

**INSTRUCTIONAL SUPPORT SERVICES**

## Instruction

**SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS**

The Board of Education agrees that the responsibility of the school library is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the building principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.

Rules of the Board of Regents Section 21.4

Adopted: 3/22/05

Oyster Bay-East Norwich Central School District  
Oyster Bay, New York 11771

REQUESTS FOR RECONSIDERATION OF LIBRARY MATERIALS  
PROCEDURES\*

Should a parent of a student, a staff member or a resident of the school object to a specific book or material in the library and request reconsideration of the said book or material, the following steps will be taken:

1. All complaints to staff members shall be reported to the building principal involved, whether received by telephone, letter or in personal conversation.
  2. The complainant shall be supplied with a packet of materials consisting of the materials selection policy statement and the procedure for handling objections. This packet will also include a standard printed form which shall be completed and returned before consideration will be given to the complaint. If the complainant does not return this form within two weeks of receiving the packet, the objection will be considered withdrawn.
  3. All questioned material shall remain in the school pending a decision.
  4. Upon receipt of a written complaint form, the principal shall inform the District Superintendent. The principal shall then convene a school-level committee composed of the principal, the librarian, one additional teacher, a parent and a student (at the high school level).
  5. The committee shall meet to discuss the material. Using published criteria for professionally reviewing materials and the Selection Policy, the committee shall prepare a report containing their recommendations concerning the material. The committee will forward its decision to the District Superintendent.
  6. The principal shall notify the complainant of the decision.
  7. If the complainant is still dissatisfied, he/she may ask the Superintendent to review the matter.
  8. If the complainant disagrees with the Superintendent's decision, he/she may request a review by the Board of Education whose decision shall be considered final.
  9. Requests for review of the committee's decision or the Superintendent's decision shall be in writing stating why the decision of the committee and/or the Superintendent is incorrect.
- This procedure also may be used for textbooks.

## LIBRARY

The library provides an atmosphere for quiet reading and active research. Library staff are available to help teachers integrate library materials into the curriculum, teach students library skills and assist students and teachers in their research projects.

1. The media collection consists of a wide variety of information; i.e., books, periodicals (hard copy and microfiche), maps, pamphlets, computers, computer software, audiocassettes, videos, and video conferencing for distance learning.

Through an inter-library loan retrieval system, the school community can borrow from other libraries in New York State.

Books may be borrowed for a two-week period. If students want to extend their time, they can renew a book provided there is not a waiting list for that particular title.

Students are required to sign up at the main desk to use a computer. Sign-up is on a first come-first served basis for students who have computer ID cards. Students must display their ID cards while they're using the library's computers.

2. **Classes and Reserve Materials:** The State Education Department has mandated the development and implementation of programs which integrate library, media, and information skills into the curriculum grades 7-12.

To schedule classes and reserve materials for a successful experience for students, please follow these procedures:

- a. Arrange in advance with library staff when you wish to schedule your classes for research projects. The librarians are available to provide classroom instruction on research techniques before your class goes into the library. This will ensure that students have the skills necessary for their actual research. Please remember that you may sign up with the librarians to bring your entire class to the library, or you can send students individually or in small groups to work on research projects.
  - b. Plan with the librarians the topic and duration of the project. Make sure there is enough media available for your students by "walking through" the assignment. Leave a copy of the assignment with the librarians. You may find it necessary to request that materials be placed on reserve. The librarians will be happy to accommodate you whenever possible.
3. **Assignments:** Teachers giving assignments involving the use of materials in the library should give this information to the librarians at least two days in advance.
  4. The Oyster Bay High School library is for the entire school community to use for leisure reading and to access information for academic and personal research. Passes accompanying students who are sent to the library from study hall must indicate the reason students need to be in the library.

### Build Student Responsibility

**T**eachers like it when students do what they're asked. What teachers like even more is for students to take responsibility for keeping themselves organized, prepared, on task and engaged. But students don't learn responsibility on their own; it has to be modeled and taught.

Here are some ideas on how to give students responsibility, how to teach them to manage it well and how to help them see the consequences of their choices:

#### Write it down!

Having responsibilities written down in a list can help students:

- **Avoid feeling overwhelmed** by their responsibilities.
- **Remember specifically** what is expected of them.
- **See their progress** as they cross off accomplished tasks.

