed of academic or behavioral progress?
- Is my child making progress towards his or her IEP goals?
- How are the Common Core Learning Standards being integrated into my child's instruction?
- If a service is not working, how can I work with my child's school based or district CSE to explore better services for him or her?
- What sorts of programs or other supports might help my child? How can we get those?
- What are the promotion criteria for my child? How will he or she be evaluated according to grade level?
- In high school, what are the graduation requirements for my child? What are the diploma objectives for my child? What progress has he or she made towards those objectives? Specifically, how many credits does my child have, and how many Regents' tests has he or she passed?

Your Role at the CSE Meeting

You are a legally mandated member of your child's school based or district CSE. You know your child best and can speak about his or her strengths and needs. And, as the parent, you can talk about your thoughts and ideas about how to best educate your child.

As a member of the school based or district CSE, you should:

- Offer insight into how your child learns and what his or her interests are and share other things about your child that only a parent can know;
- Listen to what the other team members think your child needs to work on at school and share your suggestions;
- Report on whether the skills your child is learning at school are being used at home;
- Ask questions of all team members and participants at the meeting.
- Work with the rest of the team to develop the IEP.

Special Education Teacher and /or Related Service Provider

These members contribute important information and experience about how to educate children with disabilities. Because of his or her training in special education, he or she can:

- Discuss your child's present level of educational performance, including progress toward IEP goals, if your child is presently receiving special education services;
- Describe your child's learning style, behavior and attendance;
- Make recommendations regarding the supports and services that will allow your child to succeed in the least restrictive environment;
- Ensure that the priority for your child will be to remain in his or her current school;
- Explain how to modify the general education curriculum to help your child learn.

The school based or district CSE consists of parents, school personnel who know your child and additional individuals with knowledge or special expertise about your child.

The District Representative

The District Representative chairs the CSE meeting and facilitates open discussion among all participants regarding student eligibility and the development of the IEP. He or she ensures that you are a meaningful participant and encourages you to raise concerns you may have about your child's education.

The District Representative also:

- Provides information regarding the continuum of services, meaning special education programs and supports, which are available in your child's school and in other schools in the district;
- Ensures that all program and service options are considered;
- Explains to you that children with disabilities must be educated with non-disabled children to the maximum extent appropriate. Additionally, he or she will explain to you that the school based or district CSE must consider whether your child can satisfactorily progress in the general education setting before recommending other programs.

For more information about who can serve as the District Representative, please refer to the chart on page 10.

The Members of the School Based or District CSE:

- **You, the parent (s)** or persons in a parental relationship with your child.
- **At least one general education teacher of the student** whenever your child is or *may* be participating in the general education environment.
- **One special education teacher.** For initial referrals, one of the school's special education teachers serves as the special education representative on the team. If a child is already receiving special education services, one of the child's special education teachers must participate. If your child receives only related services (i.e., Speech Therapy), the related service provider of your child may serve in this role.
- **A school psychologist** must participate in CSE meetings whenever a new psychoeducational evaluation is reviewed (particularly during an initial evaluation, reevaluation and a mandated three year reevaluation) or a change to special education services that includes a more intensive staff-to-student ratio is considered.
- **A school social worker** may participate at the CSE meeting if he or she is involved in the evaluation process.
- **An individual who can interpret the instructional implications** of evaluation results. This individual may be a member of the school based or district CSE who is also fulfilling another role, such as general education teacher, special education teacher, special education provider, or school psychologist. This individual will talk about how the evaluation results may affect instruction.
- **A District Representative.** This person must be qualified to provide or supervise the provision of special education services and is also knowledgeable about the general education curriculum and the availability of district resources. For CSE meetings occurring in public schools, the district representative is designated by the school principal. This person may be a member of the school based or district CSE who is fulfilling another role. This person's role is to facilitate group consensus on all matters related to the development of the IEP.
- **A school physician**, if specifically requested *in writing* by you, the parent, or by a member of the school at least *72 hours* prior to the meeting.
- **An additional parent member.** This is a parent of a student with a disability residing in the school district or a neighboring school district who may be required to attend. A parent may request the participation of the parent member.
- **Other persons having knowledge, or special expertise** regarding your child, including related services personnel as appropriate, as the school district or the parent(s) designate.
- **Your child (the student)**, if appropriate. If your child is 15 years old or older he or she must be invited to the meeting.

Psychologist/Social Worker

The attendance of the school psychologist is not always required. The school psychologist must be in attendance whenever a new psycho-educational evaluation is reviewed or a change to the student's special education services with a more intensive staff-to-student ratio is being considered. The school social worker may be in attendance if she or he is involved in the evaluation process. If the school psychologist and/or social worker *are* in attendance, they will share critical information with the team obtained through evaluations/ observations and review of information. Their expertise is important to the process, and you should ask them questions if you do not understand what they are reviewing or discussing.

Additional Individuals and/or Experts

The school based or district CSE may also include additional individuals with knowledge or special expertise about your child.

You may, for example, invite:

- A professional with special expertise about your child and his or her disability;
- Others who can talk about your child's strengths and/or needs.

The Department of Education may invite one or more individuals who can offer special expertise or knowledge about the child, such as a paraprofessional or related services professional.

You are a member of the school based or district CSE, and your input is important.

School Based or District CSEs' Member Excusal

Under certain circumstances, a mandated member of a school based or district CSE may be excused from attending a CSE meeting, but only if it is *not* an initial CSE meeting.

Please note that a school based or district CSE may not routinely and without your agreement or consent excuse mandated school based or district CSE members. You and the school based or district CSE need to determine whether it makes sense to hold a CSE meeting without a particular team member in attendance or whether it would be better to reschedule the meeting so that the person can attend and participate in the discussion.

When a School Based or District CSE Member's Area of Curriculum or Related Services **WILL NOT** Be Discussed

When a mandated school based or district CSE member's area of curriculum or related services is *not* being modified or discussed in the CSE meeting, you may agree to excuse them. A member may not be excused without your written agreement. The agreement to excuse members must be made **at least 5 calendar days before the CSE meeting is held.**

You, the principal, official or district CSE may make this request on the **Notice of CSE meeting/ Member Excusal Request** form, in your preferred language, if it is a covered language as defined by the DOE (see *Glossary, Page 48*). If you agree to the member excusal, you must sign the form and return it to the contact person indicated. If you do not agree, that member will *not* be excused from the meeting.



When School Based or District CSE Member's Area of Curriculum or Related Services Will Be Discussed

A mandated school based or district CSE member may be excused even if the member's area of the curriculum or related services *will* be discussed. They will be required to submit written input to you and the school based or district CSE prior to the meeting. A member may not be excused without your consent. The excused school based or district CSE member's input must be provided to both the parent and the school based or district CSE **at least 5 calendar days before the CSE meeting is held.**

You, the principal, official or district CSE *may make this request* on the **Notice of CSE meeting/ Member Excusal Request** form, in your preferred language, if it is a covered language as defined by the DOE (see *Glossary, Page 48*). If you agree to the member excusal, you must sign the form and return it to the contact person indicated. If you do not agree, that member will not be excused from the meeting.

Amending the IEP After Annual Review

A change to your child's IEP may be made by the school based or district CSE without a meeting only if you consent in writing to each proposed change.

Before an IEP can be amended without a meeting, the school based or district CSE must clearly describe all of the proposed changes on the Waiver of CSE meeting to Amend the IEP form. This notice will include a clear description of all proposed changes. In addition, a school based or district CSE member must be available to discuss with you any and all changes. If you agree with the changes, you must sign and return the **Waiver of IEP Team Meeting to Amend the IEP Form**. Once the form is received, the changes will be made without a meeting. You must be sent a copy of the amended IEP the day after the IEP is amended without a meeting.



section 3



The Individualized Education Program (IEP)

An important part of the CSE meeting is to document your child's current skills and abilities, establish educational goals and determine what special education supports and services will be provided for him or her.

The IEP:

- Documents your child's eligibility for special education services; and
- Formalizes, in writing, the Department of Education's plan for providing your child with a Free Appropriate Public Education (FAPE) in the least restrictive environment. The "least restrictive environment" means that your child will be educated alongside his or her non-disabled peers to the maximum extent possible and will attend the school he or she would attend if not disabled.

At the CSE meeting, you will be asked to sign the IEP as proof that you attended the meeting. It does not mean that you are consenting to the contents of the document. You will receive a copy of the IEP. If you are unable to attend the meeting, a copy of the IEP will be sent to your home shortly after the meeting.

The IEP is about your child and how to meet his or her needs.

What information is included in my child's IEP?

– see page 17

Eligibility

Determining Eligibility

You will hear the term “**eligibility**” discussed. The school based or district CSE will decide whether your child is *eligible* for special education services. A school-age student is eligible for special education services if the student:

- Meets the criteria for one or more of the disability classifications (*see chart at right*); and
- The student requires approved special education services and programs.

If the student does not meet the criteria for one or more of the disability classifications that follow, the school-age student is *not* eligible for special education services. Additionally, a student is *not* eligible *even if he or she meets the criteria of one of the classifications listed*, but does not require special education services and programs, based on:

- A lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies; or
- A lack of appropriate instruction in math; or
- Limited English proficiency.

The school based or district CSE, with your participation, may determine that your child is not disabled and does not need special education services. In this case, an IEP will not be developed. Information gathered from the evaluations will be given to the principal of your child's school, and the principal will work with the appropriate professionals in the school to help your child.

If the school based or district CSE, based upon the evaluation(s), determines that your child has a disability and that special education services are necessary, an IEP will be developed at the CSE meeting. The IEP outlines the special education programs and/or services your child will receive and the goals your child should be working toward. The special education services that may be provided are described in Section 4.

Disability Classifications

Below is a list of classifiable disabilities:

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

Autism

A developmental disability, significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects 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.

Deafness

A student with 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 the student's educational performance.

Deaf-Blindness

A student with both hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for students with deafness or students with blindness.

Emotional Disturbance

A student who exhibits one or more of the following characteristics over a long period of time and to a marked 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 interpersonal 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

An impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but is not included under the definition of deafness in this section.

Intellectual Disability

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

Learning Disability

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. 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.

Multiple Disabilities

A student with concurrent impairments (such as intellectual disability–blindness, intellectual disability–orthopedic impairment, etc.), the combination of which causes educational needs that cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

The school based or district CSE will decide if your child is eligible for special education services based on the disability criteria shown above.



Orthopedic Impairment

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

A student with 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 condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder, or Tourette syndrome, which adversely affects that student's educational performance.

Speech or Language Impairment

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

Traumatic Brain Injury

A student with 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 that student's 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

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



The Contents of the IEP

The IEP must contain information about your child and the educational program designed to meet his or her unique needs. This information includes:

Present Levels of Performance – The IEP must indicate how your child is currently doing in school. This information usually comes from evaluation results, such as classroom tests and assignments; individual tests given to decide eligibility for services; or during reevaluation and observations made by parents, teachers, related service providers and other school staff. Current performance includes how the child's disability affects his or her involvement and progress in general education curriculum.

Measurable Annual Goals – These are goals that your child can reasonably accomplish in a school year. Goals may be academic, address social or behavioral needs, relate to physical needs or address other educational needs. The goals must be "measurable," meaning it must be possible to measure whether the student has achieved the goals. For students participating in alternate assessment, the goals are broken down into short-term objectives or benchmarks.

Recommended Special Education Programs and Services – The IEP must list the special education and related services to be provided to your child or on behalf of your child. For detailed information about special education programs and supports please see Section 4.

Participation with Students without Disabilities – The IEP must explain the extent to which your child will participate with non-disabled children in the general education class and other school activities. If a child is not permitted to attend lunch, school

trips or assemblies with the rest of the school, it must be noted on the IEP.

Participation in State and District-wide Assessments – The IEP must indicate whether your child will participate in state and district-wide assessments and what accommodations, if any, your child will need during the administration of these tests. If your child will not participate in state and district-wide assessments, the IEP must state how your child's progress will be measured, including participation in the New York State alternate assessment program.

Please be aware that students who are participating in alternate assessment are not eligible to receive a Local or Regents diploma.

