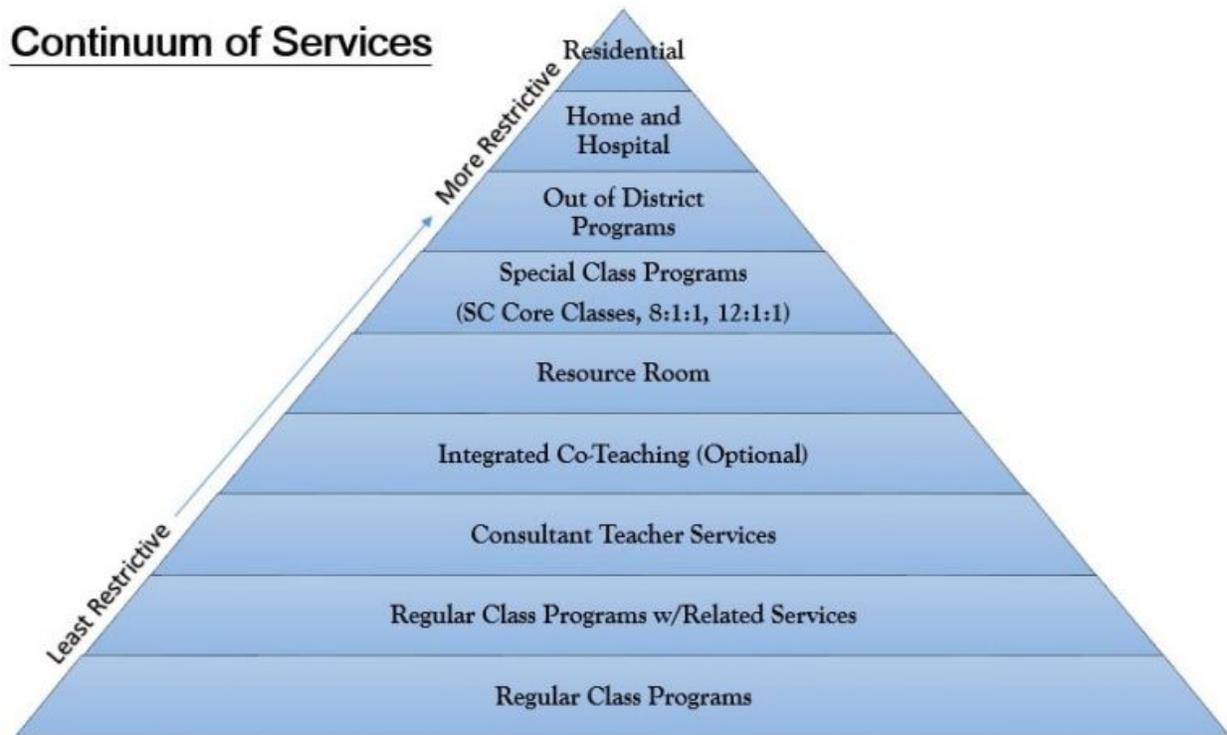


# Continuum of Services



A student with a disability shall be provided with appropriate special education.

Students with disabilities shall be provided special education in the least restrictive environment, as defined in section 200.1(cc) of this Part. 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, providing related services, resource room programs, and special class programs within the general education classroom.

**Related services** mean developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology and audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or

corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.

**Consultant teacher services** mean direct and/or indirect services, as defined in this subdivision, provided to a student with a disability in the student's regular education classes and/or to such student's regular education teachers. The minimum number of hours for CT services, two hours per week, applies to direct and indirect services, in any combination. However, if the student is also recommended to receive resource room services, the minimum number of hours of the combined resource room and CT services are three hours per week. The IEP must specify for each service (resource room and CT) the frequency, duration, and location. For example, the IEP of a student receiving a combination of services, based on the individual needs of the student.

**Direct consultant teacher services** mean specially designed individualized or group instruction provided by a certified special education teacher pursuant to subdivision (yy) of this section, to a student with a disability to aid such students to benefit from the student's regular education classes.

**Indirect consultant teacher services** mean consultation provided by a certified special education teacher pursuant to subdivision (yy) of this section to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes.

**Integrated co-teaching services**, as defined in the regulation, means the provision of specially designed instruction and academic instruction provided to a group of students with disabilities and nondisabled students. The CSE could determine that the student needs integrated teaching, for example, for English and math classes only. To meet the individual needs of a student, the CSE could recommend a combination of services, including, but not limited to, integrated co-teaching for some classes, special class(es) for a portion of the day, CT or other supports in other general education classes for the remainder of the day. The specific recommendations must be indicated in the student's IEP. The maximum number of students with disabilities that can be on the class roster of a class where integrated co-teaching services are provided is 12 unless a variance is provided pursuant to section 200.6(g)(1)(i)-(ii) of the Regulations of the Commissioner of Education (<http://www.p12.nysed.gov/specialed/lawsregs/>). A total of 12 students includes any student with a disability in that class, regardless of whether all of the students are recommended for integrated co-teaching services. There is no regulatory maximum number of non-disabled students in an integrated co-teaching class. However, the number of non-disabled students should be more than or equal to the number of students with disabilities in the class in order to ensure the level of integration intended by this program option.