#### Let students learn from consequences

When students have to live with the consequences of irresponsible behavior, they are more likely to behave responsibly at the next opportunity.

- **Natural consequences** of an action happen without any outside action. A student who forgets her glove can't play baseball during P.E.
- **Logical consequences** are imposed, but relate to the behavior. The student might borrow a school glove, but then have to put away all equipment after the game.

Determine consequences ahead of time, and remember that students will abide by them more often if they have some input. Above all, consequences must be enforced firmly, fairly and consistently.

#### Give students input into their own responsibility

Students are more likely to follow through on responsibilities they choose themselves. Instead of just assigning tasks, let students divide them.

#### Make students responsible for their surroundings

At the end of the day or class, have students pick up scraps, empty trash and recycling bins, clean blackboards and straighten furniture.

Rotate duties so no one always has unpopular jobs. Your room will look great, and students are less likely to make a mess if they know *they* will have to clean it up.

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#### Three steps to building responsibility:

1. **Tell students exactly what you expect.**
  2. **Let them make the pertinent choices.**
  3. **Require them to live with the consequences.**
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#### Point out responsibility in others

Seeing others make responsible decisions encourages students to make their own. They're also more likely to be responsible if they know they'll be noticed.

- **Thank students** who fulfill responsibilities without having to be reminded.
- **Study a company** that has adopted an environmentally responsible practice.
- **Discuss public figures** who show responsible behavior.

#### Teach financial responsibility

Money management can be a good way for students to learn responsibility. The following simulations can open students' eyes and sharpen math skills, too!

- **Price groceries** and plan balanced meals on a fixed budget.
- **Compare car loans** or credit card plans. How much would they pay at different rates? Over different periods of time?

#### Calendars help make long-term assignments more manageable

Encouraging students to plan out long-term projects on a calendar can help them break assignments into manageable chunks. They will be able to see how they are progressing and anticipate upcoming time conflicts.

#### Show students that they are needed

Nothing shows students the importance of responsibility more than caring for someone or something who truly needs them.

- **Classroom pets** can teach lessons in many areas. Students can feed, exercise and groom them.
- **Younger grades** love attention from older students, who might read stories, officiate contests or teach a skill.
- **Elderly citizens** have much to teach students. Being a regular 'phone buddy' to a senior citizen can also be an important safety check in case the senior citizen is in trouble.

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog. . Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, disability, or ouse of a recognized guide dog, hearing dog or service dog.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-e, et seq.  
Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,42 United States Code (USC) Section 2000-d, et seq.  
Prohibits discrimination on the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

The Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, disability, or use if a recognized guide dog, hearing dog or service dog.

New York State Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

Age Discrimination in Employment Act, 29 United States Code Section 621

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## **INSTRUCTIONAL MODIFICATIONS FOR STUDENTS WITH SPECIAL LEARNING NEEDS**

Students with special learning needs are a challenge to any classroom. Success for these students is related to understanding individual needs and making appropriate modifications. In the middle grades, student success may require higher degree of modification than in later years. As the student progresses in the high school program, an increased focus on interdependence and self-advocacy skills will require that staff, students and families work closely to identify student strengths and on-going needs.

Below is a list of suggestions for working with students. They are offered as a guide. Not all of them will work with every student, and not all can be implemented in every classroom. Collaborative communication is a key element to the success of all our students. "Together" we will be successful!

- **small group instruction:** students are grouped according to specific need and provided instruction to address that need.
- **computer assisted instruction:** computers are used in initial learning or to reinforce instruction.
- **individual instruction:** specific instruction for an individual student is designed and implemented.
- **change of instructional group:** student's placement is changed to another group in order to better meet student's instructional needs.
- **team teaching:** students of more than one classroom are grouped according to need, and classroom teachers provide instruction in a limited number of subject areas.
- **use of volunteers:** adult volunteers are trained to provide assistance to students (area colleges, parent volunteers).
- **Peer tutoring:** other students (classmates or older students) provide student with assistance for subjects in which student is having difficulty.
- **use of peers as student helpers:** student helpers assist with taking notes, copying from board, recording homework assignments, etc., for students having difficulty with these tasks.
- **buddies program:** older and/or more mature students are paired with students who are experiencing difficulties in school or students who are in need of peer support.
- **in-school advocate/mentor:** a staff member is identified as the adult to whom students may express problems, concerns, or grievances, and who will in turn provide guidance and directions.
- **behavior modification:** behavior management techniques are used to systematically reduce undesired behavior, increase desired behavior and/or shape skill acquisition.
- **charting behavior/progress:** systematic recording of student behavior is used for the purpose of detecting minimal day-to-day changes or trends over time.

