

SACHEM CENTRAL SCHOOL DISTRICT

**PROGRAMS FOR STUDENTS WITH DISABILITIES
UNDER THE IDEA AND NEW YORK
EDUCATION LAW ARTICLE 89**

Policy 4321

INDEX	PAGE
I - General	1
II Least Restrictive Environment	1
III - Locate and Identify Students with Disabilities.....	4
IV - Evaluation of Students with Disabilities	4
V - Parental Consent for Student Evaluations	5
VI - Referral Process.....	5
VII - Committee on Special Education	6
VIII - Independent Educational Evaluations.....	7
IX - Declassification.....	9
X - Re-evaluation	10
XI - Pre-School Special Education	11
XII - Provision of Services	12
XIII - Annual Review	13
XIV - Use of Time Out Rooms	13

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

I. General

The Board of Education shall provide a free appropriate public education to all students with disabilities who reside within the School District and are eligible for special education and related services under the Individuals with Disabilities Education Act and Article 89 of New York's Education Law, and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with their individualized education program (IEP) and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board of Education also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the School District, regardless of whether they are residents of the School District. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within School District boundaries because of a disagreement between the parents and the School District over the provision of a free appropriate public education. Nonpublic school students with disabilities who are not School District residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP).

II. Least Restrictive Environment

The Board of Education recognizes its responsibility to provide students with disabilities with special education programs and services under the IDEA and Article 89 of New York's Education Law and for students to receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the School District will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the School District will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the School District will implement the provisions of section 200.6 of Commissioner's Regulations.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development, and management needs.

The Superintendent of Schools or his/her designee will establish a process that the CSE or CSE subcommittee Chairperson, as appropriate, obtains an up-to-date copy of the Commissioner's Regulations at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board of Education also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, to the extent appropriate to their individual needs, eligible students with disabilities residing within the School District and attending the School District's public schools will be entitled to participate in School District academic, co-curricular and extracurricular activities available to all other students enrolled in the School District's public schools. Such co-curricular and extracurricular activities may include, but are not limited to, athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the School District and assistance in making outside employment available). Students with disabilities, and their parents, will be informed of the availability of such programs and activities and their eligibility to participate.

The School District will provide School District programs and activities, including extracurricular activities that are accessible to students with disabilities to the extent appropriate to their individual needs. The School District will make individual modifications to include physical facilities, scheduling and transportation arrangements, so that students are not excluded because of the presence of a disability.

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board of Education will afford students and their parents the procedural safeguard rights to which they are entitled under applicable law and regulations. The Board of Education also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the Commissioner of Education.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word "parent" means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in section 3212 of the Education Law; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law, including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent,

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

stepparent, or other relative with whom the child resides; or a surrogate parent who has been appointed in accordance with commissioner's regulations.

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn twenty-one (21) or until they receive a local high school or Regents diploma.

Students with disabilities may not be required to take medication as a condition for receiving a free appropriate public education.

The School District will provide services to students with disabilities in accordance with the following:

1. School District staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the School District, including homeless children and children who are wards of the state, and children attending nonpublic school within the School District (including religious schools), who are in need of special education.
2. The School District will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student's performance prior to referral for special education services. The School District will provide general education support services, instructional accommodations, and/or alternative program options to address a student's performance before referring the student to the Committee on Special Education (CSE). The Instruction Support Team will develop, implement and evaluate pre-referral intervention strategies.
3. School District staff will refer for evaluation a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program.
4. The Board of Education will appoint a committee on special education (CSE), and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.
5. The Board of Education will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
6. The Superintendent of Schools or his/her designee will establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

7. The Superintendent of Schools or his/her designee will establish a comprehensive professional development plan which provides personnel with the skills and knowledge required to meet the needs of students with disabilities.
8. The Superintendent of Schools or his/her designee will establish a process for ensuring that School District staff understand the right of students with disabilities to access and participate in the same academic, co-curricular and extracurricular programs and activities as all other students enrolled in the School District's schools, to the extent appropriate to their individual needs.

III. Locate and Identify Students with Disabilities

The School District will conduct an annual census to locate and identify all students with disabilities who reside in the School District, and establish a register of such students who are entitled to attend the public schools of the School District during the next school year, including students with disabilities who are homeless or wards of the State. The census shall be conducted, and the registry maintained, in accordance with the requirements established in Commissioner's regulations.

The School District's activities for locating and identifying parentally-placed nonpublic school students with disabilities will be comparable to those undertaken for students attending the School District's public schools, and will be completed in a comparable time period, as well.

The Superintendent of Schools will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters to all School District residents regarding the availability of special education programs and services and their right to access such services, and/or the publication of a similar notice in school newsletters and other publications.