Promotion Criteria – Beginning in Grade 3 through 8, if your child is participating in state and citywide tests, the IEP must specify whether your child will be held to the same promotion standard as all students or whether your child will have modified promotion criteria. If modified promotion criteria are recommended, the IEP must describe the criteria.

Diploma Objective – All students, including students with disabilities, are encouraged to work toward the highest diploma option available. Students with disabilities may earn the following diplomas and credentials upon exiting from high school. Each diploma and credential requires students to complete specific courses and exams.

Diplomas available to all students with disabilities:

- Advanced Regents diploma
- Regents diploma
- Local diploma (Safety Net)

Commencement Credentials available to students with IEPs:

- Career Development and Occupation Studies (CDOS) Commencement Credential
- Skills and Achievement Commencement Credential

Dates and Places – The IEP must indicate when services will begin, how often they will be provided, where they will be provided (in the classroom or some other school location) and how long they will last.

Reporting Progress to Parents – The IEP must indicate how your child's progress will be measured and how you will be informed of that progress.

Language of Instruction – If your child is an English Language Learner and requires English as a Second Language (ESL) and/or bilingual

The IEP contains detailed information about your child and the education program designed to meet his or her unique needs.

services, a recommendation will be made regarding his or her language of instruction. The language of the service will be specified in the IEP.

Transition Services

Transition services are a coordinated set of activities which facilitates the student's movement from school to post-school activities with the goal of continued education, employment, and independent living. Transition Planning for students begins at age 12, when a level one vocational assessment is required and generates the post secondary process. At this time, students and parents in conjunction with the school, begin to identify and research student interest, choices, and career aspirations. During the year in which a student turns 15, Transition Services must be part of the first IEP completed that year. The IEP includes post-secondary planning components which identify their post-secondary measurable goals, transition needs and the coordinated set of activities and services needed to achieve those goals. The student must be invited to the CSE meeting to discuss Transition Services. As a vital

member of the school based or district CSE, the student will be able to discuss his or her strengths, preferences and interests. If the student is unable to attend the CSE meeting, the school based or district CSE must ensure the student's preferences and interests are considered and reflected in the IEP. Transition planning and services is a process that continues throughout the student's school experience, culminating with a **Student Exit Summary** prior to graduation or reaching age 21.

With parental written consent, members of the community (such as potential employers or other community based organizations), and agency personnel such as **Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR)**, **Office for People with Developmental Disabilities (OPWDD)** and the **Office of Mental Health (OMH)** should be invited to the IEP meeting if they have been identified as a provider or potential provider for the student. By engaging the support of multiple resources and through the collaborative effort among professionals, student, and family, chances for the student to succeed increase significantly.



section 4

It is important to educate children with disabilities together with children who are non-disabled in the general education classroom to the maximum extent appropriate. Everyone benefits.



What types of services are available for your child?

– see page 20

What to Expect: School-Age Special Education Services

The school based or district CSE recommends services in the Least Restrictive Environment (LRE) appropriate to your child's needs.

This means that the school based or district CSE, of which you are a member, must consider how special education services can be provided to your child that will allow him or her to be educated with children who do not have disabilities, to the maximum extent appropriate.

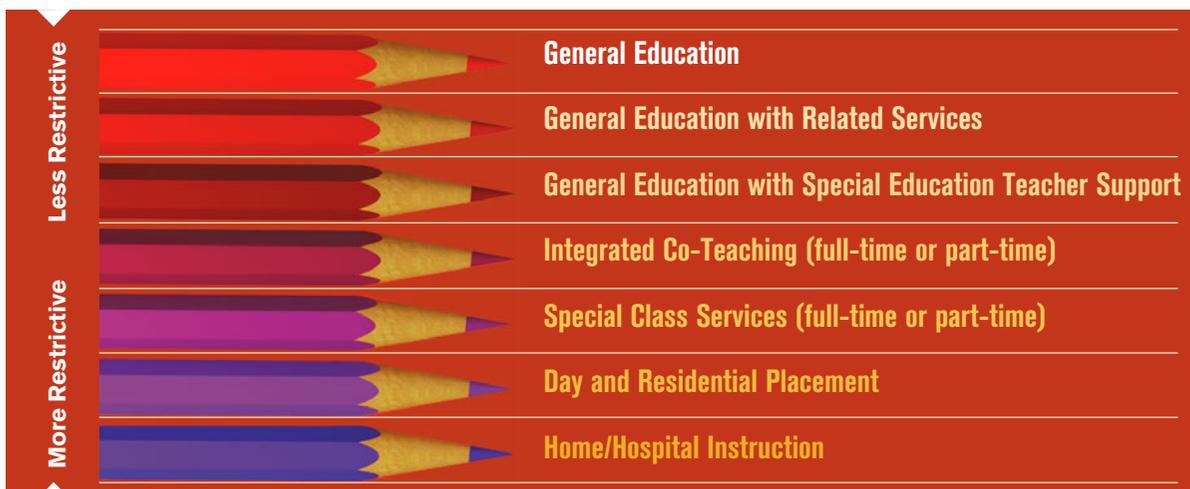
The school based or district CSE will first consider whether your child's needs may be met in a general education class with supports, aids and services provided to your child.

If it is determined that your child cannot participate in general education classes, even with appropriate Supplementary Aids and Services, Special Education Teacher Support Services, Related Services or in an Integrated Co-Teaching class, other settings such as Special Classes or special schools will be considered.

It is important to know that:

- Your child should be provided the opportunity to participate in extracurricular and non-academic activities (e.g., physical education, recess, after-school activities) with non-disabled children, unless his or her disability makes such participation inappropriate;
- Your child should be educated in the school that he or she would attend if not disabled, whenever possible.

Your Child will be Educated with the Combination of Services that Best Suits His or Her Needs



Special Education Services

There is an array of services available to support your child in his or her least restrictive environment. The chart above and descriptions below define some of the services and program recommendations that are available. Remember that there must be a clear justification anytime a student is removed from the general education setting.

Flexible Programming – Flexible programming means that a student may receive any combination of special education services and programs. The services and programs on a student's IEP do not have to be the same for the entire day. Instead, using flexible programming, a student receives the precise level of support that is appropriate for each content area. Flexible programming involves meeting each student's needs in the least restrictive environment appropriate. When using flexible programming effectively, schools develop special education service delivery models that are unique to each student and focus on increasing access to the general education curriculum. It is important to keep in mind that the needs of students must match the services delivered. The range of special education programs and services are described below and are part of the Unified Service Delivery System.

Related Services

Related services are provided to advance the achievement of a student with a disability in connection with his or her educational program.

The fundamental objective of related services is to help maximize each student's ability to achieve his or her educational goals. Related services should

be delivered in the least restrictive environment, and when appropriate, schools should integrate them into the classroom. Related services should be closely coordinated with the student's teachers, other instructional personnel, and parents/guardians in support of instructional goals.

The first step in determining if your child has a disability and if he or she requires special education services (including related services) is to request an evaluation. Evaluation requests must be made in writing by you or a school representative. Note that Occupational Therapy and Physical Therapy services require a doctor's prescription, which you may be asked to obtain during the assessment process. Nursing, health paraprofessional, and transportation services may require submission of a doctor's report. (*See Section 2 for further information on the evaluation process.*)

Following the completion of required evaluations and analysis of other pertinent information regarding the student, the school based or district CSE team will determine whether he or she has a disability, and if he or she requires special education services. Each related service should be reassessed annually in conjunction with the review of the student's IEP.

The following are some examples of related services that may be recommended:

Assistive Technology – Assistive technology (AT) devices include anything from a graphic organizer to computers and tablets and associated software that enable a student to communicate and complete assignments. Assistive technology is recommended when necessary to enable a student to access his/her instructional program and meet his/her individual educational needs. AT services, such as training and

support, may also be recommended to assist with a child's use of AT devices.

Counseling – The purpose of counseling is to help students recognize and modify behaviors that interfere with learning. Counseling is recommended for students who have significant social emotional difficulties that significantly interfere with learning. These problems can include difficulty interacting appropriately with adults or peers, withdrawal or acting out, low self-esteem, and poor coping skills.

Hearing Education Services – Hearing education services provide support to students who are deaf or hearing-impaired, and include guidance, social work, counseling, transition services and work-study programs. Hearing education may be recommended for a student when support is necessary to allow the student to access fully his/her educational environment.

Occupational Therapy – Occupational therapy (OT) helps a student strengthen school-based adaptive and functional skills, such as: fine motor skills; the ability to carry out classroom responsibilities and make smooth transitions; functional sensory motor skills; and activities of daily living, including wheelchair management. Occupational therapy is recommended when the environment needs to be adapted, tasks modified, skills taught or a student/family educated in order to increase the student's participation in, and performance of, everyday life and school activities.

Paraprofessional Services – Individual paraprofessionals support students for all or a portion of the school day to address their individual needs and to allow them to benefit from instruction and related services. An individual paraprofessional is recommended when necessary to allow a student

to participate safely and fully in classroom and other school activities and to derive educational benefit from instruction and related services.

Physical Therapy – Physical therapy helps a student to improve his/her physical ability to function and make smooth transitions at school. Therapy may include attention to gross motor development, mobility, balance, and coordination in various school settings such as the classroom, gym, bathrooms, playgrounds, and staircases. Physical therapy is recommended when such support is necessary to allow a student to access his/her educational environment, including, but not limited to a student's ability to access various areas of the school via walking, wheelchair or other means of mobility; student participation in classroom activities – e.g., participating physically and maneuvering within the classroom environment; and accessing (and participating in) the lunchroom, playground, bathroom, transportation, etc.

School Health Services – A school nurse or paraprofessional provides services that are designed to address a child's specific health needs, as documented by his or her physician, to ensure a safe educational environment.

Speech/Language Therapy – Speech/language therapy helps to improve a student's listening, speaking, reading and writing skills in academic and social situations throughout the school environment. Therapists focus on communication skills such as comprehension (following directions, understanding texts), language (word meaning, putting words together, using correct grammar), articulation (speech sounds), voice (use of voice to produce sound), pragmatics (social language) and fluency (rhythm of speech). Speech/language therapy is

Your child's related services may change as your child gets older.



recommended for a student when such support is necessary to improve the student's listening, speaking, reading and writing skills in academic and social situations.

Vision Education Services – Vision education services support instruction for students who are visually impaired by allowing them to develop academic, social, vocational and life skills, literacy, and acquisition of information using tactile, visual and auditory strategies. Vision education may be recommended for a child whose vision is so impaired that functioning within the classroom cannot take place without the use of assistive materials and adaptive approaches. Orientation and mobility services are designed to improve your child's understanding of spatial and environmental concepts and use of information he or she receives through the senses (e.g., sound, temperature, vibrations) for establishing, maintaining and regaining orientation and line of travel.

Related services recommended for your child will be indicated on the IEP. The IEP indicates the number of times a week or month your child should receive the service (this is called the "frequency")

and the length of the session (this is called the "duration"), the maximum group size (if your child will be provided services in a group), the language in which the service must be provided and whether the service will be provided in your child's classroom or in a separate location outside of the classroom (this is the "location").

If your child has been recommended to receive one or more related services in his or her IEP and the Department is unable to provide such service(s) with its own staff or with staff from agencies under contract, either during or after the school day, a Related Service Authorization (RSA) will be issued to the parent. An RSA allows the parent to use the services of an appropriately licensed, independent provider of the recommended related service(s) at no cost to you. Your child's public school can help you with this process. If your child is attending a non-public or charter school, the district CSE will help with this process.

A list of independent providers is available on the Department's website: <http://schools.nyc.gov/Academics/SpecialEducation/programs/relatedServices/RSinformation.htm>



Physical Therapy sessions may take place with the class in the gym, classroom, lunchroom, at recess or other school locations.



Speech-language therapy being provided in an integrated classroom to support student's participation in academic activities.



Occupational Therapy can occur in a small group setting, in or out of the classroom, meeting each student's needs in the natural educational environment.