- use of routines: consistent daily routines are established; students are warned when these must change.
- student-teacher-parent contract: contract developed to address a specific student need area.
- crisis intervention team: a team of staff members is designed to be called upon to assist other school staff in dealing with a crisis.
- instruction to sensitize students to special needs of others: instruction is provided which increases awareness of, and information about, people who have special needs.
- adapted curricula: curriculum is modified to meet student needs.
- task analysis: task or skill to be mastered is broken down into smaller components in order to facilitate student achievement.
- assessment of any accommodation to student's individual learning style: student's learning style is evaluated, formally or informally, and instructional strategies appropriate to the defined learning style are used.
- multisensory approach: instruction is provided which utilizes stimulation of many senses within a single lesson (visual, auditory, kinesthetic, tactile).
- signal system: signal is established as a reminder of student about his/her behavior, need for attention, etc.
- strategies for directions: a combination of modeling and verbal explanation is used for explaining or giving directions; the complexity of verbal messages is monitored carefully.
- opportunities for reinforcement: student is provided additional time and/or materials to practice skill/content after instruction is given.
- adapted materials: instructional materials are changed to meet student needs (e.g., books on tape).
- use of audio/visual/kinesthetic learning aids: a variety of learning aids is utilized to meet special needs of student.
- use of concrete materials: actual or real materials (no abstract) are used when providing instruction
- content area modifications: student is not penalized for spelling, handwriting, etc., when first trying to get thoughts on paper; in math, the use of graph paper, calculator, etc., is encouraged, when appropriate.
- modification of environment: lighting, acoustics, furniture, location of student is changed to better meet student needs; the availability of a distraction-free area can be offered as an option.
- social skills training: training in study skills is provided by school staff members.



- opportunity for movement: student's need for physical movement is recognized, and legitimate opportunities are provided.
- study skills training: training in study skills is provided by school staff members.
- training in organizational strategies: strategies to assist student with organization (e.g., use of assignment sheet, notebook, calendar, color coding, etc.) are taught and monitored regularly.
- alternative means for demonstrating achievement and/or competence: student is provided an opportunity to demonstrate mastery of skill/content through a method different from the method expected of the majority of students.
- alternative testing techniques: student is provided with modifications to test presentation or method of responding, (e.g., extended use of time, questions read to student, answers recorded for student, use of calculator).

### Behavior Modification Tips

- Maintain maximum supervision of the student's interaction and gradually decrease the amount of supervision over time.
- Give the student responsibilities in group situations in order that peers may view the student in a more positive way.
- Provide the student with as many academic and social successes as possible in order that peers may view the student in a more positive way.
- Model appropriate social behavior for the student and provide opportunities for practice.
- Help the student to identify inappropriate behaviors and teach him/her ways to change those behaviors.
- Help the student develop friendships by pairing him/her with another student for activities; gradually increase the number of students in the group as the student is socially successful.
- Make certain the student is allowed to voice an opinion in a situation in order to avoid becoming upset or angry.
- Do not criticize; when correcting the student, be honest yet supportive.
- Encourage the student to tell you about problems that occur with peers (e.g., being bullied, teased by others, etc.).
- Treat the student with respect; talk in an objective manner to maintain trust and confidentiality with the student.
- Write a contract with the student specifying what behavior is expected (e.g., sitting near a student, talking to a student, etc.) and what reinforcement will be made available when the terms of the contract have been met.