IV. Evaluation of Students with Disabilities

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the School District will conduct a full evaluation of the student within legally prescribed time lines. As set forth in Commissioner's regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

Once a student has been determined eligible to receive a free appropriate public education, the School District will reevaluate the student with a disability whenever the student's parent requests a reevaluation, and when the School District determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation must take place at least once every three years, unless the student's parent and the School District agree it is unnecessary.

V. Parental Consent for Student Evaluations

Before conducting any type of evaluation, School District staff will take steps to obtain written informed consent from a student's parent, as required by applicable law and regulations. They also will keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent's home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board of Education may commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner's regulations.
2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, School District staff will proceed with the reevaluation without parental consent if it has engaged in documented reasonable efforts to obtain such consent and the parent has failed to respond. If the School District cannot document its efforts to obtain consent, the Board of Education may commence due process proceedings to conduct a reevaluation without parental consent.
3. If School District staff is unable to obtain consent for the initial evaluation or reevaluation of a home schooled or a parentally-placed nonpublic school student, the Board of Education will not commence due process proceedings to conduct the evaluation without parental consent, and will consider the student as not eligible for special education.

VI. Referral Process

In conducting evaluations of students with disabilities, the School District will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student's eligibility for special education and related services, and the content of the student's individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

The School District also will assess a student in all areas of suspected disability, and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the language and form most likely to yield accurate information on what the student actually knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the School District will follow the procedures established in the Commissioner's Regulations.

The School District will notify a student's parent of any determination that no additional data is needed and the reasons for such a determination. It will also inform the parent of his or her right to request an assessment, notwithstanding that determination.

VII. Committee on Special Education

The members of the CSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE and CSE subcommittee meetings will be required except as otherwise provided in law and regulations.

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and, as such, has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child.

School District staff will take steps to promote the parent's participation, in accordance with the following:

1. CSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the School District.
2. The parent will be given at least five (5) days' notice of the time and place of a CSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent's right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the School District may agree to use alternative means of participation at CSE meetings, such as videoconferences or telephone conference calls.
4. School District staff will take steps to provide the parent with an understanding concerning the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

The CSE or CSE subcommittee may meet without a student's parent only if the School District's staff have been unable to obtain either parent's participation, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student's parent only if School District staff has been unable to obtain parental participation, even through the use of alternative means of participation, and has a record of its attempts to provide parental involvement.

Parental Consent for the Provision of Services

The Board of Education acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, School District staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board of Education will be precluded by applicable law and regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

VIII. Independent Educational Evaluations

The School District (District) has established the following procedures for obtaining independent educational evaluation(s) (IEE(s)) for children who are classified by the Committee on Special Education (CSE) or Committee on Preschool Education (CPSE) as having a disability or who are suspected of having a disability.

Parents with children who have been classified with a disability or children who are suspected of having an educationally related disability have the right under Federal and State regulations to obtain an IEE at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education § 200.5(g) and Federal Regulations 34 CFR § 300.502. Additionally, A Parent's Guide to Special Education: Your Child's Right to an Education in New York State and the Procedural Safeguards Notice, published by the New York State Education Department, detail IEE requirements. These documents are available from the Sachem School District Special Education Office for parents who desire to review them.

Definition

An independent educational evaluation (IEE) means an evaluation conducted by qualified examiners as defined in § 300.502(a) (3) (i) who are not employed by the School District.

If a parent or guardian disagrees with the evaluation conducted by the School District, the parent or guardian may have the right to obtain one IEE at public expense for each School District evaluation. If a parent requests an IEE at public expense, the School District must, with unnecessary delay, either: (a) file a due process complaint to request an impartial hearing before an impartial hearing officer to contest the IEE for failure to comply with the School District's

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

criteria and/or to defend the appropriateness of the evaluation conducted by the School District, or (b) provide the IEE at public expense. If the impartial hearing officer determines that the School District's evaluation is appropriate, the parents/guardian would not have the right to a publicly funded IEE or the right to reimbursement for the IEE.

Timeline

A parent may request an IEE at public expense from the School District at any time. However, a parent is entitled to only one IEE at public expense each time the School District conducts an evaluation of his/her child with which he/she disagrees. If a parent unilaterally obtains an evaluation at private expense and wishes to submit the private evaluation to the School District for reimbursement as an IEE at public expense, the parent will have up to ninety (90) days from the date of the private evaluation to request IEE reimbursement from the School District. A copy of the private evaluation report and an itemized invoice must be attached by the parent to the request for IEE reimbursement.

Requests should be in writing to:
Coordinator of Student Services
Sachem Central School District
51 School Street, Lake Ronkonkoma, NY 11779

If the parent requests an IEE, the School District may ask why the parent objects to the evaluation of the child done by the School District. The School District may not require an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request an impartial hearing to contest the IEE and/or defend the evaluations conducted by the School District.