					
	Pre-K	Kindergarten	Elementary	Middle School	High School
How Services Often Support Students in Meeting Their Instructional Goals	Related Services often focus intensively on supporting improved skills and behavior.	Related Services continue to focus on improving skills and behavior. To increase independence, therapists work with teachers to identify possible changes to school-related activities and the learning environment.	A therapist working with the student during class activities often becomes essential in helping the student meet intensified academic demands. Services continue to focus on improving foundational skills in the early elementary years. Therapists may work with the classroom teacher to adapt activities and the classroom environment to meet the needs of the student and help the student access the curriculum.	For some students, the pace of progress may slow down or level off as academic demands grow; students often start to become more aware of their learning differences. Therapists help the student develop effective learning strategies while continuing to work with classroom teachers to adapt activities and the classroom environment as needed to help students successfully achieve their IEP goals. Students may benefit from learning new skills specific to pre-vocational and ADL programs.	When therapy continues to be needed, the emphasis is typically on college and career readiness. Services often focus on appropriate modification of activities and learning environment. Some students may require support to meet their IEP goals and continue to improve skills required for pre-vocational, ADL and college and career readiness programs.
Common Areas of Focus in the Classroom	In Pre-School, the primary focus is on development of students' social and motor skills.	In Kindergarten, the focus begins to shift to academic skills, along with continued support for development of social and motor skills. The ability to work independently starts to become more important.	In Elementary School, the focus shifts more fully to development of foundational academic skills. Classroom activities are focused on the application of these skills.	In Middle School, academic demands intensify and the academic content is more complex. Students begin to prepare for success in high school. Some students may start to participate in pre-vocational, social development and activity of daily living (ADL) programs.	In High School, the focus shifts to preparing students for the transition from secondary education to post-secondary education, pre-vocational and ADL programs.
How Services Are Defined	<p>Each student's individual, school-based needs determine how Related Services will be provided. The following are the key elements of most Related Service recommendations:</p> <ul style="list-style-type: none"> ■ Location – Common locations include the classroom, a separate room in school or a therapy room. ■ Delivery Method – DIRECT services are provided to the student on a one-to-one basis or in small groups of students with similar needs; INTEGRATED services are provided to the student along with other students in the class; and CONSULTATIVE (INDIRECT) services are delivered to teachers or parents on a consultative basis to support their work with the student. ■ Frequency – Services are typically delivered a specified number of times on a WEEKLY or MONTHLY basis. ■ Duration – The length of each session may vary, depending upon the need; session length is often defined in minutes. ■ Group Size – Services may be delivered on an INDIVIDUAL or GROUP basis. Where it is more appropriate for the student to work with other students in a group (e.g., in order to practice and apply a skill they are working on and/or to benefit from seeing others work on the same skill,) a maximum GROUP SIZE will typically be defined. 				

ASSISTIVE TECHNOLOGY HELPS MEET STUDENTS' INDIVIDUAL NEEDS

Subject	Student Challenge	Possible AT Solutions*
Math	Difficulty computing, organizing, aligning and copying math problems onto paper	Talking calculator, adapted graph paper, manipulatives, software 
Writing	Difficulty with the physical mechanics of writing or spelling, word usage, organization, etc.	Word processor, slant board, adapted keyboard/paper, computer, tablet, software 
Reading	Difficulty with decoding, reading fluency or comprehension	Reading pane, highlighted text, digital books, computer/tablet, software 
Communication	Nonverbal or difficulty with intelligible speech	Communication book, speech generating device, picture communication system, voice output device 
Memory/Organization	Difficulty with planning, organizing, keeping track of their calendar/schedule/task list, etc.	Graphic organizers, software 
Listening	Difficulty processing and remembering spoken language	Digital recorder, FM unit 

*The devices shown represent only a small sample of available tools. All students with disabilities must be considered for Assistive Technology. If such consideration results in an AT evaluation, recommendations are reviewed by the school-based CSE team. For more information about Assistive Technology, visit <http://schools.nyc.gov/Academics/SpecialEducation/programs/relatedServices/Assistive+Technology.htm>

INTEGRATING RELATED SERVICES INTO THE CLASSROOM (“PUSHING IN”) CAN BENEFIT ALL STUDENTS:

Research shows that when Related Service providers “push in” to the classroom, great things can happen not just for the individual being served, but for the entire class.

Benefits for the Student:

- Classroom activities are not missed
- More opportunities for skill practice in the natural environment
- Therapist can monitor the effectiveness of strategies
- Fosters social acceptance, self-esteem and social skills

Benefits for the Entire Class:

- Increased achievement for children with and without disabilities
- Attention
- On-task behavior
- Performance in the classroom
- Performance on standardized tests

Resources/Citations: McWilliam & Scott 2001; Kennedy, Shuka & Fryxell 1997; Mu.,Siegall & Allinder 2000; Kennedy & Itkonen 1994; Hughes 2001; Oriel, George, Peckus & Semon

Special Education Teacher Support Services (SETSS)

Special Education Teacher Support Services (SETSS) are specially designed and/or supplemental instruction provided by a special education teacher. These services help your child stay in the general education classroom while receiving services from a special education teacher. The special education teacher may work directly with your child to support participation in a general education classroom and provide direct specially designed and/or supplemental instruction to your child. This may include adapting the content being taught or using different instructional methods such as visual aids, highlighted work sheets and simplified directions (this is called “direct” instruction). The special education teacher may also work with your child’s general education teacher to adjust the learning environment and/ methods to meet your child’s individual needs (this is called “indirect” instruction).

- SETSS may be provided in the general education classroom, or in a separate location outside of the general education classroom or in any combination of general education classroom and a separate location;
- When SETSS are provided in a group, the group may not include more than eight students;
- SETSS may be provided for as few as three hours a week and as much as 50% of each day;
- Your child’s IEP must state the number of periods a week that the services will be provided, whether those services will be provided directly with your child or indirectly with his or her general education teacher and where the services will be provided.

Integrated Co-Teaching (ICT)

Integrated Co-Teaching (ICT) classrooms include students with disabilities and students who are non-disabled who are educated together with two teachers, a general education teacher



and a special education teacher. The teachers work together and collaborate throughout the day to adapt and modify instruction for your child and make sure the entire class has access to the general education curriculum.

ICT may be provided on a full-time or part-time basis. The periods of ICT must be specified on your child's IEP, along with the content areas of instruction (for example mathematics) in which he or she will receive the services.

The number of students with disabilities may not exceed 40% of the total class register or a maximum of twelve students with disabilities in an ICT class.

Special Class Services

Special Class Services are services provided for children with disabilities in a self-contained classroom for any part of the school day. They serve children whose needs cannot be met within the general education classroom, even Special Education Teacher Support Services, Related Services or participation in an ICT class. Special Class Services may be provided on a full-time or part-time basis.

For students who spend all or part of the day in a special class, the school based or district CSE will determine the appropriate program and class size for your child. There must be justification written in the IEP for any student who is removed from the general education setting for any part of the school day.

In self-contained special classes, students must be grouped by similarity of educational needs. Classes may contain students with the same disability or with different disabilities as long as they have similar levels of academic and learning characteristics, levels of social development, levels of physical development and management needs. (See page 27 for additional information.)

Specialized Public Schools for Students with Significant Disabilities (District 75 Schools)

District 75 provides instructional support in a wide variety of settings for students with significant disabilities. Keeping within the mandate for Least Restrictive Environment (LRE), students can receive District 75 services in general education classrooms, in special classes located in community school buildings and in special classes in specialized schools, as well as in agencies, hospitals and at home. The school based or district CSE will determine the appropriate program and class size for your child based on his or her cognitive, social-emotional and physical management needs. District 75 services may be provided year round in a 12-month program when appropriate.

Students receiving services from District 75 may participate in standardized assessment and take all city and state tests or may be assessed using New York State Alternate Assessments. District 75 provides special classes with ratios of 12:1:1, 8:1:1, 6:1:1, and 12:1:4 and other ratios for students in full inclusion.

If your child has significant hearing and vision impairments, District 75 also has self-contained classes with specialized equipment and services that can be integrated into the curriculum throughout the school day. Students whose vision and hearing concerns do not require that type of intensive programming will receive these support services in their general education, co-teaching or community-based settings.

District 75 also supports students who experience anxiety in a school setting (school phobic) and students with medical or psychiatric issues that require temporary or long-term instruction in a hospital or home-based setting.

Where appropriate, District 75 provides bilingual instruction and support, ESL services, travel training, personal activities of daily living (ADL) skill training, vocational programming and transition

service coordination. Instructions for using augmentative or alternative technology will be provided as outlined in your child's IEP. To develop collaborative home-school partnerships, District 75 also offers counseling and training for parents in order to assist families in understanding and providing support for their children.

District 75 also provides special class services in a 12:1:1 ratio for students who are deaf/severely hard of hearing or blind/visually impaired. Services provided include audiology, assistive technology, sign language interpretation, orientation and mobility services, and Braille. Students can participate in New York State standardized or alternate assessments.

Specialized Programs in Community Schools

Most students with disabilities, including students with autism (also known as Autism Spectrum Disorder, or ASD), students with Intellectual Disabilities (ID), and English Language Learners (ELLs) who have disabilities, are best served in their community schools. The DOE recognizes, however, that there are some students for whom a class in which specialized models and expertise have been developed may be appropriate. Special education supports and services that do not currently exist in every community school are considered specialized programs. It is critical to understand that a classification of

Special Class Services

Special Class Services are services provided for children with disabilities in a self-contained classroom for any part of the school day. A special class is a class consisting of students with disabilities who are grouped together to receive specially designed instruction in a self-contained setting, meaning that they are receiving instruction separate from their non-disabled peers. They serve children whose needs cannot be met within the general education classroom, even with supplemental aides and services. Special class services may be provided on a full-time or part-time basis. In self-contained special classes, students must be grouped by similarity of educational needs. Classes may contain students with the same disability or with different disabilities as long as they have similar levels of academic and learning characteristics, levels of social development, levels of physical development and management needs. Special classes offer different levels of staffing intensity depending on your child's academic and/or management needs.

The maximum class size for those students whose special education needs include 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 serving 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 serving 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 serving students whose management needs are determined to be intensive, and requiring 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)).

Intellectual Disability or Autism, does not, in and of itself, indicate the need for a specialized program. Many students with an ID or Autism classification are best served in a general and/or special education setting in a community school and it is extremely important to make thoughtful decisions so that all students are given equal opportunity to reach their academic potential. There is a separate application process for these specialized programs, which you can find out more about by emailing specializedprograms@schools.nyc.gov. Specialized programs include:

ACES (Academics, Career, and Essential Skills) Program for Students with Intellectual Disabilities – a special class or program in a community school for some students who are classified as having an Intellectual Disability (ID) and who participate in Alternate Assessment (NYSAA).

ASD Nest – a reduced class size integrated co-teaching (ICT) class setting in a community school for high functioning students with autism.

ASD Horizon – typically a special class with up to 8 students in a community school for students with autism who work toward meeting grade level standards but require individualized support for periods of time during the school day.

In addition to the specialized programs above, bilingual special education ICT and special classes are also considered specialized programs because they do not currently exist in every school. If a student requires a bilingual program and also meets the eligibility criteria for special education, the CSE team may recommend a bilingual special education program. (See pages 6 and 46 for additional information on bilingual evaluations and services).

New York State–Supported Schools

State-supported schools provide intensive special education services to children who are deaf, blind or who have severe emotional or physical disabilities and who are determined by a school based or district CSE to be eligible for this type of program. Some State-supported schools provide five-day residential care for children who require 24-hour support.



New York State Education Department Approved Non-Public Schools (Day)

These schools provide programs for children whose intensive educational needs cannot be met in a public school program. **State Education Department (SED) approved schools** are attended only by students with disabilities and therefore provide no opportunity to be educated with non-disabled children. An SED-approved non-public school may accept your child only if the school is able to provide the services recommended in his or her IEP.

The Committee on Special Education (CSE) must consider all options available in the public schools prior to recommending a New York State Education Department Approved Non-Public School. If the CSE recommends that your child attend a New York State Education Department Approved Non-Public School, the case will be sent to the Central Based Support Team (CBST) to locate an appropriate school for your child. You will be a participant in this process.

New York State Education Department Approved Non-Public Schools (Residential)

Residential schools are settings that provide intensive programming in the classroom and a structured living environment on school grounds on a 24 per day basis. This program is for children whose educational needs are so intensive as to require 24-hour attention. If it is determined that a residential setting is appropriate, the DOE is required to first consider in-state residential settings before considering an out-of-state school.