- Reinforce those students in the classroom who appropriately interact with the student.
- Reinforce the student for demonstrating appropriate behavior based on the length of time the student can be successful; gradually increase the length of time required for reinforcement as the student demonstrates success.
- Establish classroom rules:
  1. Work on task
  2. Work quietly
  3. Remain in your seat
  4. Finish task
  5. Meet task expectations
  6. Reiterate rules often and reinforce rules.

## SPECIAL EDUCATION

It is important to recognize that, by federal and state laws and regulations, students must be provided an education in the **least restrictive environment (LRE)**. Therefore, in an effort to enable all students to meet district expectations, the Oyster Bay-East Norwich School District provides a full continuum of special education services as outlined in the Commissioner's regulations. General education students and students with disabilities pursue district objectives in all curricular areas. Modified materials, specialized instructional techniques and environmental adaptations are utilized to promote success and achievement. In the event desired outcomes for individual students do not occur and building level resources have been exhausted, a comprehensive CSE review may result in a recommendation for Special Education Services.

### LEAST RESTRICTIVE ENVIRONMENT

#### Policy Statement

It is the policy of the Board of Regents that each local school district and public agency providing education to students with disabilities will ensure that students with disabilities ages three through twenty-one are provided a free appropriate public education (FAPE) in the least restrictive environment (LRE), consistent with Federal and State Laws and regulations.

All public and private agencies providing educational services to students with disabilities will be expected to comply with the Federal and State LRE requirements.

#### New York State's Definition of Least Restrictive Environment (LRE)

Least restrictive environment means that placement of students with disabilities in special classes, separate schools and 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. The placement of an individual student with a disability in the least restrictive environment shall

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

#### Moving Toward an Educational System Which Accommodates the Needs of All Students

Students with and without disabilities need to learn to interact and develop interdependent relationships so that, as adults, they can successfully participate in a society that values full participation in the economic, political, social, cultural and educational mainstream of American society. The following principles and assumptions are associated with an educational structure that can respond more effectively to the diverse needs of students and their families.

1. Services and programs will be made available to students based on their individual needs, without regard to classification.
2. A continuum of alternative placements will be available to meet the needs of students with disabilities.

3. All students with disabilities will have equal access to a high quality program based on their individual needs and abilities and designed to enable them to achieve desired learning results established for all students. Educational placement decisions for students will be determined by a process which first considers a general education environment in the school the student would attend if he/she did not have a disability.
4. The removal of a student with a disability from the general educational environment occurs only when the needs of the student are such that, even with the use of supplementary aids and services, his/her needs cannot be met. However, consideration must be given to the impact of a student with a disability on the education of other students in the general or special education class when making placement decisions.
5. Efforts will be made to access and coordinate with other available services within a local school district, BOCES or agency program before a student fails in his or current educational placement.
6. The responsibility for all students is shared among all staff of the school. Parents and guardians will have an opportunity for meaningful participation in the development of the Individualized Education Program (IEP) as equal partners with school personnel.
7. Students with disabilities will be full participants in all aspects of the school program, including extra-curricular activities to the maximum extent appropriate to their needs.
8. Students with disabilities in segregated placements will transition to general education, when appropriate.

## SPECIAL EDUCATION SERVICES

The following special education services are provided to students with disabilities by district personnel:

**Related Services**  
**Consultant Teacher Services**  
**Resource Services**  
**Specialized Environments/Special Education Classes**  
**Temporary Placement of Students with Disabilities**  
**Transition Services**  
**Transitional Counseling Services**  
**Declassification Services**  
**Individual placement and support program** - provides inclusive schooling for students with severe disabilities. This program enables the district to support parent requests for a neighborhood school program.

### Related Services

#### Description

Related Services are defined as those supports provided to students which enable them to benefit from instruction in their general or special education placement. Students are eligible for these services only when it is clear that the elimination and/or absence of these supports would adversely affect their educational performance to the point that appropriate learning would not occur. Typically, related services include speech/language services, audiological services, physical or occupational therapy, services of teachers of the hearing or visually impaired, and other appropriate educational supports.

The goal in providing related services is to have students meet the objectives in their instructional program and to experience success in their classroom setting. It is important that the persons providing these services be knowledgeable about program objectives and work closely with the student's classroom teacher(s). Consultation and joint planning are essential to ensure coordination and congruence of instructional objectives and strategies.