**Resource room program** means a special education program for a student with a disability registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. This means that instruction is not provided in place of the student's regular academic instruction. Regulations require that each student with a disability requiring a resource room program shall receive not less than three hours of instruction per week in such a program. However, if the student is also recommended to receive CT services, the minimum number of hours of the combined resource room and consultant teacher services is three hours per week. The IEP must specify the frequency, duration, and location for each service. Regulations prohibit students from spending more than 50 percent of their time during the day in the resource room program. Specialized supplementary instruction (as defined above) must be provided in the resource room program for each student. While the teacher may use classroom-related assignments as the vehicle to provide specialized supplementary instruction to address the unique needs of a student with a disability, a resource room program for a student with a disability cannot be treated as a study hall.

**Special class** means a class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction as defined in subdivision (vv) of this section. Specially-designed instruction means adapting, as appropriate to the needs of an eligible student under this Part, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students. Special class size is defined as the maximum number of students who can receive instruction together in a special class and the number of teachers and paraprofessionals assigned to the special class (e.g., six students to one teacher and one teaching assistant or teacher aide). If the student's IEP indicates a special class, the IEP must describe the special class size. The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting cannot exceed 15 students (15:1), or 12 students in a State-operated or State-supported school (12:1), except that:

- The maximum class size for special classes containing students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, cannot exceed 12 students, with one or more supplementary school personnel assigned to each class during periods of instruction (12:1+1).
- The maximum class size for special classes containing students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, cannot exceed six students, with one or more supplementary school personnel assigned to each class during periods of instruction (6:1+1).

- The maximum class size for special classes containing students whose management needs are determined to be intensive, and requires a significant degree of individualized attention and intervention, cannot exceed eight students, with one or more supplementary school personnel assigned to each class during periods of instruction (8:1+1).
- The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, supplementary school personnel and/or related service providers (12:1 + (3:1))

**Outside the District Special Class Programs.** The District provides special class programs. Special class programs are taught by a special education teacher outside of the general education setting. Board of Cooperative Extension Services (BOCES) Program placements based on individual student needs.

**Home and hospital instruction.** Students with disabilities who are recommended for home and/or hospital instruction by the committee on special education shall be provided instruction and appropriate related services as determined by the committee on special education in consideration of the student's unique needs. Home and hospital instruction shall only be recommended if such placement is in the least restrictive environment and must be provided:

- Minimum of five hours per week at the elementary level, preferably one hour daily
- Minimum of 10 hours per week at the secondary level, preferably two hours daily

**In-state or out-of-state private schools.** (1) State assistance for the instruction of public school students placed in approved private schools. An application by a board of education for State reimbursement pursuant to section 4405 of the Education Law for a student in an in-state or out-of-state private school shall be approved by the commissioner, provided that:

- The committee on special education of the school district in which the student resides has provided a current individual evaluation or reevaluation of the student, as prescribed by section 200.4(b) of this Part. For purposes of this subparagraph, the individual evaluation and the classroom observation where applicable, and any other evaluations necessary to describe the relevant circumstances leading up to the recommendation and the basis for the recommendation for change of placement shall have been completed within six months prior to the committee on special education's initial recommendation for private school placement.

- The committee on special education has provided a current individualized education program (IEP) for the student as required by section 200.4(d)(2) of this Part.

The committee on special education has certified that the student is of school-age and has a disability or combination of disabilities, and has further documented that the nature or severity of the student's disability is such that appropriate public facilities for instruction are not available. This documentation shall include, but need not be limited to:

- documentation of efforts to place the student in a public facility and the outcomes of those efforts, and/or of the committee on special education findings regarding the lack of suitability of each currently available and geographically accessible public placement;
- detailed evidence of the student's lack of progress in previous less restrictive programs and placements or a statement of reasons that such evidence is not available;
- in the case of a recommendation by the committee on special education for placement of a student in a residential program, documentation that residential services are necessary to meet the student's educational needs as identified in the student's IEP, including a proposed plan and timetable for enabling the student to return to a less restrictive environment or a statement of reasons why such a plan is not currently appropriate;
- in the case of a recommendation by the committee on special education for placement of a student in an educational facility outside of the State, documentation that there are no appropriate public or private facilities for instruction available within this State; and
- in the case of a reapplication for reimbursement, documentation of the continuing need for the placement of the student in a private school.

### **IEP Concerns**

**First:** We believe the best way to address issues is to deal directly with those professionals working closest to your student. We strongly encourage parents to start in your child's school with the following professionals in this order:

- Teacher/Therapist/psychologist
- Case Manager
- CSE Chairperson
- Principal

**Second:** If you are not satisfied with the results, contact the people involved at the District Office in this order.

- Director of Special Education
- Assistant Superintendent for Instruction & Curriculum
- Superintendent

**Third:** If your child's needs are not being addressed by district staff, you may contact these people for additional assistance:

- NYSED Regional Associate

### **Notice to parents about Special Education services**

If you suspect that your child may have a physical, cognitive, or emotional disability, you have the right to refer your child to the District's Committee on Special Education for an evaluation, and a determination as to whether your child is eligible to receive special education services and programs. More information regarding your rights is set forth in the New York State Education Department's Parent's Guide to Special Education in New York State for Children Ages 3-21, available at <http://www.p12.nysed.gov/specialed/publications/policy/parentsguide.pdf>

To refer your child to the Committee on Special Education, or to obtain more information regarding the District's special education services and programs, please contact:

### **Private School Services**

Pursuant to Education Law section 3602-c, the District will arrange for certain special education and related services to students who are residents of this school district and who attend nonpublic schools, provided that you file your request for services with the Board of Education or Committee on Special Education or before the first day of June preceding the school year for which the request is made within 30 days of notice from the District that your child has been initially identified as a child with a disability or within 30 days of establishing residency.