Home and Hospital Instruction

These are educational services provided to students who are unable to attend school due to a medical or physical condition, or a severe emotional or psychological disability. Home and hospital instruction programs are designed to support students in keeping up with their studies while they are unable to attend school, and are intended to be temporary. Parents should be aware that home and hospital instruction programs are not intended to provide a full academic program, and may be limited in course options that are not requirements. Home and hospital instruction program staff work with students' current schools to ensure continuity of instruction and service, to the greatest extent possible taking into account the student's condition.

Hospital Instruction: parents must submit a request for home instruction, which is reviewed and subsequently approved or denied by the Department of Health and Mental Hygiene (DOHMH). The DOHMH also sets an expiration date for home instruction services, based on when the student is expected to return to school. Parents may seek renewal of home instruction services by submitting another request. Please see the home instruction website for additional details on the process for requesting home instruction (<http://www.homeinstructionschools.com>).

- Students in grades 7-12 receive a minimum of 10 hours of home instruction per week.
- Students in grades K-6 receive a minimum of 5 hours of home instruction per week.

Hospital Instruction: students receive instruction once they are admitted to a hospital setting. Instruction is provided to the extent a student is medically able, and hospital physicians make this determination. Hospital instruction ends when the student is discharged from the hospital. If the student is still too ill to return to school, parents should proactively submit a request for home instruction before the student is discharged from the hospital, to minimize the delay in transitioning to home instruction.

Accommodations and Supplementary Aids and Services

Accommodations and supplementary aids and services enable students to be involved in and make progress in the general education curriculum and advance appropriately toward attainment of annual goals. Examples include

an assigned note taker, paraprofessional staff, special seating arrangements, specially formatted materials, and a study guide outlining key concepts. Supplementary aids and services may also include the services of various personnel, such as related service providers, special education teachers and paraprofessionals, and they may be combined in different ways to meet the individual needs of your child.

These are services and supports that are provided in all educational settings. Accommodations and supplementary aids and services may also include, but are not limited to, the following materials, devices and adaptations:

Accessible Instructional Materials (AIM) are designed to provide access to text for students with disabilities for whom standard print is a barrier to access and learning. These students may need to have their core and supplemental instructional materials provided to them in an alternate format, such as Braille, digital, or audio. Core instructional materials are provided in specialized formats when needed. The decision of whether this is needed and, if so, the type of specialized format to be provided, is decided in the CSE meeting.

Accommodations are adjustments to the environment, instruction or materials (e.g., instructional materials in an alternative format, such as large print or Braille; fewer items on each page; providing extra time to complete tasks) that allow a student with a disability to access the content or complete assigned tasks. Accommodations do not alter the education material.

Curriculum Accommodations may change how student accesses information and demonstrates that he/she has learned the information. Curriculum accommodations may include the use of audiotapes instead of books, large-print books, Braille materials, the use of a calculator for math or the use of technology for writing and/or reading.

Curriculum Modifications may change the way the curriculum is delivered, the content, and/or the instructional level. This should only occur when necessary in order for the student to receive educational benefit from the instruction. An example of modification is redesigning the size or focus of the assignment.

Individualized Supports/Accommodations are also available for students, as needed. Examples of individualized supports and accommodations are: the rephrasing of questions and instructions; additional time to move between

classes; special seating arrangements; testing accommodations, such as questions being read or re-read aloud, additional time, etc.; and curricular aids, such as high-lighted reading materials, main idea summaries, organizational aids, and pre-written notes or study guides.

General Education with Declassification Services

If your child has been declassified from special education, there are services that may be provided to him or her (i.e., what is called “direct” instruction), and to his or her teacher (i.e., what is called “indirect” instruction) to help your child make the transition to general education.

These services can include instructional support, remediation, instructional and/or testing accommodations or related services. A student may only be declassified after a reevaluation.

If your child has been declassified, the school based or district CSE will define what services, if any, your child will need during his or her first year in a full-time general education classroom in order to help him or her make a successful transition.

Specialized Transportation Accommodations

When your child is initially referred, the school based or district CSE must inform you that medical documentation is required for any **Specialized Transportation Accommodations**. This information is shared with you during the initial social history meeting. Specialized Transportation includes limited-time travel, individual transportation paraprofessionals, nurses, and medically-related accommodations.

You will be provided with copies of the **Request for Medical Accommodations to be Completed by Treating Physician** form that will need to be filled out by your doctor. You will also receive the **Authorization for Release of Health Information Pursuant to HIPPA** form, which you will have to fill out and then give to the school based or district CSE.

Requests for Specialized Transportation

Accommodations require current medical documentation from a physician that clearly states what your child’s medical condition is and why he or she requires the accommodation. For example, if you request a limited bus run or an air-conditioned bus, the request must include a description of your

child's medical condition and an explanation of why he or she requires that kind of service. Your child's doctor must provide this documentation **on an annual basis** during your child's annual review or mandated three-year evaluation in order for the accommodation to be approved.

All recommendations for limited-time travel, individual transportation paraprofessionals, nurses, and medically-related accommodations will be

reviewed by a doctor. Based on the review, the doctor will make a recommendation to the school based or district CSE prior to the CSE meeting. The doctor may recommend alterations to the original medical recommendation.

If the school based or district CSE determines that your child requires Specialized Transportation, the type of accommodation(s) required must be added to his or her IEP.



Additional Special Education Services

Adapted Physical Education – Adapted Physical Education is a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capabilities and limitations of individual children who may not safely or successfully participate in the activities of a regular physical education program. Your child may be recommended for adapted physical education when his or her disabilities interfere with his or her ability to perform activities involved in a regular physical education program.

Extended School Year (Twelve-Month School Year Services) – If your child requires his or her education to continue during the summer in order to prevent substantial regression, Twelve-Month School Year Services may be provided.

Parent Counseling and Training – If you, the parent, need some help understanding the special needs of your child, Parent Counseling and Training can provide you with information about your child's development and/or specific disability. Parent Counseling and Training is

typically provided as part of the program if your child is in special classes with staffing ratios of 8:1:1, 6:1:1 and 12:1:4. These are not adult counseling services and are not intended to meet your personal or educational needs.

Toilet Training – Toilet Training is a short-term instructional service to help prepare your child for independence in toileting. It is provided by a paraprofessional who schedules, instructs and assists the student.

Transitional Support Services – Transitional support services, such as consultation and/or training, may be provided for a short period of time to staff members working with your child as he or she moves among different settings.

Travel Training – Travel Training services are short-term, comprehensive and specially designed instruction that teach high school students with disabilities other than blindness or visual impairments to negotiate public transportation vehicles and facilities safely and independently as they travel between home and a specific destination (usually school or the workplace).

section 5

After the IEP Is Developed: Arranging Services at the CSE meeting

Prior to the end of the CSE meeting, detailed information about your child's special education services should be given to you. Regardless of the services recommended for your child, every effort will be made for your child to remain at his or her school.

Most students with disabilities can and should attend the schools they would attend if they did not have a disability, whether that is the home zone school or a school of their choice. Students with disabilities will still receive the support they need to succeed academically as the majority of schools are able to provide the services that best support your child.

What are my rights in the IEP process?

– see page 40

All students should have access to high quality, challenging instruction.



Prior to the end of the CSE meeting, detailed information about your child's special education services should be given to you. If your child is recommended for related services, a special class or integrated co-teaching class, every effort will be made for your child to remain in his/her current school.

If a decision about the school site is made at the CSE meeting, you will immediately receive a **Prior Written Notice** (previously known as **Final Notice of Recommendation**) in your preferred language, if it is a covered language as defined by the DOE (see *Glossary, page 48*). This tells you the services which your child will receive. A separate notice will inform you of the name and address of the school where your child will receive the special education services recommended in his or her IEP if it is different from the current location or your child is articulating.

As the parent, you may visit the site recommended in the **Prior Written Notice**. If you would like to arrange a site visit, you should contact the person listed on the **Prior Written Notice**.

If you were not present at the CSE meeting or the location of services was not discussed, you will receive in the mail the **Prior Written Notice** in your preferred language, if it is a covered language as defined by the DOE (see *Glossary, page 48*).

Students Who Have Never Received Special Education Services: Initial Consent

If your child has never received special education services, you *must* give consent for the recommended special education services before they will be provided. You will be asked to indicate your consent at the bottom of the **Prior Written**

You must provide initial consent for special education services to begin.

Notice and return it to the address listed. If you do not consent, your child will remain in general education without the recommended services.

Students Who Are Receiving Special Education Services

You will be notified in the **Prior Written Notice** of any changes to your child's recommended special education services as a result of a new CSE meeting. For students who are already in special education, consent is not required again.

If you agree with the recommendation, you should sign the **Prior Written Notice** and return it to the address listed. Special education services will then be arranged for your child and you will be sent an **Authorization to Attend Letter**. This notice explains the date the new services will begin.

If you disagree with the services you should contact the DOE and attempt to resolve your disagreement. If you cannot reach agreement with the DOE, you have the right to request Mediation or an Impartial Hearing. During the Mediation, the Impartial Hearing or in any further appeal process, your child's services may not be changed until the decision of the Impartial Hearing Officer is issued or any further appeal is completed.

Withdrawing Consent for Special Education Services

At anytime after consenting to special education services, you may withdraw your consent for the special education services specified in your child's IEP. *The request must be in writing.* When consent is withdrawn, it is for all special education and related services specified in your child's IEP. This includes recommendations for specialized transportation, assistive technology, program modifications, testing accommodations and the need for modified promotion criteria. Children who have been recommended to participate in alternate assessments are no longer eligible to participate in the alternate assessment program. You may not withdraw consent for only a portion of the special

education and related services. In situations where you disagree with only some of the IEP recommendations, a CSE meeting can be arranged to review the student's IEP or you may use the due process procedures outlined in this document on page 40.

Within **10 calendar days** of receipt of written notice from you that withdraws consent for special education services, the school based or district CSE must send you a completed **Notice of Termination of Special Education Services Due to Parental Withdrawal of Consent**. This notice outlines the IEP recommended special education services your child has most recently received and will no longer be receiving. The notice indicates the general education placement that your child will attend, and explains to you that your child will be considered a general education student at all times, including in any discipline/suspension procedures, and that CSE meetings will no longer be held for your child. The notice also provides the name of a contact person in the event you have questions or concerns.

When a parent withdraws consent for special education services, the school based or district CSE is not required to convene a CSE meeting or develop an IEP for your child. The school based or district CSE is not required to amend your child's education records to remove any references to his or her receipt of special education and related services because of the withdrawal of consent.

Please note that the school based or the district CSE may *not* use due process procedures (i.e., mediation or an impartial due process hearing) in order to obtain a ruling that the services may be provided to your child without your consent.

If your child requires a special class setting and you do not receive a **Prior Written Notice** (previously known as **Final Notice of Recommendation**) within 60 school days from the date of consent or referral during the school year, or by August 15th for placements for an upcoming school year, you will receive a **P1-R letter**. This entitles your child to attend a New York State Education Department approved non-public day school at the expense of the DOE for that school year. A list of New York State Education Department approved non-public day schools will accompany the eligibility notice. You must bring the **P1-R Letter** and a copy of your child's most recent IEP to the non-public school interview.



Placement Timelines

The DOE is required to provide a placement for your child as recommended in the IEP as follows:

- For initial (first-time) referrals to special education, within **60 school days** from the date you provided consent to evaluate your child;
- If your child is already receiving special education services, **60 school days** from the date of the referral for a reevaluation.

If you unreasonably delay the evaluation, referral and/or placement process, however, the timeline may be adjusted accordingly.

Once your child is accepted by an approved New York State Education Department non-public day school, you and the non-public school will be asked to sign a **P2 Letter**. Your signature indicates that you consent to the non-public school placement, and the signature of the non-public school representative indicates that the school agrees to provide educational and related services as indicated on your child's IEP. Once approved, you will receive a **Prior Written Notice**, which will finalize your child's placement. If you have questions about this process or require assistance, you should contact the representative listed at the bottom of the **P1-R Letter**.