Related Services are provided to students upon recommendation of the CSE, utilizing district staff, BOCES personnel and therapists from external agencies. The following services are provided by district personnel:

- **Speech/Language Services**
- **Adaptive Physical Education**
- **Counseling**

### Speech/Language Services

#### Description

Speech and language services are provided by district staff for students in general and special education classes. The CSE recommends the frequency/duration of those services based on student need. The speech/language service provider, in consultation with the general or special education teacher and the parent, determines how to provide this support (e.g., in-class, pull-out, group size) to meet student needs most effectively. Speech/language service providers consult closely with the language arts teacher to provide congruent instruction and support. Additionally, monitoring student progress in the classroom setting is a critical feature of this service.

## **Adaptive Physical Education**

### Description

Adaptive physical education is a specially designed program of developmental activities, games, sports and rhythms for students who cannot, either temporarily or permanently, participate in a regular physical education program successfully and safely. For students with disabilities, access to adaptive physical education services is through recommendation of the CSE.

### Procedure

- Referrals for adaptive physical education assessments may be initiated by school staff, parents, physicians, or community agencies. These requests are reviewed by the Instructional Support Team.
- In the event a formal adaptive physical education evaluation is recommended by the Instructional Support team or the CSE, parental permission is obtained and appropriate assessment procedures are employed.
- Results of the assessment are reported to the Instructional Support Team and shared with the CSE.
- In the event adaptive physical education is recommended by the CSE, an appropriate IEP is generated and consultation among the adaptive physical education provider and the classroom teacher(s) occurs to determine how/when service will be provided.
- The student is re-assessed annually to determine progress and/or document the need for continued service.

## **Counseling**

### Description

Students with disabilities have access to the full range of counseling services available to all students. The CSE will recommend counseling as a related service for students with a disability when a review of available data indicates that without this service they could not benefit from their instructional program and appropriate learning would not occur. The counseling service provider, in consultation with the general or special educator, determines how to provide this support (group, individual) to meet students' needs most effectively.

## **Consultant Teacher Services**

### Description

The Oyster Bay-East Norwich School District is committed to providing support services for students within a traditional education setting. Preferably, these support services are provided without labeling or classification. The Oyster Bay-East Norwich School District advocates for and promotes consultation and collaboration among teachers, paraprofessionals, specialists, and parents to plan, implement and evaluate instruction delivered in traditional education environments. All school staff, including PCEN teachers, school counselors, speech and language service providers, and special educators should be viewed as potential providers of consultant services.

Consultant Teacher Services, as a special educational intervention, may be recommended by the Committee on Special Education to accommodate the needs of a student with a disability. Consultant Teacher Services are very appropriate for students with disabilities as they approach declassification status. Consultant Teacher Services may be direct or indirect in nature, but may only be delivered to students participating in a full-time traditional educational program.

Direct Service is delivered by a special educator to the student with a disability. Typically, an individual or small group is identified and support is provided within the context of the traditional classroom. Successful completion of instructional objectives is the desired outcome.

Indirect Service is delivered by a special educator to the primary instructor of students with a disability. Traditional educators receive assistance and guidance in adjusting the learning environment and/or modifying instructional techniques and practices to meet the needs of students with disabilities in their classroom. Enabling targeted students to successfully meet instructional objectives is the desired outcome.

### **Resource Services**

#### Description

Resource services provide specialized supplementary instruction in an individual or small group setting for a portion of the school day. Resource services may not be utilized as an avenue for primary or initial instruction. Resource services may occur in a location separate from the general education classroom or may occur within the context of the classroom environment. The total number of students with disabilities that may be serviced during a resource period is five.

Collaboration and consultation among the resource service provider and the primary instructors is critical. Congruence of program and curricular expectations and objectives between the two settings must be established and maintained. Typically, resource services include, but are not limited to

- cognitive strategies instruction
- compensatory skill development
- remediation activities
- support for alternative testing techniques
- development of self advocacy skills
- communication skill development

In this building, we are making great strides in our efforts to maximize inclusion in general education programs. Specialized initiatives include, but are not limited to,

- Inclusive classroom settings

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of such students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data shall be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs pursuant to applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide such notice by directing parents or persons in parental relation to obtain information located on the State Education Department's website relating to a parent's guide to special education in New York State for children ages three (3) through twenty-one (21).