Public Expense

Public expense means that the School District either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. The School District shall provide reimbursement for evaluations at the rate customary in the community, as evidenced by the rates charged by Eastern Suffolk BOCES for such evaluations. The School District's special education office shall maintain a list of the particular evaluations, and the rates charged by Eastern Suffolk BOCES for such evaluations. This list shall be revised annually.

The School District may pay for an IEE only if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation. The maximum allowable fees set by the School District will be high enough to permit parents to choose among qualified professionals within a 50-mile radius of the School District. Requests for exception to the maximum allowable fees may be allowed by the School District if justified by the student's unique circumstances. Any request for such an exception should be forwarded in writing to the Coordinator of Student Services.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

Responsibilities

Parents may select any professional who meets the criteria stated previously. The School District has established a list of qualified professionals who are in private practice or employees of other public agencies to whom parents may go to secure an IEE. It is the responsibility of the independent evaluator to contact the District to arrange for payment, dates of classroom visitations and discussions with school staff. The independent evaluator is also responsible for sending a copy of his/her current NYS certification/license to the Coordinator of Student Services.

The School District has the responsibility to designate the geographic area in which the parents would be limited in their search for an independent evaluator. The School District will consider for public funding evaluations conducted within a 50-mile radius of the district. The School District is not responsible for travel expenses and/or mileage to and from the evaluation site. Requests for exception to this geographic area limitation may be allowed by the District if justified by the student's unique circumstances. Any request for such an exception should be forwarded in writing to the Coordinator of Student Services.

IX. Declassification

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student's parents of that determination and the reason

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the district will not conduct any further assessments.

The School District will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

Declassification Support Services

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. for the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services.
2. for the student's teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services, and will specify the nature and duration of those services.

X. Re-evaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student's parents of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the School District will not conduct any further assessments.

The School District will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the School District will not conduct a declassification evaluation if the reason for the determination that the student is ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the School District will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

XI. Pre-School Special Education

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board of Education authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parents(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel.
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well as students referred but not served and the reasons why they are not served; and
7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board of Education to arrange for the appropriate approved preschool program and services for the district's children. Should the Board of Education disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board of Education's concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the School District to try and resolve the complaint within fifteen (15) days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

If an agreement cannot be reached, parent/guardians shall be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Coordinator of Student Services.

The Board of Education directs the Superintendent of Schools to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

XII. Provision of Services

The Board of Education will arrange for appropriate special education and related services recommended by the CSE, CPSE, CSE or CPSE subcommittee within sixty (60) school days of the School District's receipt of parental consent to evaluate a student not previously identified as a student with a disability, or within sixty (60) school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

If the Board of Education disagrees with the recommendations of the CSE, the Board of Education will either return the recommendation to the original CSE for further consideration, or establish a second CSE to develop a new recommendation for the student within the time frames contained in law and regulation.

All staff and/or related service providers responsible for the implementation of a student's individual education program (IEP), or Individual Education Services Program, will be provided with information regarding those responsibilities in addition to a paper or electronic copy of the IEP prior to the implementation of such IEP or shall be able to access such student's IEP electronically.

XIII. Annual Review

The CSE/CPSE shall annually review the IEP or IESP of each student with a disability to determine:

1. The extent to which the student can benefit from participation in regular educational programs and services in the least restrictive environment;
2. The extent to which credit toward a high school diploma can be granted through participation in special education programs; and
3. The student's progress toward a high school diploma.

At each annual review of a student's IEP, the CSE shall consider the appropriateness of modifications, such as equipment modifications, modification of instructional techniques, and testing modifications.

XIV. Use Of Time Out Rooms

The Board of Education recognizes that behavior management practices for students sometimes include the use of time out rooms. In order to ensure that use of a time out room as part of a behavior management approach is developed and implemented consistent with Section 200.22 of the Commissioner's Regulations which provides for physical and monitoring requirements, parental rights and certain IEP requirements for students with disabilities, the Board of Education prescribes the following guidelines:

A time out room is an area for a student to safely deescalate, regain control, and prepare to meet the expectations to return to his/her education program. Time out rooms are used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation. For the purpose of this policy, a potentially dangerous situation is an unanticipated situation that poses an immediate concern for the physical safety of a student or others.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

Parents must be notified prior to the initiation in the Behavior Management Plan of a behavioral intervention for a child which would incorporate the use of a time out room. Upon request, parents must be shown the physical space that will be used for time out. Each such school must provide parents with a copy of the policy on the use of time out rooms.