Arranging Related Services

The DOE will assign a DOE staff member to provide Related Services. If DOE staff is unavailable, we will arrange services using staff from agencies under contract with the DOE.

In cases where neither the DOE nor contract agency staff are available, you will be issued a **Related Service Authorization (RSA)**. The RSA allows you to identify an appropriately licensed independent provider of the service *at no cost to you*. You will be provided with information about available independent providers, instructions about how to use the RSA and information regarding whom to contact at the DOE for assistance if you have questions or are unable to locate an available provider.

Arranging ESL Services

If your child has been recommended to receive English as a Second Language Services (ESL), the DOE will assign a DOE ESL Teacher to provide these services. If a DOE ESL teacher is not available, an authorization for ESL Services (the **ESL Authorization**) will be issued. It will allow you to identify an appropriately licensed independent provider of ESL at no cost to you. The **ESL Authorization** will indicate the frequency and duration of services. You will also be provided with information regarding whom to contact at the DOE for assistance if you have questions or are unable to locate an available provider.

Arranging Transportation

If your child is recommended for special education services, he or she may also be entitled to transportation to and from your home to the school.

If your child is recommended for special education services in your neighborhood school, he or she may be able to walk to school. Depending on the distance of the school from your home, your child may be recommended for general education yellow bus service (i.e., stop-to-stop) or to receive a New York City MetroCard for use on public transportation. If they are able, junior high school and high school students with disabilities receiving special education services are generally expected to use public transportation.

All recommendations for specialized transportation (i.e., door-to-door) are determined by the school based or district CSE. Children with limited mobility, physical/orthopedic disabilities and other health impairments generally require door-to-door busing. If your child requires door-to-door transportation, this will be indicated in his or her IEP. Bus service is arranged as quickly as possible, but generally in no more than five days. You will be notified in writing by the Office of Pupil Transportation (OPT) of the date that bus service will begin. If you do not receive information from OPT, call the hotline at 718-392-8855 for assistance.

If the Department is unable to arrange for bus service to the recommended school in a timely manner from the date of consent, alternative transportation arrangements may be made to enable your child to get to and from school. If this situation occurs, you will receive a letter and a travel reimbursement form.

Access to Records

You should receive a copy of any evaluations or reports that will be considered before a CSE meeting for your child. Additionally, you have the right to request copies of any evaluations or reports that have been written and placed in your child's file. This can be done by making a request to the school or, if your child attends a non-public or charter school, the district CSE Chairperson. Sometimes parents disagree with statements made in their child's record. If this is the case, you can request, in writing, to meet with the school or, for non-public and charter schools, the district CSE Chairperson to discuss the area(s) of disagreement.

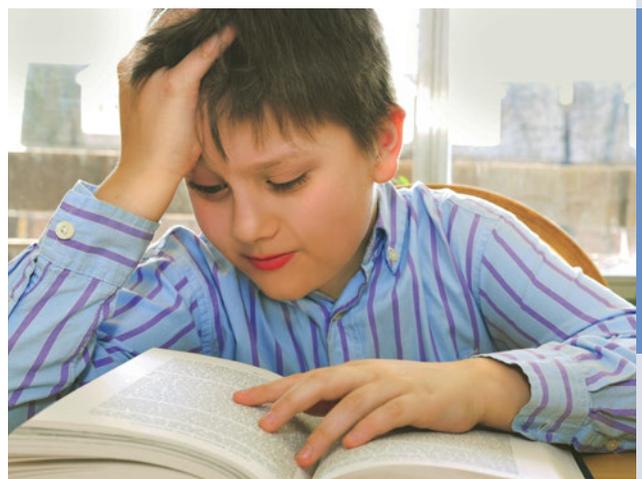
As a result of such a meeting, the school based or district CSE may decide to remove portions of the record. You will be notified of any changes to your child's record. If the school based or district CSE does not agree to remove the portions that you questioned and your concerns have not been addressed to your satisfaction, you may write a letter to the school or district CSE Chairperson stating the areas in the record with which you disagree. The school based or district CSE is required to place this letter in your child's file. You may also file an appeal to the Superintendent under **Chancellor's Regulation A-820, "Confidentiality and Release of Student Records; Records Retention."**

Confidentiality of Records

At the time of consent for evaluation, you will be asked to sign a release of records form that authorizes the school based or district CSE to obtain reports from outside agencies or medical reports from physicians that may be important to your child's evaluation. While you are not required to sign this release form, the DOE asks that you consider allowing the school based or district CSE to have access to records from outside agencies or physicians that may help the school based or district CSE members better understand your child's needs.

All evaluations are written and scanned into our electronic data system (SEGIS). The information in the file is confidential and will not be given to any outside agency or individual without your consent or unless a court orders the release of your child's records. Only Department of Education staff who

**Your child's
evaluations
and reports
are confidential.**



are working on behalf of your child have access to these records.

Consent for Medicaid Billing

Families of all children with IEPs will be asked by the Department of Education to sign a consent allowing the Department to bill Medicaid to pay for a portion of the cost of special education services. Because of confidentiality concerns, all families are asked to sign these forms, even those who are not on Medicaid. If the Department does bill Medicaid the billing has no effect on the family—the family will not be denied out-of-school services, they will not have to pay any more for Medicaid, the kinds of services they receive will not change, there will be absolutely no impact on the family except that the school system will have additional funding with which to serve children. Families can, of course, still refuse to allow the Department to bill Medicaid and services will continue to be provided.

Parent Options

Your participation in the development, review, and revision of your child's IEP is essential. As a parent, you have the right and responsibility to make sure you fully understand what is in your child's IEP. If you do not agree with the school based or district CSE's recommendations, you have the right to challenge the school based or district CSE's decisions about your child's eligibility, evaluation, services and placement. If you disagree with the school based or district CSE's actions or refusal to take action in these matters, you have several options:

Ask for Mediation – During Mediation, you and a member of the school based or district CSE sit down with a neutral third party who assists and encourages you and the Department of Education to reach an agreement. You can make a request for mediation to your child's school based or district CSE if your child attends a non-public school.

Request for an Impartial Hearing – As a parent, you have the right to request what is known as an Impartial Hearing. This is a legal proceeding. During an Impartial Hearing, you will appear before an Impartial Hearing Officer (not a DOE employee) and present your side of the story. The Hearing Officer will listen to you and the representative from the DOE, take evidence from witnesses and documents and make a written determination regarding how to resolve the issues that you have raised.

Once an Impartial Hearing is requested, “**pendency**,” (sometimes called “**stay-put**”) applies. This means that your child will remain in his or her current placement for the duration of any due process proceedings until the matter is resolved or you have reached an agreement with the DOE.

Impartial Hearing requests must be made in writing to the Impartial Hearing Office at:

Office of Impartial Hearings
131 Livingston Street, Room 201
Brooklyn, New York 11201
(718) 935-3280



Your participation in the development, review and revision of your child's IEP is essential.

Your request for Impartial Hearing *must*:

- Be made *in writing* to the Office of Impartial Hearings;
- Describe the facts relating to your concerns and a proposed solution;
- State your child's name and address; and
- Name the school your child attends.

A recommended form letter, which you may use to request an Impartial Hearing, is available from the district CSE or the Impartial Hearing Office. You may also obtain a form from the New York State Office for Vocational and Educational Services to Individuals with Disabilities.

Resolution Process When an Impartial Hearing Is Filed

Within 15 days of your request for an Impartial Hearing, the DOE will work with you toward resolving the issues you've described in your Impartial Hearing request at a Resolution Meeting. This is not the same as Mediation but is a required part of the Impartial Hearing process.

There are three instances in which a Resolution Meeting will not be held:

1. If you and the Department of Education agree *in writing* to waive the Resolution Meeting, the Impartial Hearing Office must be notified and an Impartial Hearing will be scheduled within 14 calendar days.
2. If you withdraw your request for the Impartial Hearing, a Resolution Meeting does not need to be held.
3. If after documented attempts have been made by the Department of Education to schedule a Resolution Meeting and you do not participate or you did not waive the Resolution Meeting in writing, the Impartial Hearing Officer must be informed and the DOE has the right to ask that your request be dismissed.

After receiving a request for an Impartial Hearing, the Hearing Office will contact you and the DOE by telephone to schedule the hearing. You will also receive a complete description of the Impartial Hearing process and will be notified in writing of the scheduled date, time and location of the hearing. If you wish to bring an attorney to the hearing, a Notice of Appearance from the attorney must be sent to the Impartial Hearing Office before the hearing. School staff may also request an Impartial Hearing. An interpreter will be provided upon request. After the hearing, during which you and Department of Education staff explain your respective positions and submit evidence in support of your decision, the Hearing Officer writes a decision. A copy of the decision will be mailed to you.

The Hearing Officer's decision is based entirely on evidence admitted at the hearing. It should include the reasons and the basis for the decision. The decision informs you and the Department of the right to appeal the decision to the New York State Review Officer. If you do not submit an appeal(s) within 30 days from the date of the receipt of the decision, all parties will be required to abide by the Hearing Officer's decision.

Appeals to the State Review Officer

An appeal to the New York State Review Officer is another step toward resolving disagreements. A request for an appeal is a legal process. While a lawyer is not required, procedures for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. This information is contained in the section "**Due Process Rights**" of the pamphlet "**Special Education in New York State for Children Ages 3–21: A Parent's Guide.**"

Due Process

Due Process refers to procedures that, by law, are used to ensure your child's rights to a Free Appropriate Public Education (FAPE) and your rights to be involved and have a full understanding of that process. Due Process assures the following:

The Right to Be Fully Informed – You must be adequately notified, in your preferred language or mode of communication, of your rights in the educational decision-making process.

There are instances identified in this Parent Guide when you will be asked to provide your consent. Providing consent means that you have been fully informed in your preferred language of all information about the action for which you are giving consent, that you understand and agree in writing to that action and that the notification includes what, if any, records will be released and to whom. Consent also means that you understand that the consent is voluntary on your part and you may withdraw your consent at anytime. Please understand that your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

The Right to Participate – You have the right to participate in decision-making through attendance at meetings and other involvement that allows your point of view to be considered.

This includes your right to bring other individuals who have knowledge or special expertise regarding your child to meetings. Meetings to discuss the service recommendations for your child must be scheduled with you at a mutually convenient time. If you require an interpreter, the Department of Education must provide one.

The Right to Challenge – You have the right to challenge school decisions made regarding your child. You can request Mediation, an Impartial Hearing or challenge any decisions which affect your child's education or to resolve differences. If you require an interpreter, the Department of Education must provide one.

The Right to Appeal – You have the right to appeal the decision of an Impartial Hearing Officer to the New York State Review Officer, or to seek court review of the State Review Officer's decision. You may also oppose appeals initiated by the Department of Education.

The Right to Have an Additional Parent Member at the IEP Meeting – You have the right to request an Additional Parent Member attend the IEP meeting by making that request at least 72 hours prior to the scheduled date of the IEP Meeting.

You also have the right to obtain and/or examine copies of your child's school records. You have the right to receive and consider all reports and evaluations before an IEP Team meeting.

section 6

After High School—College, Career and Post-Secondary Planning

High school graduation marks an important completion stage in the development of a young adult.

Preparing for life after high school requires that students and parents understand how students' academic programs—the courses and exams that they take through middle and high school—align with their post secondary goals.

- **Advanced Regents Diploma**

- **Regents Diploma**

- **Local Diploma**

- **Non-Diploma Commencement Credentials**

- Career Development and Occupational Students (CDOS) Commencement Credential
- Skills and Achievement Commencement Credential.

Planning in middle school and high school will ensure that your child has the greatest number of options after high school.

All students should receive an education that affords them the greatest opportunities for college, career and post-secondary activities. New York State recently adopted a new set of learning standards known as the Common Core Learning Standards.

Plan for graduation.

What are the diploma requirements?

– see page 42



You must receive written notice prior to your child's graduating from high school with an Advanced Regents, Regents, or Local diploma to inform you that your child is no longer eligible to receive a Free Appropriate Public Education (FAPE) after graduation. If your child exits with either the Career Development and Occupational Studies (CDOS) Commencement Credential or the Skills and Achievement Commencement Credential as his or her sole exiting credential, the student must receive written assurance that he or she is eligible to attend school through the school year in which he or she turns 21.