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:

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Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

1. Utilize established procedures for publication of all potential job openings;
  2. Check credentials and requirements listed on applications;
  3. Provide training sessions for interview committee;
  4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations;
  5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;
  2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
1. Addressing appropriate universal design principles in IEP;
  2. Having the Library Media Specialist and/or Curriculum Coordinator keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;
  3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;
5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

**Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

(Continued)

## Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- 1) Child Find;
- 2) Provision of Special Education Services; and
- 3) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

**Tuition Reimbursement Claims for Disabled Nonpublic School Students**

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten (10) business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten (10) days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.*

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
20 United States Code (USC) Section 9101(23)  
21 United States Code (USC) Section 812(c)  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6  
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Adopted: 3/22/05  
Revised: 8/26/08  
Revised: 5/4/10  
Revised: 10/20/15

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  - (1) Academic or educational achievement and learning characteristics;
  - (2) Social development;
  - (3) Physical development; and
  - (4) Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1 (ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adopted: 3/22/05

Revised: 8/26/08

## Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

*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 use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term “related services” does not include a medical device that is implanted, or the replacement of such device;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Placement is based on the student's individualized education program and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;
- c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and
- d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, resource room programs and special class programs within the general education classroom.

State Law - Education Law Sections 4401-4310-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.2(b),  
200.4, and 200.6

Adopted: 3/22/05  
Revised: 1/23/07  
Revised: 8/26/08

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an ISST.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Pre-referral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Pre-referral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERRS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)****Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(g), (p), (r), (s), and (t);  
100.2(v); 100.2(dd)(4); 100.2(ee); 200.2(b)(7);  
200.4(a)(2) and (9); 200.4(c); and Part 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.



Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English

**Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) see website: (<http://www.p12.nysed.gov/specialed/idea/studentexit.htm>) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. In addition, parents must receive prior written notice indicating that the student is not eligible to receive a free appropriate public education after graduation with the receipt of the local high school or Regents diploma.

(Continued)

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

In accordance with Commissioner's Regulations, before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

**Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

(Continued)

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)****Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
State Law - Education Law Sections 4401-4310-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8),  
200.4(b)(4) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

Adopted: 3/22/05  
Revised: 1/23/07  
Revised: 6/17/14

## Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

**Prohibition Against Disability-Based Discrimination in Accelerated Programs**

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
28 Code of Federal Regulations (CFR) Part 35  
34 Code of Federal Regulations (CFR) Parts 104 and 300  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

NOTE: Refer also to Policy #7540 -- Complaints and Grievances by Students

Adopted: 3/22/05

Revised: 8/25/09

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

- a) The District's philosophy for the education of ELL/LEP students;
- b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;
- c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in a language they best understand;
- d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;
- e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
- f) The District's administrative practices to annually evaluate ELLs;
- g) The District's procedure to identify support services for ELLs;
- h) The District's policies and procedures regarding ELLs who are students with disabilities;
- i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;
- j) The District's services to support former ELLs.

Additionally, the District will provide professional development to all teachers, level III teaching assistants, and administrators that specifically addresses the needs of ELLs.

The Superintendent will ensure that all data, including plans, assurances, and reports as required by the Commissioner's regulations, is submitted to the State Education Department in a timely manner.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)

Education Law Sections 207, 215, 2117, 3204(2)(2-a), 3602, and 3713

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

Adopted: 3/22/05

Revised: 8/26/08

Revised: 10/20/15

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY**

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

- a) The District's philosophy for the education of ELL/LEP students;
- b) Administrative practices and procedures to:
  1. Diagnostically screen students for limited English proficiency;
  2. Identify students with limited English proficiency;
  3. Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.
- c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;
- d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;
- e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
- f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training and parental notification.

(Continued)

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)  
Education Law Sections 207, 215, 2117, 3204(2)(2-a), 3602, and 3713  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

Adopted: 3/22/05  
Revised: 8/26/08