Description of Time Out Room:

A time out room shall provide a means for continuous visual and auditory monitoring of the student. School District staff shall continuously monitor the student in a time out room. Staff must be able to see and hear the student at all times.

The room shall be of adequate width, length, and height to allow the student to move about and recline comfortably. Wall and floor coverings should be designed to prevent injury to the student. There shall be adequate lighting and ventilation. The temperature of the time out room shall be within the normal comfort range and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student. All local fire and safety codes shall be observed.

The time out room must be unlocked at all times and the door must be able to be opened from the inside. Under no circumstances may a locked room or space be used for the purposes of a time out.

Behavioral Management:

A time out room will only be used as part of the District's behavior management. A student's individualized education program shall specify when a behavioral intervention plan includes the use of a time out room, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence. Such maximum amount of time shall be determined on an individual basis based on the student's age and individual needs. Except for potentially dangerous situations described above, the time out room shall be used only in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

The District shall inform the student's parent(s) or guardian(s) prior to the initiation of a behavioral intervention plan that will incorporate the use a time out room. The School District shall further give the parent(s) or guardian(s) the opportunity to see the physical space that will be used as a time out room and provide the parent(s) or guardian(s) with a copy of the School District's policy on the use of such rooms.

Factors Precipitating the Use of a Time Out Room:

The School District may place a student in a time out room when: (1) the student's behavior affects the teacher's ability to teach and/or the ability of the other students in the classroom to learn and the student's removal is necessary to maintain or restore control over the classroom; (2) the

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK EDUCATION LAW ARTICLE 89

Policy 4321

student's behavior poses a threat to him/herself or another individual; (3) the student requests a break in the time out room to regain his/her composure or self-control; or (4) a potentially dangerous situation arises. Except in the event of a potentially dangerous situation, the placement of a student in a time out room shall be in conjunction with that student's behavioral intervention plan.

The amount of time a student will need to be in a time out room will vary with the student's age, individual needs and Behavior Management Plan. Careful monitoring of the amount of time a student is in a time out room is required to so that a time out room is not being used to the detriment of a student or student's educational program.

A time out room must include a means for continuous monitoring of the student, both visually and aurally. The room must be of an adequate size (width, length and height) to allow the student to move about and recline comfortably. The ceiling height must be consistent with the ceiling height throughout the building. Wall and floor coverings should be designed to prevent injury. There shall be adequate lighting and ventilation and the temperature of the room shall be within the normal comfort range and consistent with the rest of the building. The room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all local fire and safety codes.

The time out room must be unlocked and the door must be able to be opened from the inside at all times. The use of locked rooms or spaces for the purposes of time out or emergency interventions is prohibited.

To ensure a student's safety, staff must be assigned to continuously monitor the student in the time out room. The staff assigned must be able to see and hear the student at all times. Individual determinations will be necessary to assess a student's need for direct adult supervision in the time out room.

Recordkeeping:

A time out log shall be maintained for each use of the time out room. Information to be logged in includes the student's name, factors precipitating the time out intervention, the times the student entered and exited the time out room, the student's behavior during and upon exit of the time out room, and the names of the staff member(s) who initiated the time out room placement, supervised the student during the time out procedure, and removed the student from the time out room. In addition, the effectiveness of the time out procedure to decrease specified behaviors shall be monitored.

The District shall establish and implement procedures to document the use of the time out room, including information to monitor the effectiveness of its use to decrease specified behaviors. The District shall review the data collected through such monitoring and make any needed changes to its time out procedures, as is appropriate.

SACHEM CENTRAL SCHOOL DISTRICT

PROGRAMS FOR STUDENTS WITH DISABILITIES
UNDER THE IDEA AND NEW YORK
EDUCATION LAW ARTICLE 89

Policy 4321

Staff Training:

The District shall provide staff training to those staff members who may be called upon to implement time out interventions.

If a provision of this policy relating to use of time out rooms conflicts with the rules of a State agency operating an educational program, the rules of such State agency shall prevail so that the conflicting portions of this policy shall not apply.

Cross ref: Policy 4321.1 *et. seq.*

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 *et seq.*;
Education Law Article 89, §§4401 *et seq.*

34 CFR Part 300 *et seq.*; 34 CFR §300.305; 34 CFR 300.503;
8 NYCRR Part 200; 8 NYCRR §§200.2(b)(4); 200.6 8 NYCRR §§200.1(u);
8 NYCRR 200.2(b)(8), 200.4(b)(4-6), (c)(3-4); 200.5(a)(1)(vi)(a); 200.5(b); 200.5(c)(6)
8 NYCRR §§100.1(q), (ooo)

Adoption Date: January 20, 1998

Revised: October 17, 2000

Revised: January 15, 2008

Revised: April 11, 2018