High School

As the parent of a middle school child, you will have to go through the high school admission process. Please note that students with disabilities have the same rights and opportunities to apply to any high school as their non-disabled peers. You and your child should begin to attend high school fairs when your child is in seventh grade. High school fairs occur in the fall semester. High schools from all over the city are represented at these fairs: staff, students and parents are at the exhibits tables and available to answer questions. For more information on the high school admission process, please visit: <http://schools.nyc.gov/NR/rdonlyres/531C5296-BC35-43E0-BD29-2D7E29BAB2C7/0/AcpolicySWD.pdf>

All students, including students with disabilities, are encouraged to work toward the highest diploma option available. Once in high school, you should work closely with your child, his/her guidance counselor and teachers to plan and track both academic and personal accomplishments to optimize your child's opportunities after high school. Below is an overview of the high school diploma and commencement credentials available to students with disabilities.

For the most up to date information on graduation requirements, and other valuable resources in planning your child's middle and high school path, please visit: <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm>

Diploma Requirements

To earn a diploma, students must earn 44 credits and pass specific state exams:

- 8 English credits
- 8 social studies credits (4 in global history, 2 in United States history, 1 in government, and 1 in economics)
- 6 mathematics credits
- 6 science credits (minimum of 2 life science and 2 physical science credits)
- 2 language other than English credits (6 credits for the Advanced Regents diploma)
- 2 arts credits
- 4 physical education credits
- 1 health credit
- 7 elective credits (3 credits for the Advanced Regents diploma)

A student with a disability may be exempt from meeting the languages other than English requirement if his or her IEP indicates that the requirement is not appropriate due to his or her disability.

Exams

Students must pass five Regents exams to earn a Regents diploma (English, Global History and Geography, United States History and Government, a math Regents, and a science Regents). Students with disabilities may earn a Local diploma through the Safety Net by fulfilling alternative exam requirements. Students may earn an Advanced Regents diploma by passing additional Regents exams. Please visit <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm> for more information."

Diplomas Requiring Examinations

All students are eligible to receive an Advanced Regents diploma, a Regents diploma and a Local

diploma. Students are required to take particular Regents exams to be eligible to receive these diplomas. All students may take the Regents more than once.

For the most up to date information on graduation requirements and other valuable resources in planning your child's high school path, please visit <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm>

Commencement Credentials

In addition to the diploma options described, students with IEPs may earn commencement credentials. These credentials replace the IEP diploma; the last IEP diplomas were issued in June 2013.

- Career Development and Occupational Studies (CDOS) Commencement Credential
- Skills and Achievement Commencement Credential

These credentials are not equivalent to a high school diploma and do not guarantee qualification for employment where a high school diploma is required. Rather they provide opportunities for students to develop and demonstrate mastery of the skills that may help them succeed in work experiences after high school. Students with disabilities, like all students, should be encouraged to pursue the highest diploma option available. Students who receive these credentials are eligible to continue attending school until earning a high school diploma or until the end of the school year of their 21st birthday (whichever occurs first).

The CDOS Commencement Credential recognizes student preparation for entry-level work through achievement of the Career Development and Occupational Studies (CDOS) learning standards. Students with IEPs who participate in standard New York State assessments may receive this credential upon completion of a career plan, employability profile, and 216 hours of career preparation experiences, including at least 54 hours of work-based learning. The CDOS Commencement Credential may only be awarded as a supplement to a diploma or as the sole exiting credential after at least 12 years of education, excluding kindergarten.

The Skills and Achievement Commencement Credential recognizes students' skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-school living, learning, and working. This credential may only be awarded to students with severe disabilities who participate in the New York State Alternate Assessment (NYSAA) after at least 12 years of education, excluding kindergarten.

Transition Services and Post-Secondary Options

Transition services are defined by law as a coordinated set of activities which are designed to prepare the student for outcomes that are envisioned for the student in adult life. Outcomes may include postsecondary education, including 2 and 4-year college, employment, vocational training, adult education, adult services, independent living, and community participation. The set of activities for each student needs to be based on the student's individual needs, preferences, and interests. The activities must include instruction, community experiences, and development of employment or other post-school adult living objectives.

The activities are student-specific, taking into account the student's strengths, preferences and interests, and are based on and support the student's post-secondary goals, and transition needs. The school based or district CSE should identify the transition needs, which focuses on the student's courses of study as they relate to transition from high school to post-secondary school activities. Examples of courses of study might include school curriculum coursework, advanced placement courses and/or sequence of courses in a career and technical education field related to the student's post-secondary goals.

A Coordinated Set of Activities addresses the following areas:

- Instruction and/or specific courses that the student might need to prepare for post-secondary school living. Instruction may include specific general and/or special education course instruction, and/or instruction to learn a particular skill (e.g., problem solving skills).
- Related Services that the student may need to support the student in attaining projected post-school outcomes (e.g., counseling, job coaching, speech therapy).



- Employment, or other post-school adult living services or activities the student needs to prepare for employment and meeting other post-secondary school adult living objectives (e.g., participation in a work experience program, assistance with completing college or employment applications, practice in interviewing skills).
- Community Experiences—activities a student needs to participate in the community or learn to access community resources (e.g., after school jobs, internships, community recreational activities) to achieve his or her projected post-school outcomes.
- Activities of Daily Living (ADL), if appropriate to the needs of the student, are the services or activities that will assist the student in daily living skills.
- Functional Vocational Assessment (FVA) is an assessment to determine a student's strengths, abilities and needs in an actual or simulated work setting or in real work sample experiences. The IEP must indicate if the student will need a functional vocational assessment as a transition service or activity. It is important to discuss and plan for your child's transition activities once he or she turns 15 so that he or she will be able to maximize post-secondary options.

Adult Career and Continuing Education Services–Vocational Rehabilitation (ACCES-VR)

Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) provides the opportunity each year for individuals with disabilities to become independent through employment. ACCES-VR is an office of the New York State Education Department, and provides job-readiness and preparation services to eligible individuals. ACCES-VR also assists people with disabilities who are having difficulty keeping their jobs.

A referral to ACCES-VR, two years prior to school exit, prevents an interruption in services and will help the student transition to adulthood. ACCES-VR offices are located in each of the five boroughs.

Borough District Office	Phone Number	Address
Bronx	718-931-3500	1215 Zerega Avenue Bronx, NY 10462
Brooklyn	718-722-6700	New York State Office Building 55 Hanson Place, Second Floor Brooklyn, NY 11217
Manhattan	212-630-2300	116 West 32nd Street, 6th Floor New York, NY 10001
Harlem Satellite Office <i>Serving 110th St. to 155th St.</i>	212-961-4420	Adam Clayton Powell, Jr. State Office Building 163 W. 125th Street, 7th Floor, Room 713 New York, NY 10027
Queens	347-510-3100	11-15 47th Avenue, Long Island City, NY 11101
Staten Island Satellite Office	718-816-4800	2071 Clove Road, Suite 302 Staten Island, NY 10304

For more information, visit the ACCES-VR website at: <http://www.acces.nysed.gov/vr/>
www.fcny.org/train/trainhtml/geninfo.htm

Additional Important Information

Glossary of Terms

Accommodations: Tools and procedures that provide equal access to instruction and assessment for students with disabilities. Designed to “level the playing field” for students with disabilities, accommodations are generally grouped into the following categories:

- Presentation (e.g., repeating directions, reading aloud, using larger bubbles on answer sheets, etc.);
- Response (e.g., marking answers in book, using reference aids, pointing, using a computer, etc.);
- Timing/Scheduling (e.g., extended time, frequent breaks, etc.);
- Setting (e.g., study carrel, special lighting, separate room, etc.).

Adapted Physical Education (APE): A specialized physical education program for children with disabilities who may not safely or successfully participate in the regular physical education program.

Adoptive Parents: Adults who have been granted responsibility for a child through legal adoptive proceedings that relinquish or terminate the rights of birth parents.

Alternate Placement: A temporary placement provided for students recommended for bilingual classes but for whom a bilingual teacher/class is not available. A bilingual paraprofessional may be assigned to work with the student in class with a monolingual teacher who has been trained in English as a Second Language approaches and methodology.

Alternative Services (also known as intervention/prevention services): Services provided to general education students who are having difficulty in school. These services are an alternative to special education for students who are not classified as disabled or prior to a referral for a special education evaluation. Alternatives to special education may include reading and math remediation programs, guidance services and speech and language therapy that are provided within the school prior to referral for a special education evaluation.

Annual Goals: Goals written on the IEP that describe what the child is expected to achieve in the disability related area(s) over a one-year period.

Annual Review: A review of a disabled student's special education services and progress that is completed at least once each school year by the student's teacher(s) at a CSE meeting. Changes

in special education services may or may not be recommended at this time.

Articulation: A process that begins each spring to determine a student's movement from elementary to middle or from middle to high school within the same program.

Assessment: The process of collecting information about a student's strengths and weaknesses to improve his or her educational program. The information collected through tests, observations and interviews will assist the team in determining the child's levels of functioning and educational needs.

Assessment Authorization: A letter to parents that informs them of their right to obtain an independent evaluation for their child by a non-Department of Education independent provider at Department of Education expense.

Assistive Technology Devices and Services: An Assistive Technology Device is any piece of equipment, product or system that is used to increase, maintain or improve the functional capabilities of a child with a disability (e.g., a communication device, FM unit, computer access). An Assistive Technology Service is any service that directly helps a child with a disability select, acquire or use an assistive technology device. Any assistive technology or services your child requires must be listed in his or her IEP. If you think your child needs assistive technology, you may request an assistive technology evaluation.

Audiological Evaluation: A specialized hearing assessment conducted to determine whether or not a student has a significant hearing loss.

Authorization to Attend Letter: A notice sent to parents after they have consented to special education services indicating the date on which the student will begin to receive the recommended special education services.

Behavior Intervention Plan (BIP): A plan to address problem behavior that includes, as appropriate, positive behavioral interventions, strategies and supports, program modifications and supplementary aids and services that may be required to address the problem behavior.

Bilingual Evaluation: An evaluation conducted in both English and a child's preferred language by professionals who understand both languages. The evaluation may be conducted by a Department of Education bilingual evaluator, an evaluator employed by an agency under contract to the

Department of Education, a non-Department of Education independent evaluator or a monolingual evaluator with an interpreter.

Bilingual Instruction:

Dual Language (DL): Dual Language programs provide instruction in two languages. The goal of the DL model is to develop bilingualism in both languages. Students become proficient in reading, writing, and speaking in English and in the target language of the program (e.g., Spanish, Chinese). The DL model used by the school is based on student demographics in the school and district; however, ELLs receive priority enrollment in DL programs. The amount of instructional time dedicated to each language can vary by model and school (e.g., 60% English/40% Spanish). ELLs enrolled in DL programs receive ESL instruction as a part of their academic schedule.

Transitional Bilingual Education (TBE):

Transitional Bilingual Education programs provide instruction in English and students' native languages. The goal of the TBE model is for students to develop English proficiency, by gradually reducing the amount of instruction in their native language. Schools provide English Language Arts (ELA), Native Language Arts (NLA), and subject area classes in students' native languages and in English. As students develop English proficiency, time spent learning in English increases and native language instruction decreases (e.g., Year 1: 60% Spanish/40% English; Year 2: 50% Spanish/50% English).

Career Development and Occupational Studies (CDOS) Commencement Credential:

This non-diploma commencement credential is available to students with IEPs who participate in standard assessments, upon the elimination of the IEP diploma after June 2013. It may be issued as an endorsement to an Advanced Regents, Regents, or Local diploma or as the student's sole exiting credential. The CDOS Commencement Credential recognizes student mastery of the career development and occupational studies (CDOS) learning standards and the completion of a career preparation program. The credential is designed to provide students with IEPs with structured, rigorous opportunities to develop the skills required to succeed in work after high school. Students less than 21 years old exiting with the CDOS as their sole credential must be provided with a written assurance of their eligibility to attend school and work toward earning a diploma until the end of the school year in which they turn 21.

Chancellor's Regulations: A set of rules written for NYCDOE schools related to students, families, school staff, and school operations.

Child Find: Ongoing activities undertaken by states and local school districts to locate, identify and evaluate all children residing in the city who are suspected of having disabilities so that a Free Appropriate Public Education (FAPE) can be made available to all eligible children, including all children in public, private and parochial schools.

Class Size: The maximum number of students permitted in the recommended services and/or class. This is indicated in the IEP.

Classification: This term is taken from New York State law and refers to types of disabilities.

Classroom Observation: The process of observing a student during the school day in the classroom and other school settings to see how learning occurs and what behaviors are exhibited.

Clinician: Another term used for a Department of Education assessment professional, such as a school psychologist or school social worker.

Commissioner's Regulations: State Education Department guidelines based on Federal and State education laws that specify, among other things, the steps school districts must follow in the special education referral, evaluation and placement process.

Committee on Special Education (CSE): The Committee on Special Education (CSE), previously referred to as the as the IEP Team, is a full committee or subcommittee of members who share information and work together to determine whether your child has a disability and requires special education services, and if so, what services are appropriate. If the CSE, based upon the evaluation(s), determines that your child has a disability and that special education services are necessary, an IEP will be developed at the CSE meeting. CSE members include, but are not limited to: a general education teacher; special education teacher; school psychologist; social worker; district representative; you, the parent; and your child.

School-based CSEs are responsible for all students 5 to 21 years of age who attend a public school. The district CSEs are responsible for all students 5 to 21 years of age who attend a school within the geographic boundaries of the districts that is a private school; parochial school; charter school; and a State approved non-public school.

The district CSEs are also responsible for students who reside within the geographic boundaries of the districts that are served by the Committee on Special Education Office and who are:

- Students attending non-public schools outside New York City and New York State;
- Students who receive home or hospital instruction as their placement on their IEP (please note that this does not include students on temporary home instruction, as these students are expected to return to their prior school);
- Students who are being home-schooled; and
- Students who are non-attending.

Common Core Learning Standards:

The Common Core standards provide a clear picture of what students need to learn each year in order to graduate from high school ready to succeed in college and careers. To learn more about Common Core Learning Standards, visit <http://schools.nyc.gov/Academics/CommonCoreLibrary/About/default.htm>

Confidentiality: The obligation of the Department of Education to maintain the student's special education records in a manner that assures that only appropriate staff has access to the student's IEP and records.

Consent: Consent must be "informed," which requires more than obtaining a parental signature. The following steps are taken for informed consent to be obtained:

- You must be fully informed, in your preferred language or other mode of communication, of all information relevant to the activity for which consent is sought. Also, you must be notified of the records of your child that will be released and to whom they will be released. This includes providing you with information about what testing will be completed, if any, and where the testing will take place;
- You must understand and agree in writing to the activity for which consent is sought; and
- You must be made aware that the consent on your part is voluntary and may be revoked at any time. However, if you revoke consent, understand that revocation is not retroactive, meaning that it does not negate an action that has occurred after you gave consent and before the consent was revoked.

Continuum: The range of education services in the Department of Education to support

educating children with disabilities in the least restrictive environment.

Covered Languages: "Covered language" refers to any of the most common languages other than English used by DOE students and their parents. Currently, the DOE has identified nine covered languages which, together with English, are the primary languages used by over 95% of DOE students and their parents. These languages are: Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish and Urdu.

District CSE Record or District CSE File: All of the student's referral, evaluation and placement materials including due-process notices, IEPs and school reports.

Deaf-Blindness: A student with both hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for students with deafness or students with blindness.

Deafness: A student with 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 the student's educational performance.

Declassification: A school based or district CSEs determination that a student no longer needs special education services.

Declassification Support Services: Services to support a decertified student to make the transition back to general education classes with no special education services. Declassification services may be provided for up to one year from the date of decertification and may include instructional supports and modifications, speech and language services, counseling services, etc.

Deferred Placement: During the CSE meeting, discussion will include a decision as to whether or not the recommended special education services should begin immediately. It may not be in a student's best interests to immediately implement the recommended special education services. This is referred to as a "deferred" placement and requires consent from the parent.

Due Process: The provision in law that guarantees and protects the rights of parents, students and the Department during the referral, evaluation and placement process.

Due Process Complaint: Also called a Request for an Impartial Hearing, this is a written complaint filed by a parent or a school district involving any matter relating to the identification, evaluation, educational placement or provision of a free, appropriate, public education to a student with a disability. This may result in an Impartial Hearing.

Due Process Hearing (Impartial Hearing): A legal proceeding before an Impartial Hearing Officer who is not an employee of the New York City Department of Education. Both the parents and the school district present arguments, witnesses, if any, and evidence.

Emotional Disturbance: A student who exhibits one or more of the following characteristics over a long period of time and to a marked 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 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.

English Language Learner (ELL): A student who speaks a language other than English at home and scores below a state-designated level of proficiency in English on either the NYSITELL and/or the NYSESLAT.

English as a Second Language (ESL): English as a Second Language (ESL) is provided to ELLs to help them learn English and succeed in all subject areas, such as language arts, math, and science. Depending upon the needs of your child, ESL will be provided as a separate class or may be provided by the ESL teaching going into a subject class to support your child.

Native language support is available to help students accelerate their understanding in subject areas. Native language assistance is supported by activities such as encouraging students to discuss subject matter with peers in the native language, allowing students to use the native language to write explanations of what they understand, and providing native language textbooks, libraries, dictionaries, reference materials, and technology resources for students to use in the classroom.

Exit Summary: Schools must provide a summary prior to school exit for students whose eligibility for special education services terminates due to graduation from secondary school with a regular diploma or due to turning 21 years of age. Students who earn a Career Development and Occupational Studies (CDOS) Commencement Credential as the sole exiting credential, or a Skills and Achievement Commencement Credential must receive prior written assurance that he/she continues to be eligible to attend school through the school year in which he or she turns 21 or until the receipt of a Regents or local high school diploma.

Flexible Programming: Flexible programming means that a student receives use any combination special education services and programs available on the full continuum of what can be offered. The services and programs on a student's IEP do not have to be the same for the entire day. Instead, using flexible programming, a student receive the precise level of support that is appropriate for each content area. Flexible programming involves meeting each student's needs in the least restrictive environment appropriate. When using flexible programming effectively, schools develop special education service delivery models that are unique to each student and focus on increasing access to the general education curriculum. It is important to keep in mind that the needs of students must match the services delivered. The range of special education programs and services are described below and are part of the Unified Service Delivery System.

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction, and without charge to the parent.

Functional Behavioral Assessment (FBA): A problem-solving process for addressing student problem behavior. FBA relies on a variety of techniques and strategies to identify the reasons for a specific behavior and to help school based or district CSEs select interventions that directly address the problem behavior.

General Education Curriculum: The body of knowledge and range of skills that all students, including students with disabilities, are expected to master.

Hearing Impairment: An impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of Deafness.

Health Services: A type of related services provided to students who are identified as having medical and/or health needs that require the assistance of a nurse or health paraprofessional during the school day. Examples of this service may be feeding, ambulation, suctioning or catheterization.

High School Diploma: A certificate awarded to show that a student has successfully completed the courses and exams required to graduate from high school.

Home Instruction:

Home instruction may be recommended by the relevant school based or district CSE for students with disabilities who have a medical or psychological illness which prevents the student from attending a public or private facility for an extended period of time (i.e., one year or longer).

Home Language Identification Survey (HLIS):

A parent questionnaire to determine whether or not a language other than English is spoken in the student's home. Copies in fifteen languages, including English, are available for download here <http://schools.nyc.gov/Academics/ELL/FamilyResources/Parent+Information.htm>

Hospital Instruction: An educational service provided on a temporary basis to students who are hospitalized for medical conditions that prevent them from attending school.

Independent Evaluation: An assessment conducted by an individual not employed by the Department of Education. This evaluation will be paid for by the Department of Education only if the Department of Education's evaluation is determined by an Impartial Hearing Officer to be inappropriate or the DOE agrees to pay for an independent evaluation. This is not the same as an evaluation that a parent pays for on his or her own or through insurance ("private evaluation").

Individuals with Disabilities Education

Improvement Act (IDEIA): 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 to the year the student turns 21 years or graduates with a high school diploma.

Interim Alternative Educational Setting

(IAES): A setting other than the student's current placement that enables the student to continue to receive special education services.

Interpreter/Translator: A person who speaks the parent's preferred language/mode of communication or the child's language and interprets meetings for the parent and/or assessments for the student.

Least Restrictive Environment (LRE):

"Least Restrictive Environment" means that placement of students with disabilities in special classes, separate schools or other removal 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. In order for each student's individual least restrictive environment to be provided, students may receive flexible programs so that the level of service matches the student's need for that subject area. In doing this, some services and programs may be recommended part time.

Limited Mobility: Students who have specific mobility impairments, whether physical or sensory, for whom the design of buildings may pose barriers and who, therefore, must be offered access to programs to the extent required by law.

Management Needs: The amount of adult supervision and any necessary environmental modifications required to meet a student's needs. This must be indicated in the IEP.

Manifestation Determination Review (MDR):

When a student with a disability is removed from his or her educational placement (either due to suspension(s) or teacher removals) for (i) more than 10 school days in a row, or (ii) a removal that, cumulatively, results in total removals of more than 10 days in a school year where the removal constitutes a pattern, the student is entitled to a Manifestation Determination Review (MDR). The MDR team considers all relevant information in the student's file, and results in a decision about whether or not the conduct in question (i) was caused by, or had a direct and substantial relationship to, the student's disability, or (ii) was due to the school's failure to implement the student's Individualized Education Program (IEP). If the MDR team determines that the either of the possible outcomes above is applicable, the student may not be suspended or removed from his or her placement (and if already removed, must be returned to his or her placement), except in limited circumstances. More information about the Manifestation Determination Review (MDR) process is available at <http://schools.nyc.gov/Academics/SpecialEducation/Classroom/behavior/disciplinary-action.htm> and on page 202 of the New York State Education Department's

Procedural Safeguards for Student with Disabilities Subject to Discipline <http://www.p12.nysed.gov/specialed/lawsregs/Part201-Dec2010.pdf>.

Matron: A person who assists students on the special education bus while riding to and from school.

Mediation: A confidential, voluntary process that allows parties to resolve disputes without a formal due process hearing. An impartial mediator helps the parties to express their views and positions and to understand the other's views and positions. The mediator's role is to facilitate discussion and help parties reach an agreement, not to recommend solutions or take positions or sides. If parties reach agreement, that agreement is binding and may not be appealed.

Medical Examination: A doctor's report on a student's physical and medical condition that is taken into consideration during the CSE meeting.

Modifications: Describes a change in the curriculum. While accommodations are changes in formats or procedures that enable students to participate readily rather than be limited by disabilities, modifications are more extensive changes of both difficulty level and/or content quantity. Modifications are made for students with disabilities who are unable to comprehend all of the content an instructor is teaching. For example, assignments might be reduced in number and modified significantly for an elementary school student with cognitive impairments that limit his or her ability to understand the content in the general education class in which they are included.

Multidisciplinary Evaluation: The complete assessment of students by the evaluation team to determine if the student is disabled and requires special education services. This is also called a Multidisciplinary Assessment.

Neurological Evaluation: A specialized assessment conducted by a neurologist to determine if the student exhibits signs of a brain dysfunction that may affect learning.

New York State English as a Second Language Achievement Test (NYSESLAT): The NYSESLAT is taken by English Language Learners (ELLs) in kindergarten through grade 12. They will continue to receive ESL and bilingual services until their scores on the NYSESLAT indicate that they have gained proficiency in English and no longer need additional support.

New York State Identification Test for English Language Learners (NYSITELL):

A test given to determine a student's level of proficiency in English and need for bilingual/ESL instructional services. For more information about NYSESLAT, including instructions for ordering materials, click www.p12.nysed.gov/assessment/nysitell. For an introduction and overview of the guide, including testing specifications, question types, language skills tested, and writing and speaking rubrics, click here. For questions, contact your network assessment liaison. For questions regarding the training sessions, contact your Senior ELL CPS <http://schools.nyc.gov/NR/rdonyres/3E8548AB-3824-4328-91CE-18F2399599BA/0/SeniorELLComplianceandPerformanceSpecialistApril2014.pdf>

New York State Approved Non-Public School:

A school that provides a publicly funded special education program and that is not part of the New York City Department of Education.

Non-Disabled: A student who is not classified as having a disability and receives no special education services.

Non-Public School Eligibility Notice (P1-R):

When a Prior Written Notice (formerly known as Final Notice of Recommendation) for a special class has not been offered to a student on or before the 60th school day from the date of consent for initial referrals or from the 60th school day of receipt of referral for previously identified students, the Department is obligated to provide the parents with a letter (**P1-R**) on the 60th day that entitles the student to placement in a State approved non-public school at public expense.

If, however, there is documented parental delay (e.g., the parent refuses to consent to initial evaluations, the student moves out of New York City, the principal and parent agree to withdraw the referral, the referral is withdrawn by the referring party or the parent requests an independent evaluation that is completed beyond the compliance timeline), the Department may refrain from sending the **P1-R** to the parent for a period of time beyond the original 60th school day equal to that attributable to the period of substantial parental delay.

Notice of Referral: A letter sent to parents in their preferred language, if it is in one of the covered languages as defined by the DOE, no more than five days after the receipt of a referral.

Office of Student Enrollment (OSE): The central Office of Student Enrollment facilitates student placement, enrollment, zoning and choice programs on a citywide basis for all grade levels.

Other Support Services: Related services provided to students who require developmental or corrective assistance to be maintained in their current educational programs.

Paraprofessional: A person who provides assistance (e.g., behavior management, health services, transportation or toileting, awaiting placement services, alternate placement services, or sign-language interpretation) either to the entire class or an individual or group of students.

Parent Member: A parent of a child with a disability in the school district who participates in CSE meetings and assists a parent of a child with a known or suspected disability in making educational decisions for his or her child. Parents have the right to request participation of the Parent Member at CSE meetings.

Pendency: When a party requests an Impartial Hearing or participates in mediation, pendency, a “stay-put” provision, allows the student to remain in his or her “last-agreed-upon placement” until the Impartial Hearing process (including all appeals) is complete, unless the parent and the school based or district CSE agree in writing to an alternative.

Persons in Parental Relationship: A person in parental relationship to the child, as defined in New York Education Law, including a father or mother (by birth or adoption), a stepfather, a stepmother, a legally appointed guardian or a custodian. A custodian is someone who has assumed the charge and care of a child because the parents or guardian have died, are imprisoned, are mentally ill, have been committed to an institution, or have abandoned or deserted the child or are living outside the state or their whereabouts are unknown.

Pursuant to Title 15-A of the General Obligations Law, which allows parents to voluntarily designate someone else to make educational decisions for their child, a person may be designated as a person in parental relation. The designation must be in writing and can be for no longer than six months at a time. If the designation is for longer than 30 days, it must be notarized and signed by the designee as well as the parent.

The person acting in parental relationship is called on by the school based or district CSE for involvement and consultation throughout the special education process. If the birth parents return to the student’s life at any time and assume parental responsibility, the school based or district CSE involves them in the decision-making process and no longer recognizes the other parenting relationships that existed prior to the parent’s return.

Preferred Language: The language that a parent feels most comfortable speaking. This may or may not be the language regularly spoken at home.

Prior Written Notice: Written statements from the school district that inform the parents about recommendation(s) relating to the initiation or change in the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student.

Psychiatric Evaluation: A specialized assessment conducted by a psychiatrist to determine a student’s ability to relate to the environment and the level to which emotional problems interfere with learning.

Psychological Evaluation: An assessment conducted by a licensed psychologist to measure a student’s strengths and weaknesses in overall learning abilities and how he/she relates to other children and adults.

Recommendation: A determination of the provision of special education services made at an CSE meeting.

Reevaluation: An updated evaluation(s) for a student with a disability. A request for this can be made by the student’s teacher, parent or school district. Additionally, students with disabilities must be reevaluated once every three years, except when the district and parent agree in writing that a reevaluation is not necessary. A reevaluation may not be conducted more than once a year unless the school and the parent agree otherwise.

Referral: A referral begins the evaluation and placement process to determine whether the student has a disability and requires special education services.

Regular Education: See General Education curriculum.

Related Services: Services that may be given to special education students to help support and assist their participation in their school program. These services must be recommended on the IEP

and are provided either individually or in groups of no more than five. Services include: counseling, school health services, hearing education services, occupational therapy, physical therapy, speech/language therapy, vision education services, orientation and mobility services and "other support" services.

Related Services Authorization (RSA):

An RSA is an authorization letter given to parents that allows them to obtain the services of a non-Department of Education independent provider of specific related services at Department of Education expense when the Department of Education has been unable to provide these services for the student within the required timelines.

Requested Review: A CSE meeting to review the child's IEP to determine if it continues to meet his or her needs. This review may be requested at any time by a parent, a teacher or other school staff member.

Response to Intervention (RtI): A instructional approach and preventative tool used by schools to ensure that all students have equal access to high-quality, rigorous instruction that is matched to their needs.

Resolution Session: A mandatory meeting that the school district must convene within 15 days of receiving the parents' due process complaint. The resolution session includes parents, members of the school based or district CSE relevant to the complaint and a representative of the school district who has decision-making authority.

Safety Net: This option allows students with disabilities to earn a Local Diploma by fulfilling alternative exam requirements. Students with IEPs and students with disabilities who were declassified in grades 8-12 but whose last IEP specified Safety Net are eligible for this option. These students can graduate by earning lower scores on Regents exams or passing alternative exams as described here: <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm>.

Short-Term Objectives: The specific steps that will be taken so the student can meet his or her annual goals. They provide direction to the teacher or providers on how to meet the annual goal and how to measure the student's progress in meeting the goal. These short-term objectives are written by the school based or district CSE and indicated in the student's IEP *only* when the student participates in alternate assessment.

Skills and Achievement Commencement

Credential: This non-diploma commencement credential is available to students with IEPs who participate in alternate assessment (NYSAA) and have attended school for at least 12 years, excluding kindergarten. It must be accompanied by documentation of the student's skills, strengths, and levels of independence in academic, career development and foundation skills needed for post-school living, learning and working. For students less than 21 years old, the credential must be provided with a written assurance that the student continues to be eligible to attend school and work toward earning a diploma until the end of the school year in which the student turns 21.

Social History: An interview with parents concerning a student's health, family and school background, including social relationships, that is used as part of a student's evaluation.

Special Class: Special Class Services are services provided for children with disabilities in a self-contained classroom. They serve children whose needs cannot be met within the general education classroom, even with the use of supplementary aids and services. In self-contained special classes, students must be grouped by similarity of educational needs. Classes may contain students with the same disability or with different disabilities as long as they have similar levels of academic and learning characteristics, levels of social development, levels of physical development and management needs.

Special classes offer different levels of staffing intensity depending upon the student's academic and/or management needs.

Specially Designed Instruction: Ways that special education professionals adapt the content, methodology (approaches to teaching certain grade-level content), or the delivery of instruction to address the unique needs that result from the child's disability. Specially designed instruction should also ensure that the eligible child has access to the general curriculum so that he or she can meet the educational standards of the school district that apply to all children.

Speech or Language Impairment: A student with a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects the student's educational performance.

Surrogate Parents: To ensure the rights of the student are protected, in the following circumstances, a person may be appointed by the

Department as a “surrogate parent” to act in the place of parents or guardians:

- No parent can be identified;
- After reasonable efforts, the Department cannot discover the whereabouts of the parent;
- The student is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Act;
- The student is a Ward of the State and does not have a parent who meets the definition of parent. A Ward of the State is a child or youth under the age of 21 who has been placed or remanded through a juvenile delinquency, PINS or child protective proceeding; is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or is a destitute child not being cared for in his or her home.

Surrogate parents are not officers, employees or agents of the Department of Education or the State Education Department or any other agency involved in the education or care of the student.

Transition Services: A coordinated set of activities that:

- Improves the academic and functional skills of the student in order to facilitate the student’s movement from school to post-school activities such as post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation;
- Is based on the individual student’s needs, taking into account his or her strengths, preferences and interests, and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational evaluation.

Transitional Support Services: Transitional support services, such as consultation and/or training, may be provided to staff (generally for

30 days) who work with children with disabilities as they move into less restrictive settings. Although transitional support services are provided to teachers, the benefit extends to the child with a disability.

Travel Training: A service that teaches high school-aged students to travel to and from school or to and from the work-study site safely and independently.

Twelve-Month School Year Services

(also known as extended school year services):

Twelve-Month School Year Services are provided to students with severe disabilities who require the continuity of education in order to prevent substantial regression in their developmental levels during July and August. This must be recommended by the school based or district CSEs and indicated on the IEP. Parents must consent to extended school year services.

Visit A Class: Parents may visit the school where their child will receive special education services. The parents may be shown a class that is an example of the program the student is recommended to receive.

Vocational Assessment: Students age 12 and those referred to special education for the first time that are age 12 and over receive a Level 1 Vocational Assessment that includes a review of school records, teacher assessments, and parent and student interviews to determine vocational skills aptitudes and interests. The Level 1 Vocational Assessment is updated at each annual IEP meeting. The team focuses on the student’s educational program, and aligns it with possible postsecondary outcomes by exploring careers, college readiness, living situation and supports the student will need postsecondary school.

Work-Study: Opportunities for secondary students to participate in educational, vocational and work-related experiences in preparation for the adult world.

**New York City Department of Education
Contact Information for the Committee on Special Education Offices**

District CSE	Districts	Address	Phone Number
1	7 9 10	One Fordham Plaza, 7th Floor Bronx, New York 10458	(718) 329-8001
2	8 11 12	3450 East Tremont Avenue 2nd Floor Bronx, New York 10465	(718) 794-7490 or (718) 794-7429
3	25 26	30-48 Linden Place Flushing, New York 11354	(718) 281-3461
3	28 29	90-27 Sutphin Boulevard Jamaica, New York 11435	(718) 557-2553
4	24 30	28-11 Queens Plaza North 5th Floor Long Island City, New York 11101	(718) 391-8405
4	27	Satellite Office 82-01 Rockaway Boulevard 2nd Floor Ozone Park, New York 11416	(718) 642-5715
5	19 23 32	1665 St. Marks Avenue Brooklyn, New York 11233	(718) 240-3558 or (718) 240-3557
6	17 18 22	5619 Flatlands Avenue Brooklyn, New York 11234	(718) 968-6200
7	20 21	415 89th Street Brooklyn, New York 11209	(718) 759-4900
7	31	715 Ocean Terrace Building A Staten Island, New York 10301	(718) 420-5700
8	13 14 15 16	131 Livingston Street 4th Floor Brooklyn, New York 11201	(718) 935-4900
9	1 2 4	333 7th Avenue 4th Floor New York, New York 10001	(917) 339-1600
10	3 5 6	388 West 125th Street New York, New York 10027	(212) 342-8300

للحصول على نسخة باللغة العربية من هذه الوثيقة، نرجو الاتصال بمنسق شؤون الآباء بمدرستك، أو زيارة الموقع الإلكتروني أدناه.

এই নথির বাংলায় অনূদিত কপির জন্য আপনার স্কুলের প্যারেন্ট কোঅর্ডিনেটরের সঙ্গে যোগাযোগ করুন অথবা নিচের ওয়েবসাইট দেখুন।

如果您需要本資訊的中文版本，請向您子女學校的家長專員詢問，或者到下面的網址查看。

Pour consulter une version française de ce document, contactez le coordinateur des parents de l'établissement scolaire de votre fils(fille), ou visitez le site Internet indiqué ci-dessous.

Pou jwenn yon vèsyon dokiman sa a an Kreyòl Ayisyen, kontakte koòdonatè paran nan lekòl ou a, oswa ale nan sitwèb pi ba a.

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За переводом на русский язык обращайтесь к школьному координатору по работе с родителями или на указанный ниже вебсайт.

Para obtener la versión en español de este documento, comuníquese con el Coordinador de Padres de su escuela o ingrese al sitio web que figura más abajo.

اس دستاویز کی اردو اشاعت کے لیے اپنے اسکول کے والدین ربط دہندہ سے رجوع کریں یا ذیلی ویب سائٹ دیکھیں: