Dear Parents:

Enclosed is a referral packet for the Committee on Preschool Special Education (CPSE). In order to begin the process please fill out the enclosed Referral Form and Preschool Form, and have your child’s doctor complete the Medical Report form and return these three forms to me at your earliest convenience.

Your child must be registered with the Chappaqua Central School District. If you have any questions regarding registration, please contact Mary Marchionno at (914) 238-7200 Ext. 1007 or Pam Tole at (914) 238-7200 Ext. 1008.

If you have any questions, please contact me at (914) 238-7207 Ext. 1109.

Sincerely

Catherine Bevilacqua
Senior Office Assistant
COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

Chappaqua Central School District
66 Roaring Brook Road
Chappaqua, NY 10514
(914) 238-7207, Ext. 1103

REFERRAL FORM

Student Name: ________________________________ DOB: _______________ ID #: __________________________

Student’s Dominant Language: ___________________________ PARENT(S) or Guardian’s Name and Address:
Ethnicity: ________________

Home Phone #: ___________________________________
Mother’s Cell #: ____________________________
Mother’s Work #: ___________________________________
Mother’s Email: ___________________________________
Father’s Work #: ____________________________
Father’s Cell #: ____________________________
Father’s Email: ___________________________________
Home School: ____________________________ (School student will attend in kindergarten)

Preschool: ____________________________ Preschool Teacher’s Name(s): ________________

Areas of Concern:
__ Fine Motor  __ Gross Motor  __ Speech/Language  __ Behavior
__ Other (please describe) ________________________________________________________________

Additional Comments:
________________________________________________________________________________________
________________________________________________________________________________________

Is your child currently receiving early childhood services?  YES [  ] NO [  ]
If so, please provide us with the services he/she is currently receiving and the names of the providers working
with your child:________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

County approved agency selected to conduct evaluations: ____________________________

Signature of Person Making Referral: _____________________________________________
Date of Referral: _____________ Print Name: ____________________________
Relationship of Person Making Referral: ___________________________________________

Meeting requested to discuss referral/CPSE Process: YES [  ] NO [  ]
If YES, please indicate whether IN PERSON [  ] or PHONE CONFERENCE [  ]

Please return referral form to Elizabeth Wright at address indicated above
Request for Time Enrolled in a Regular Early Childhood Program Form

☐ My child does not attend a Regular Early Childhood Program.

or

☐ My child does attend a Regular Early Childhood Program as indicated below:

The name of the Program(s): _____________________________________________.
My child typically attends the program(s) for the amount of time for each day indicated below:

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Total Minutes For the Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>_____</td>
<td>_____</td>
<td>_____</td>
<td>_____</td>
<td>_____</td>
<td>_____</td>
</tr>
</tbody>
</table>

________________________________________
Student Name

________________________________________
Student Date of Birth

________________________________________  __________
Parent/Guardian Signature                  Date
CPSE REQUEST FOR MEDICAL REPORT OF PHYSICAL EXAMINATION

To the parents:

A physical examination of your child is required by the Committee on Preschool Special Education to help determine if a medically-related, educational disability is present and impacting upon student activity during the school day. Federal and state regulation requires this as a component of the comprehensive assessment provided each student referred to the CPSE. Because many families routinely provide such examinations annually for their children, you may wish to ask your family physician to complete the form below. If you prefer, the CPSE will schedule a physical examination by a consulting pediatrician, at no cost to you.

The examining physician is asked to complete the form below. Please return this form to the Special Education Department at the address below. Thank you for your cooperation.

To the Examining Physician:

This medical report is for use by the Committee on Preschool Special Education (CPSE). This report will be used to help assess the presence of a potential educational disability.

_____________________________  __________________________
Student’s Name                 Date of Birth               School/Grade

1. Are there developmental issues or problems that might affect this student’s ability to learn?

2. Are there any physical issues or problems that might affect this student’s ability to learn?

3. Are there any limitations on this student’s physical activities, including physical education and sports?

4. Date of last physical examination: ___________________

___________________________  __________________________  ________________
Physician’s Signature         Office Address/Phone       Date

PLEASE RETURN THIS FORM TO
THE SPECIAL EDUCATION DEPARTMENT
EDUCATION CENTER
66 ROARING BROOK ROAD
CHAPPAQUA, NY 10514
**PRESCRIPTION – REFERRAL FOR PRESCHOOL EVALUATIONS – SERVICES**

Student Name: ___________________________________________ DOB: ______________________

District: **Chappaqua Central School District**

The child named above is recommended for the following:

(You must provide the most specific ICD10 Code (5 digit if possible) for each Evaluation/Service checked)

<table>
<thead>
<tr>
<th>EVALUATION(S)</th>
<th>SERVICE(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>__ Audiological __</td>
<td>__ Audiological __</td>
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<tr>
<td>__ Occupational Therapy __</td>
<td>__ Occupational Therapy __</td>
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<tr>
<td>__ Physical Therapy __</td>
<td>__ Physical Therapy __</td>
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<tr>
<td>__ Speech* __</td>
<td>__ Speech* __</td>
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<tr>
<td>__ Skilled Nursing** __</td>
<td>__ Skilled Nursing** __</td>
</tr>
<tr>
<td>__ Psychological*** __</td>
<td>__ Psychological Counseling*** __</td>
</tr>
</tbody>
</table>

**EVALUATION(S)** Frequency & Duration as per the IEP, for the School Year: 7/1/2018 to 6/30/2019

**SERVICE(S)** **Reason/Need:**

**Referrals for Speech Evaluation or Services may be signed by a Speech Language Pathologist who has seen the child**

**Referrals for Skilled Nursing Services require specific physician’s order with specific instructions**

**Referrals for a Psychological Evaluation or Psychological Counseling Services may be signed by an appropriate school official such as school administrator or the chairperson of the CPSE or a licensed practitioner acting within his/her scope of practice; Psychological Evaluation and/or Psychological Counseling can have ICD10 Code OR Reason Need: all others need ICD10**

___ Reason/Need: _____________________ **Reason/Need:** _____________________

Date: ______________________

Original Signature of Physician, Physician Assistant, Nurse Practitioner or other professional explained below.

Print Name: ___________________________________________ Title: ______________________

Address/Printed or Stamp: ___________________________________________ NPI #: ______________________

_________________________________________ License #: ______________________

_________________________________________ Medicaid #: ______________________

Phone: ______________________ Fax: ______________________

~A copy of this form or its equivalent must be sent to the County~

Facsimile or photocopy of this is acceptable

~Changes in frequency, duration or type of service need new prescription/referral~

Chappaqua School Phone: (914) 238-7207 / Chappaqua Fax: (914) 238-7231
Rights for Parents of Children with Disabilities, Ages 3-21

As a parent, you are a vital member of the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) in New York State. The CSE/CPSE is responsible for developing recommendations for special education programs and services for your child. You must be given opportunities to participate in the CSE/CPSE discussion and decision-making process about your child’s needs for special education. The following information concerns procedural safeguards that are your legal rights under federal and State laws to be informed about and involved in the special education process and to make sure that your child receives a free appropriate public education (FAPE).

A copy of this procedural safeguards notice must be provided to you one time a year and:
• upon initial referral or your request for an evaluation of your child.
• whenever you request a copy.
• upon receipt of the first due process complaint in a school year requesting mediation or an impartial hearing.
• the first time in a school year when the school district receives a copy of a State complaint that you submitted to the New York State Education Department (NYSED).
• when a decision is made to suspend or remove your child for discipline reasons that would result in a disciplinary change in placement.

The Procedural Safeguards Notice has been adapted from the model form developed by the United States Department of Education (USDOE). Information was added regarding New York State’s requirements.
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*July 2017*
Part B Procedural Safeguards Notice

New York State Education Department

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GENERAL INFORMATION

PRIOR WRITTEN NOTICE (NOTICE OF RECOMMENDATION)
34 CFR section 300.503; 8 NYCRR section 200.5(a) and (c)

Notice
Your school district must give you written notice (provide you certain information in writing), whenever it:

1. proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

If the prior written notice relates to an action by the school district that requires parental consent, the district will give notice at the same time they request such consent.

Content of notice
The written notice must:

1. describe the action that your school district proposes or refuses to take;
2. explain why your school district is proposing or refusing to take the action;
3. describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. include a statement that you have protections under the procedural safeguards provisions in Part B of the Individuals with Disabilities Education Act (IDEA);
5. tell you how you can obtain a description of the procedural safeguards notice if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. include resources for you to contact for help in understanding Part B of the Individuals with Disabilities Education Act (IDEA);
7. describe any other choices that your child's Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE), considered and the reasons why those choices were rejected; and
8. provide a description of other reasons why your school district proposed or refused the action.

Notice in understandable language
The notice must be written in language understandable to the general public and be provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

July 2017
If your native language or other mode of communication is not a written language, your school district must ensure that:

1. the notice is translated for you orally by other means in your native language or other mode of communication;
2. you understand the content of the notice; and
3. there is written evidence that 1 and 2 have been met.

**NATIVE LANGUAGE**

34 CFR section 300.29; 8 NYCRR section 200.1(ff)

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

**ELECTRONIC MAIL**

34 CFR section 300.505; 8 NYCRR section 200.5(a), (f), and (i)

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. prior written notice (notice of recommendation);
2. procedural safeguards notice; and
3. notices related to a due process complaint.

**PARENTAL CONSENT - DEFINITION**

34 CFR section 300.9; 8 NYCRR section 200.1(l)

Consent

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent;
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

**PARENTAL CONSENT**

*34 CFR section 300.300; 8 NYCRR sections 200.5(a) and (b)*

**Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading *Parental Consent*.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation and your child is school-age, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances and your child can not receive special education services even if he/she would have been eligible.

**Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his/her parent, the school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. despite reasonable efforts to do so, the school district cannot find the child’s parent;
2. the rights of the parents have been terminated in accordance with State law; or
3. a judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

In New York State, ward of the state means a child or youth under the age of twenty-one:

1. who has been placed or remanded pursuant to section 358-a, 384 or 384-a of the Social Services Law, or article 3, 7, or 10 of the Family Court Act, or freed for adoption pursuant to section 383-c, 384, or 384-b of the Social Services Law; or
2. who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
3. who is a destitute child under section 398(1) of the Social Services Law.

**Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time. The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use due process procedures (i.e., mediation, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child’s CSE or CPSE) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. is not in violation of the requirement to make FAPE available to your child for its failure to provide those services to your child; and
2. is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

**Revocation of parental consent**

If you inform the school district in writing that you revoke (take back) your consent for your school district to provide special education and related services to your child, your school district:

1. may not continue to provide special education and related services to your child;
2. may not use due process procedures (i.e., mediation, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to your child;
3. is not in violation of the requirement to make FAPE available to your child for its failure to provide further special education and related services to your child;
4. is not required to have an IEP meeting or develop an IEP for your child for the further provision of special education and related services; and
5. is not required to amend your child’s education records to remove any reference to your child’s receipt of special education and related services because of the revocation of consent.
Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. it took reasonable steps to obtain your consent for your child's reevaluation; and
2. you did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of IDEA if it declines to pursue the reevaluation in this manner.

Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations and reevaluations, to provide special education and related services for the first time, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. detailed records of telephone calls made or attempted and the results of those calls;
2. copies of correspondence sent to the parents and any responses received; and
3. detailed records of visits made to the parent’s home or place of employment and the results of those visits.

Parental consent for insurance access

Parent consent is required prior to the school district accessing a parent’s private or public insurance proceeds as described under the heading of Use of Public and Private Benefits/Insurance.

Consent for Parentally-Placed and Home-Instructed Students

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school children with disabilities).

Other consent requirements

Your consent is not required before your school district may:

1. review existing data as part of your child's evaluation or a reevaluation; or
2. give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.
Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

The school district must develop and implement procedures to ensure that your refusal to consent to any of these other services and activities does not result in a failure to provide your child with FAPE.

**INDEPENDENT EDUCATIONAL EVALUATIONS**

34 CFR section 300.502; 8 NYCRR section 200.5(g)

**General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an IEE, the school district must provide you with information about where you may obtain one and about the school district’s criteria that apply to IEEs.

**Definitions**

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of IDEA, which allow each state to use whatever State, local, federal and private sources of support are available in the State to meet the requirements of Part B of IDEA.

**Parent right to evaluation at public expense**

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an IEE of your child at public expense, your school district must, without unnecessary delay, either: (a) file a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) provide an IEE at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district’s criteria.

2. If your school district requests a hearing and the final decision is that your school district’s evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.

3. If you request an IEE of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district’s evaluation of your child.
You are entitled to only one IEE of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

**Parent-initiated evaluations**

If you obtain an IEE of your child at public expense or you choose to share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district’s criteria for IEE, in any decision made with respect to the provision of FAPE to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

**Requests for evaluations by impartial hearing officers**

If an impartial hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

**School district criteria**

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an IEE at public expense.
CONFIDENTIALITY OF INFORMATION

DEFINITIONS

34 CFR section 300.611

As used under the heading **Confidentiality of Information:**

_Destruction_ means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

_Education records_ means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

_Participating agency_ means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of IDEA.

PERSONALLY IDENTIFIABLE

34 CFR section 300.32; 8 NYCRR section 200.5(e)

_Personally identifiable_ means information that has:

(a) your child’s name, your name as the parent, or the name of another family member;
(b) your child's address;
(c) a personal identifier, such as your child’s social security number or student number; _or_
(d) a list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

NOTICE TO PARENTS

34 CFR section 300.612

When the New York State Education Department (NYSED) and school districts maintain personally identifiable information, notice must be given that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. a description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods used in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. a summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

4. a description of all of the rights of parents and children regarding this information, including the rights under FERPA and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents of the activity to locate, identify, and evaluate children in need of special education and related services.

**ACCESS RIGHTS**

**34 CFR section 300.613; 8 NYCRR sections 200.2(b)(6) and 200.5(d)(6)**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. a response from the participating agency to your reasonable requests for explanations and interpretations of the records;

2. a request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and

3. to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

**RECORD OF ACCESS**

**34 CFR section 300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
RECORDS ON MORE THAN ONE CHILD
34 CFR section 300.615
If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

LIST OF TYPES AND LOCATIONS OF INFORMATION
34 CFR section 300.616
On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

FEES
34 CFR section 300.617
Each participating agency may charge a fee for copies of records that are made for you under Part B of IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of IDEA.

AMENDMENT OF RECORDS AT PARENT’S REQUEST
34 CFR section 300.618
If you believe that information in the education records regarding your child collected, maintained, or used under Part B of IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading Opportunity For a Hearing.

OPPORTUNITY FOR A HEARING
34 CFR section 300.619
The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.
HEARING PROCEDURES

34 CFR section 300.621

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under FERPA.

RESULT OF HEARING

34 CFR section 300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and

2. if the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

34 CFR section 300.622; 8 NYCRR section 200.5(b)

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law (age 18), must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.
SAFEGUARDS

34 CFR section 300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding New York State’s policies and procedures regarding confidentiality under Part B of IDEA and FERPA.

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

34 CFR section 300.624

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child’s name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
STATE COMPLAINT PROCEDURES

DIFFERENCE BETWEEN DUE PROCESS HEARING COMPLAINT AND STATE COMPLAINT PROCEDURES

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, NYSED, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child. NYSED staff generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended. An impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days for school-age students and 30 calendar days for preschool students after the end of the resolution period, (as described in this document under the heading Resolution Process) unless the hearing officer grants a specific extension of the timeline. Such an extension would be at your request or the school district’s request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

ADOPTION OF STATE COMPLAINT PROCEDURES

34 CFR section 300.151; 8 NYCRR section 200.5(l)

General

NYSED must have written procedures for:

1. resolving any complaint, including a complaint filed by an organization or individual from another State;

2. the filing of a complaint with NYSED. State complaints may be sent to:
   Statewide Coordinator for Special Education
   New York State Education Department
   Office of Special Education
   89 Washington Avenue, Room 309 EB
   Albany, NY 12234

3. widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Remedies for denial of appropriate services

In resolving a State complaint in which NYSED has found a failure to provide appropriate services, NYSED must address:
1. the failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and

2. appropriate future provision of services for all children with disabilities.

**MINIMUM STATE COMPLAINT PROCEDURES**

34 CFR section 300.152; 8 NYCRR section 200.5(l)

**Time limit; minimum procedures**

NYSED must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. carry out an independent on-site investigation, if NYSED determines that an investigation is necessary;

2. give the complainant (the person submitting the complaint) the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

3. provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;

4. review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA; and

5. issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for NYSED's final decision.

**Time extension; final decision; implementation**

NYSED's procedures described above also must:

1. permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; or (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation.

2. include procedures for effective implementation of NYSED's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

NYSED's decision rendered for the complaint is final and is not subject to appeal. While a school district and a parent have the right to initiate an impartial hearing to address the same issues raised in the complaint, the impartial hearing cannot be used as an appeal to a State complaint decision.

**State complaints and due process hearings**

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading *Filing a Due Process Complaint*, or the State
complaint contains multiple issues of which one or more are part of such a hearing, NYSED must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and NYSED must inform the complainant that the decision is binding.

A complaint alleging a school district’s or other public agency’s failure to implement a due process hearing decision must be resolved by NYSED.

**FILING A COMPLAINT**

34 CFR section 300.153; 8 NYCRR section 200.5(l)

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. a statement that a school district or other public agency has violated a requirement of Part B of IDEA or its regulations;
2. the facts on which the statement is based;
3. the signature and contact information for the complainant; and
4. if alleging violations regarding a specific child:
   (a) the name of the child and address of the residence of the child;
   (b) the name of the school the child is attending;
   (c) in the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
   (d) a description of the nature of the problem of the child, including facts relating to the problem; and
   (e) a proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading Adoption of State Complaint Procedures.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with NYSED.
DUE PROCESS COMPLAINT PROCEDURES

FILING A DUE PROCESS COMPLAINT
34 CFR section 300.507; 8 NYCRR section 200.5(i) and section 200.5(j)

General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of FAPE to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. the school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. the school district withheld information from you that it was required to provide you under Part B of IDEA.

Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

DUE PROCESS COMPLAINT
34 CFR section 300.508; 8 NYCRR section 200.5(i) and (j)

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide NYSED with a copy of the complaint.

Content of the complaint

The due process complaint must include:

1. the name of the child;
2. the address of the child's residence;
3. the name of the child's school;
4. if the child is a homeless child or youth, the child’s contact information and the name of the child’s school;

5. a description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and

6. a proposed resolution of the problem to the extent known and available to you or the school district at the time.

**Notice required before a hearing on a due process complaint**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district’s attorney), files a due process complaint that includes the information listed above.

**Sufficiency of complaint**

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the impartial hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

**Complaint amendment**

You or the school district may make changes to the complaint only if:

1. the other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or

2. by no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

**Local educational agency (LEA) or school district response to a due process complaint**

If the school district has not sent a prior written notice to you, as described under the heading *Prior Written Notice*, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send a response to you that includes:

1. an explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. a description of other options that your child's CSE or CPSE considered and the reasons why those options were rejected;

3. a description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and

4. a description of the other factors that are relevant to the school district’s proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

Other party response to a due process complaint

Except as stated under the sub-heading immediately above, LEA or school district response to a due process complaint, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

MODEL FORMS

34 CFR section 300.509

NYSED must develop model forms to help you file a State complaint and a due process complaint. However, NYSED or the school district may not require you to use these model forms. You can use the State’s model form or another appropriate form, so long as it contains the required information for filing a due process complaint or a State complaint. The State’s model forms may be found at http://www.p12.nysed.gov/specialed/. Copies of the forms will be provided to you by the school district or by contacting NYSED, Office of Special Education at 518-473-2878.

MEDIATION

34 CFR section 300.506; 8 NYCRR section 200.5(h)

General

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading Filing a Due Process Complaint.

Requirements

The procedures must ensure that the mediation process:

1. is voluntary on your part and the school district’s part;

2. is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of IDEA; and
3. is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. who is under contract with the Community Dispute Resolution Center (CDRC); and
2. who would explain the benefits and encourage the use of the mediation process to you.

New York State uses qualified mediators trained by CDRC who know the laws and regulations relating to the provision of special education and related services. Mediators are selected by CDRCs on a random, rotational, or other impartial basis.

**Arranging mediation**

Mediation is arranged through the school district with CDRCs. The State is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

**Mediation agreements**

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and:

1. states that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal court or State court of a State receiving assistance under Part B of IDEA.

**Impartiality of mediator**

The mediator:

1. may not be an employee of a State educational agency or school that is involved in the education or care of your child; and
2. must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

*July 2017*
THE CHILD’S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING (PENDENCY)

34 CFR section 300.518; 8 NYCRR section 200.5(m)

Except as provided below under the heading PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and your school district or you and the State Review Officer agree otherwise, your child must remain in his or her current educational placement.

If the due process proceeding concerns consent for an initial evaluation, your child will not be evaluated while the proceeding is pending.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

A child who received preschool special education services and is now school-age may, during hearings and appeals, remain in the same programs as the preschool program if that program also has an approved school-age special education program.

If your preschool child is currently not receiving special education services and programs, he or she may, during any hearings or appeals, receive special education services and programs if you and the school district agree.

If the due process complaint involves an application for initial services under Part B of IDEA for a child who is transitioning from being served under Part C of IDEA (Early Intervention Services) to Part B of IDEA (Preschool Special Education Services) and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

A child who has received early intervention services and is not of preschool age may, during hearings and appeals, receive special education in the same program as the early intervention program if that program is also an approved preschool program.

RESOLUTION PROCESS

34 CFR section 300.510; 8 NYCRR section 200.5(j)

Resolution meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the CSE or CPSE who have specific knowledge of the facts identified in your due process complaint. The meeting:
Part B Procedural Safeguards Notice

1. must include a representative of the school district who has decision-making authority on behalf of the school district; and

2. may not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the CSE or CPSE to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. you and the school district agree in writing to waive the meeting; or

2. you and the school district agree to use the mediation process, as described under the heading **Mediation**.

A school district must make reasonable efforts to obtain your participation in the resolution meeting.

**Resolution period**

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for school-age students or 30-calendar-day timeline for preschool students for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, **your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.** If you decide not to attend the resolution meeting, your impartial hearing may be dismissed by an impartial hearing officer.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that an impartial hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district’s attempts to arrange a mutually agreed upon time and place, such as:

1. detailed records of telephone calls made or attempted and the results of those calls;

2. copies of correspondence sent to you and any responses received; and

3. detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint or fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-calendar-day due process
hearing timeline for school-age students (or the 30-calendar-day due process hearing timeline for preschool) begin.

**Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45 calendar day for school-age (or 30 calendar day for preschool) timeline for the due process hearing starts the next calendar day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45 calendar day for school-age students or 30 calendar day for preschool timeline for the due process hearing starts the next calendar day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-calendar-day or 30-calendar-day timeline for the due process hearing starts the next calendar day.

**Written agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. signed by you and a representative of the school district who has the authority to bind the school district; and

2. enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States.

**Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within three business days of the time that both you and the school district signed the agreement.
HEARINGS ON DUE PROCESS COMPLAINTS

IMPARTIAL DUE PROCESS HEARING

34 CFR section 300.511; 8 NYCRR sections 200.1(x), 200.5(i) and (j)

General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the Due Process Complaint and Resolution Process sections. The school district appoints the impartial hearing officer from the rotational list. The impartial hearing officer convenes the impartial hearing.

Impartial hearing officer (IHO)

At a minimum, an IHO must:

1. not be an employee of a State educational agency or school that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. not have a personal or professional interest that conflicts with the hearing officer’s objectivity in the hearing;
3. be knowledgeable and understand the provisions of IDEA, and federal and New York State regulations pertaining to IDEA, and legal interpretations of IDEA by federal and State courts; and
4. have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as IHOs.

Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint notice, unless the other party agrees.

Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

Exceptions to the timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. the school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. the school district withheld information from you that it was required to provide to you under Part B of IDEA.

HEARING RIGHTS
34 CFR section 300.512; 8 NYCRR section 200.5(j)

General
Any party to a due process hearing (including a hearing relating to disciplinary procedures) or an appeal, as described under the sub-heading Appeal of decisions; impartial review has the right to:

1. be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. present evidence and confront, cross-examine, and require the attendance of witnesses;
3. prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five business days before the hearing;
4. obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. obtain written, or, at your option, electronic findings of fact and decisions.

Additional disclosure of information
At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

An IHO may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental rights at hearings
You must be given the right to:

1. have your child present;
2. open the hearing to the public;
3. have the record of the hearing, the findings of fact and decisions provided to you at no cost; and
4. have an interpreter for the deaf or an interpreter fluent in your native language, if necessary, at no cost to you.
HEARING DECISIONS
34 CFR section 300.513; 8 NYCRR section 200.5(j)

Decision of hearing officer
An IHO’s decision on whether your child received FAPE must be based on substantive grounds.

In matters alleging a procedural violation, an IHO may find that your child did not receive FAPE only if the procedural inadequacies:

1. interfered with your child’s right to FAPE;
2. significantly interfered with your opportunity to participate in the decision-making process regarding the provision of FAPE to your child; or
3. caused a deprivation of an educational benefit.

Construction clause
None of the provisions described above can be interpreted to prevent an IHO from ordering a school district to comply with the requirements in the procedural safeguards section of the federal regulations under Part B of IDEA (34 CFR sections 300.500 through 300.536).

None of the provisions under the headings: Filing a Due Process Complaint; Due Process Complaint; Model Forms; Resolution Process; Impartial Due Process Hearing; Hearing Rights; and Hearing Decisions (34 CFR sections 300.507 through 300.513), can affect your right to file an appeal of the due process hearing decision with the State Review Officer (SRO) (see heading Appeals - Finality of Decision).

Separate request for a due process hearing
Nothing in the procedural safeguards section of the federal regulations under Part B of IDEA (34 CFR sections 300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.
| APPEALS |

**FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

34 CFR section 300.514; 8NYCRR section 200.5(k)

**Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision to NYSED, Office of State Review.

**State-level appeals of IHO decisions**

The decision made by the IHO is final unless you or the school district ask for a review of the decision of the IHO (called a request for review) by a State Review Officer (SRO). If you want to appeal the IHO decision to an SRO, a Notice of Intention to Seek Review (Form A) must be served on the school district within 25 days from the date of the IHO’s decision. The notice of request for review (Form B) and request for review must be served by hand-delivery on the school district within 40 days from the date of the IHO’s decision. The SRO will:

1. make a final decision within 30 calendar days. The SRO may extend the time beyond the 30 days upon good cause shown at the timely written request of you or the school district. The extension must be for a specific time.
2. mail copies of the written or, at your option, electronic findings of fact and the decision to you or your attorney and the board of education (BOE) within the 30-day period or time period as extended by the SRO as set forth above.

The rules for filing an appeal to the SRO can be found at: [http://www.sro.nysed.gov](http://www.sro.nysed.gov).

If there is an appeal, the SRO must conduct an impartial review of the findings and decision appealed. The official conducting the review must:

1. examine the entire hearing record;
2. ensure that the procedures at the hearing were consistent with the requirements of due process;
3. seek additional evidence if necessary. If a hearing is held to receive additional evidence, the hearing rights described above under the heading *Hearing Rights* apply;
4. give the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
5. make an independent decision on completion of the review; and
6. give you and the school district a copy of the written, or, at your option, electronic findings of fact and decisions.
Finality of review decision
The decision made by the SRO is final unless you or the school district brings a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS
34 CFR section 300.515; 8 NYCRR sections 200.5(j) and 200.16(h)

The school district must ensure that, not later than 45 calendar days for school-age students or 30 calendar days for preschool students, after the expiration of the 30 calendar day period for resolution meetings or, as described under the sub-heading Adjustments to the 30-calendar-day resolution period, not later than 45 calendar days for school-age students or 30 calendar days for preschool students after the expiration of the adjusted time period:

1. a final decision is reached in the hearing; and
2. a copy of the decision is mailed to you and the school district.

The SRO must ensure that not later than 30 calendar days after the receipt of a request for review or such time as extended by the SRO:

1. a final decision is reached in the review; and
2. a copy of the decision is mailed to you and the school district.

An IHO or a SRO may grant specific extensions of time beyond the periods described above (45-calendar-day for school-age or 30-calendar-day for preschool hearing decision timeline and 30-calendar-day SRO decision timeline) if you or the school district make a request for a specific extension of the timeline.

Each hearing and review involving oral arguments must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS
34 CFR section 300.516; 8 NYCRR section 200.5(k)

General
Any party (you or the school district) who does not agree with the findings and decision in the State-level review has the right to bring a civil action with respect to the matter that was the subject of the due process hearing (including a hearing relating to disciplinary procedures). The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Time limitation
The party (you or the school district) bringing the action have four months from the date of the decision of the SRO to file a civil action.
**Additional procedures**

In any civil action, the court:

1. receives the records of the administrative proceedings;
2. hears additional evidence at your request or at the school district's request; **and**
3. bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

**Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of IDEA without regard to the amount in dispute.

**Rule of construction**

Nothing in Part B of IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of children with disabilities. However, before filing a civil action under these laws seeking relief that is also available under Part B of IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of IDEA. This means that you may have remedies available under other laws that overlap with those available under IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

**ATTORNEYS’ FEES**

34 CFR section 300.517

**General**

In any action or proceeding brought under Part B of IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys’ fees as part of the costs to you.

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys’ fees as part of the costs to a prevailing school district, or NYSED to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; **or** (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation. **or**

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys’ fees as part of the costs to a prevailing state educational agency (SEA) or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

July 2017
A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing began for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.

2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of IDEA for services performed after a written offer of settlement to you if:
   a. the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
   b. the offer is not accepted within 10 calendar days; and
   c. the court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the CSE or CPSE unless the meeting is held as a result of an administrative proceeding or court action. Fees also may not be awarded for a mediation as described under the heading Mediation. A resolution meeting, as described under the heading Resolution meeting, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of IDEA, if the court finds that:

1. you, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;

2. the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;

3. the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

4. the attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading Due Process Complaint.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of IDEA.
PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

AUTHORITY OF SCHOOL PERSONNEL

34 CFR section 300.530; 8 NYCRR sections 201.2 - 201.7

Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

The procedures for the discipline of students with disabilities must be in accordance with section 3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the school has the authority to suspend or remove your child for violating the school’s code of conduct, you and your child have certain rights throughout the process.

Rights that apply to all students

1. To be notified immediately by telephone, if possible, and to receive written notice within 24 hours of a proposed suspension of five school days or less. The notice should describe the incident, proposed suspension and your child’s rights. You also have the right to request an informal conference with the school principal, which will be held before the suspension unless your child’s presence in school poses a danger (in which case the informal conference can occur after your child is suspended).

2. To receive written notice of your opportunity for a superintendent’s hearing, if the suspension is for more than five consecutive school days, which describes your child’s rights to counsel and to question and present witnesses.

3. For your child to receive alternative instruction during the first ten days of any suspension or removal to the same extent as nondisabled students, if your child is of compulsory school age.

Rights that apply to students with disabilities

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 school days in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (IAES) which must be determined by the child’s CSE or CPSE, another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 school days in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see Change of Placement Because of Disciplinary Removals for the definition, below).
Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading **Services**.

**Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the child’s disability (see **Manifestation determination**, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child’s CSE or CPSE determines the IAES for such services.

**Services**

The services that must be provided to a child with a disability who has been removed from the child’s current placement may be provided in an IAES.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

In New York State, the school district must provide alternative instruction to a student with a disability who has been suspended for less than 10 days in a school year if the student is of compulsory school age. If the student is not of compulsory school age, alternative instruction must be provided if these services are provided to nondisabled students.

The education service requirements for students with disabilities during the first 10 days of suspension in a school year are the same as they are for nondisabled students. In New York State, alternative instruction must be provided for a minimum of one hour daily for an elementary student and two hours daily for a secondary student. If a student who is not of compulsory school age is suspended, the school district is not required to provide the student with the alternative instruction unless they provide this instruction to nondisabled students.

A child with a disability who is removed from the child’s current placement for **more than 10 school days** must:

1. continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and
2. receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child’s teachers, determine the extent to which services are needed to enable the child to continue to participate in
the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.

If the removal is a change of placement (see definition below), the child’s CSE or CPSE determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.

**Manifestation determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the CSE or CPSE (as determined by the parent and the school district) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; **or**
2. if the conduct in question was the direct result of the school district’s failure to implement the child’s IEP.

If the school district, the parent, and relevant members of the child’s CSE or CPSE determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child’s disability.

If the school district, the parent, and relevant members of the child’s CSE or CPSE determine that the conduct in question was the direct result of the school district’s failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

**Determination that behavior was a manifestation of the child’s disability**

If the school district, the parent, and relevant members of the CSE or CPSE determine that the conduct was a manifestation of the child’s disability, the CSE or CPSE must either:

1. conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
2. if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading **Special circumstances**, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.
Special circumstances

Whether or not the behavior was a manifestation of the child’s disability, school personnel may remove a student to an IAES (determined by the child’s CSE or CPSE) for up to 45 school days, if the child:

1. carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district;
2. knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district; or
3. has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of NYSED or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

34 CFR section 300.536; 8 NYCRR section 201.2

A removal of a child with a disability from the child’s current educational placement is a change of placement if:
1. the removal is for more than 10 school days in a row; or
2. the child has been subjected to a series of removals that constitute a pattern because:
   a. the series of removals total more than 10 school days in a school year;
b. the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and

c. of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

DETERMINATION OF SETTING

34 CFR section 300.531; 8 NYCRR section 201.10

The CSE or CPSE must determine the IAES for removals that are changes of placement, and removals under the headings Additional authority and Special circumstances, above.

APPEAL

34 CFR section 300.532; 8 NYCRR section 201.11

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. any decision regarding placement made under these discipline provisions; or
2. the manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of impartial hearing officer

A hearing officer that meets the requirements described under the sub-heading Impartial Hearing Officer must conduct the due process hearing and make a decision. The hearing officer may:

1. return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child’s behavior was a manifestation of the child’s disability; or
2. order a change of placement of the child with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.
Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures, Hearings on Due Process Complaints**, and **Appeal of decisions; impartial review** except as follows:

1. The school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.

2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see **Appeals**, above).

**PLACEMENT DURING APPEALS**

**34 CFR section 300.533; 8 NYCRR section 201.10**

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and NYSED or school district agree otherwise) remain in IAES pending the decision of the IHO, or until the expiration of the time period of removal as provided for and described under the heading **Authority of School Personnel**, whichever occurs first.

**PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

**34 CFR section 300.534; 8 NYCRR section 201.5**

**General**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

**Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. the parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. the parent requested an evaluation related to eligibility for special education and related services under Part B of IDEA; or

3. the child’s teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district’s director of special education or to other supervisory personnel of the school district.

Exception

A school district would not be deemed to have such knowledge if:

1. the child’s parent has not allowed an evaluation of the child or refused special education services; or

2. the child has been evaluated and determined to not be a child with a disability under Part B of IDEA.

Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the subheadings Basis of knowledge for disciplinary matters and Exception, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of IDEA, including the disciplinary requirements described above.
Referral to and Action by Law Enforcement and Judicial Authorities

34 CFR section 300.535

Part B of IDEA does not:

1. prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or

2. prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and State law to crimes committed by a child with a disability.

Transmittal of records

If a school district reports a crime committed by a child with a disability, the school district:

1. must ensure that copies of the child’s special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and

2. may transmit copies of the child’s special education and disciplinary records only to the extent permitted by FERPA.
USE OF PUBLIC AND PRIVATE BENEFITS/INSURANCE

CHILDREN WITH DISABILITIES COVERED BY PUBLIC INSURANCE

34 CFR section 300.154(d); 8 NYCRR sections 200.5(b)(8)

A school district may use the parent’s or child’s public benefits or insurance programs (such as Medicaid) to provide or pay for special education and related services. In order to bill public benefits or insurance programs, the school district must:

1. obtain your written consent (consistent with the section under the heading Parental Consent – Definition) before accessing your or your child’s public benefits or insurance for the first time; and

2. provide you with a written notification before accessing your or your child’s public benefits or insurance for the first time and annually thereafter. This written notification must inform you that:

a) you are not required to sign up for or enroll in public benefits in order for your child to receive FAPE;

b) you are not required to incur an out-of-pocket expense, such as the payment of a deductible or co-pay amount incurred in filing a claim for services;

c) the district may not use your child’s benefits under a public benefits or insurance program if that use would:
   • decrease available lifetime coverage or other insured benefit;
   • result in your family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for your child outside of the time your child is in school;
   • increase premiums or lead to the discontinuation of benefits or insurance; or
   • risk loss of eligibility for home and community-based waivers, based aggregate health-related expenditures.

d) your refusal or withdrawal of consent to allow access to your public benefits or insurance does not relieve the school district of its responsibility to ensure that all IEP services are provided at no cost to you; and

e) you may withdraw your consent at any time.
CHILDREN WITH DISABILITIES COVERED BY PRIVATE INSURANCE

34 CFR section 300.154(e); 8 NYCRR sections 200.5(b)(9)

With regard to services required to provide FAPE to your child, the school district may access your private insurance proceeds only if you provide consent consistent with the section under the heading Parental Consent - Definition

Each time the school district proposes to access your private insurance proceeds, it must:

- obtain your consent; and
- inform you that your refusal to permit the school district to access your private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to you.

The school district may use its Part B IDEA funds to pay the costs that you might otherwise have to pay to use your benefits or insurance (e.g., the deductible or co-pay).
REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE

GENERAL

34 CFR section 300.148

Part B of IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR sections 300.131 through 300.144.

Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or an IHO finds that the agency had not made FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An IHO or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by NYSED and school districts.

Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. if: (a) At the most recent CSE or CPSE meeting that you attended prior to your removal of your child from the public school, you did not inform the CSE or CPSE that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;

2. if, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or

3. upon a court’s finding that your actions were unreasonable.
However, the cost of reimbursement:

1. must not be reduced or denied for failure to provide the notice if: (a) the school prevented you from providing the notice; (b) you had not received notice of your responsibility to provide the notice described above; or (c) compliance with the requirements above would likely result in physical harm to your child; and

2. may, in the discretion of the court or an IHO, not be reduced or denied for the parents’ failure to provide the required notice if: (a) the parent is not literate or cannot write in English; or (b) compliance with the above requirement would likely result in serious emotional harm to the child.

RESOURCES

USDOE - IDEA Site - (includes Part 300 of the Code of Federal Regulations)
http://idea.ed.gov/

New York State Education Department - http://www.nysed.gov/home.html


Parts 200 and 201 of the Regulations of the Commissioner of Education -


Special Education Quality Assurance Regional Offices –
(also listed on next page)
Special Education Quality Assurance Regional Offices:

Central

NYS Education Department
Special Education Quality Assurance
Hughes State Office Building
333 E. Washington Street, Suite 210
Syracuse, NY 13202
(315) 428-4556
(315) 428-4555 (fax)

New York City

NYS Education Department
Special Education Quality Assurance
55 Hanson Place, Room 545
Brooklyn, NY 11217-1580
(718) 722-4544
(718) 722-2032 (fax)

Eastern

NYS Education Department
Special Education Quality Assurance
89 Washington Avenue, Room 309 EB
Albany, NY 12234
(518) 486-6366
(518) 486-7693 (fax)

New York City

NYS Education Department
Special Education Quality Assurance
Perry B. Duryea, Jr. State Office Building
Room # 2A-5
Hauppauge, NY 11788
(631) 952-3352
(631) 952-3834 (fax)

Hudson Valley

Albany Site
NYS Education Department
Special Education Quality Assurance
89 Washington Avenue, Room 309 EB
Albany, NY 12234
(518) 473-1185
(518) 402-3582 (fax)

Long Island

NYS Education Department
Special Education Quality Assurance
2A Richmond Avenue
Batavia, NY 14020
(585) 344-2002
(585) 344-2422 (fax)

Peekskill Site
NYS Education Department
Special Education Quality Assurance
1 Park Place, 3rd Floor
Peekskill, NY 10566
(914) 940-2900
(914) 402-2180 (fax)

Western

(Albany Site)
NYS Education Department
Special Education Quality Assurance
89 Washington Avenue, Room 309 EB
Albany, NY 12234
(518) 473-1185
(518) 486-7693 (fax)

Nondistrict Unit

(Albany Site)
NYS Education Department
Special Education Quality Assurance
89 Washington Avenue, Room 309 EB
Albany, NY 12234
(518) 473-1185
(518) 486-7693 (fax)

Peekskill Site
NYS Education Department
Special Education Quality Assurance
1 Park Place, 3rd Floor
Peekskill, NY 10566
(914) 940-2900
(914) 402-2180 (fax)
Approved CPSE Evaluation Sites

for

Westchester County

2018 – 2019 School Year

July 2018

Compiled and Distributed by:

Lower Hudson Early Childhood Direction Center
## WESTCHESTER County

<table>
<thead>
<tr>
<th>Evaluation Site</th>
<th>Contact Information</th>
<th>Evaluation Locations</th>
<th>Bilingual Evaluations other than English</th>
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<tbody>
<tr>
<td><strong>ACDS, Westchester</strong>&lt;br&gt;963 Scarsdale Road&lt;br&gt;Scarsdale, NY 10583</td>
<td>Ms. Julissa Padilla ext. 100 (914) 810-2237 <a href="mailto:jpadilla@acds.org">jpadilla@acds.org</a></td>
<td>Facility based</td>
<td>Spanish &amp; Other languages Available with interpreter</td>
</tr>
<tr>
<td><strong>Achieve Beyond (Formerly: Bilinguals, Inc.) Child and Parent Services</strong>&lt;br&gt;2700 Westchester Avenue&lt;br&gt;Suite 300&lt;br&gt;Purchase, NY 10577</td>
<td>Ms. Julie Byrum ext. 516&lt;br&gt;Ms. Luisa Sanchez ext. 511&lt;br&gt;Ms. Stephanie Pena ext. 522 (914) 328-2868 <a href="mailto:jbyrun@achievebeyondusa.com">jbyrun@achievebeyondusa.com</a> <a href="mailto:lmsanchez@achievebeyondusa.com">lmsanchez@achievebeyondusa.com</a> <a href="mailto:stpena@achievebeyondusa.com">stpena@achievebeyondusa.com</a> <a href="mailto:HVevaluations@achievebeyondusa.com">HVevaluations@achievebeyondusa.com</a></td>
<td>Home, Community, &amp; Facility based</td>
<td>Spanish, Japanese, Russian</td>
</tr>
<tr>
<td><strong>Advanced Therapeutic Concepts, Inc.</strong>&lt;br&gt;501 Chestnut Ridge Road&lt;br&gt;Suite 205&lt;br&gt;Chestnut Ridge, NY 10977</td>
<td>Ms. Sarah Weiss (845) 738-4362 ext. 110 <a href="mailto:sweiss@atcny.net">sweiss@atcny.net</a></td>
<td>Home &amp; Community based</td>
<td>Spanish Yiddish</td>
</tr>
<tr>
<td><strong>Alcott School</strong>&lt;br&gt;535 Broadway&lt;br&gt;Dobbs Ferry, NY 10522</td>
<td>Ms. Silvana Dias ext. 1125 (914) 693-3737 <a href="mailto:sdias@alcottschool.org">sdias@alcottschool.org</a></td>
<td>Facility based</td>
<td>English only</td>
</tr>
<tr>
<td><strong>All About Kids</strong>&lt;br&gt;145 Huguenot Street&lt;br&gt;Suite 404&lt;br&gt;New Rochelle, NY 10801</td>
<td>Mr. Robert Heuthe ext. 132&lt;br&gt;Ms. Ruthie Davis ext. 608 (914) 251-0905 <a href="mailto:Robert.heuthe@aakcares.com">Robert.heuthe@aakcares.com</a> <a href="mailto:Ruthie.davis@aakcares.com">Ruthie.davis@aakcares.com</a></td>
<td>Home, Community, &amp; Facility based</td>
<td>English only</td>
</tr>
<tr>
<td><strong>Birch Family Services Riverdale Early Childhood Center</strong>&lt;br&gt;475 West 250th Street&lt;br&gt;Bronx, NY 10471</td>
<td>Mr. Piero Pelaez ext. 1857&lt;br&gt;Mr. Victor Hernandez ext. 1869 (212) 616-1800 <a href="mailto:Piero.pelaez@birchfamilyservices.org">Piero.pelaez@birchfamilyservices.org</a></td>
<td>Home &amp; Community based</td>
<td>Spanish</td>
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<tr>
<td><strong>Children’s School for Early Development</strong>&lt;br&gt;40 Saw Mill River Road&lt;br&gt;Hawthorne, NY 10532</td>
<td>Ms. Marci Roth&lt;br&gt;(914) 347-3227 ext. 112&lt;br&gt;<a href="mailto:mroth@arcwestchester.org">mroth@arcwestchester.org</a></td>
<td>Facility based</td>
<td>English only</td>
</tr>
<tr>
<td><strong>Clarke Schools for Hearing &amp; Speech/ New York</strong>&lt;br&gt;80 East End Avenue&lt;br&gt;New York, NY 10028</td>
<td>Ms. Meredith Berger&lt;br&gt;(212) 585-3500&lt;br&gt;<a href="mailto:mberger@clarkeschools.org">mberger@clarkeschools.org</a></td>
<td>Facility based</td>
<td>English only</td>
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<tr>
<td><strong>HASC – Gan Ezra</strong>&lt;br&gt;46 Grandview Avenue&lt;br&gt;Spring Valley, NY 10977</td>
<td>Ms. Tobe Rebhun&lt;br&gt;(845) 356-0191 ext. 5107&lt;br&gt;<a href="mailto:Tobe.rebhun@hasc.net">Tobe.rebhun@hasc.net</a></td>
<td>Home, Community, &amp; Facility based</td>
<td>Hebrew, Yiddish</td>
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<tr>
<td><strong>HTA of New York, Inc. Westchester Division</strong>&lt;br&gt;1053 Saw Mill River Road&lt;br&gt;Suite 101&lt;br&gt;Ardsley, NY 10502</td>
<td>Ms. Teri Colao&lt;br&gt;(914) 674-0733 ext. 231&lt;br&gt;<a href="mailto:teri@htaofny.com">teri@htaofny.com</a></td>
<td>Home &amp; Community based</td>
<td>Spanish for -Educational -Social History -Psychological -Speech</td>
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<tr>
<td><strong>Hudson Valley Early Childhood Center</strong>&lt;br&gt;(Cerebral Palsy Association of Putnam/So. Dutchess Counties)&lt;br&gt;*Site address:&lt;br&gt;15 Mt. Ebo Road South&lt;br&gt;Brewster, NY 10509&lt;br&gt;*Mailing address:&lt;br&gt;40 Jon Barrett Road&lt;br&gt;Patterson, NY 12563</td>
<td>Ms. Aimee Martine ext. 5555&lt;br&gt;Ms. Rhona Hanshaft ext. 5510&lt;br&gt;(845) 878-9078&lt;br&gt;<a href="mailto:aimeemartine@hvcpa.org">aimeemartine@hvcpa.org</a>&lt;br&gt;<a href="mailto:rhonahanshaft@hvcpa.org">rhonahanshaft@hvcpa.org</a></td>
<td>Facility based</td>
<td>English only</td>
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<tr>
<td><strong>JCC of Mid-Westchester Nursery School Toward Tomorrow Program</strong>&lt;br&gt;999 Wilmot Road&lt;br&gt;Scarsdale, NY 10583</td>
<td>Ms. Jane Lacey&lt;br&gt;(914) 472-3300 ext. 234&lt;br&gt;<a href="mailto:laceyj@jccmw.org">laceyj@jccmw.org</a></td>
<td>Facility based</td>
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# WESTCHESTER County

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<th>Evaluation Site</th>
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<th>Evaluation Locations</th>
<th>Bilingual Evaluations other than English</th>
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| **John A. Coleman School**
317 North Street
White Plains, NY 10605 | Ms. Heather Webb
(914) 597-4050
hwebb@colemanschool.org | Facility based | English only |
| **Mount Vernon Public Schools**
Pre-K Program
Rebecca Turner Preschool Program
625 South 4th Avenue
Mount Vernon, NY 10550 | Ms. Anjali Duni, Psychologist
(914) 358-2814
aduni@mtvernoncsd.org | Facility based | English only |
| **New York School for the Deaf (Evaluations for known/suspected hearing loss)**
555 Knollwood Road
White Plains, NY 10603 | Ms. Jennifer Labriola Megee
(914) 259-8022 (VP)
Ms. Emma Halpern
(914) 949-7310 ext. 8307
jlabriolamegee@nysd.net
ehalpern@nysd.net | Facility based | American Sign Language |
| **Northern Westchester Center for Speech Disorders**
344 Main Street Suite 402
Mount Kisco, NY 10549 | Ms. Deborah Cardenas
(914) 666-9553 ext. 103
deborahacardenas@gmail.com | Home & Community based | English only |
| **Prime Time Program**
456 North Street
White Plains, NY 10605 | Ms. Jennifer Neville
(914) 761-2731
Jennifer.neville@fsw.org | Facility based, and limited disciplines within the home | Spanish |
| **Project Explore Easter Seals**
P.O. Box 207
70 Columbus Avenue
Valhalla, NY 10595 | Ms. Lisa Smacchia
(914) 328-1578
lsmacchia@eastersealsny.org | Facility based | English only |
# WESTCHESTER County

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<th>Evaluation Site</th>
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<tr>
<td><strong>Stepping Stones</strong></td>
<td>Ms. Janice Samuel Powell</td>
<td>Facility based</td>
<td>English only</td>
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<tr>
<td>Lois Bronz Children’s Center</td>
<td>(914) 761-6134 ext. 310</td>
<td></td>
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<tr>
<td>(Formerly Union Child Daycare)</td>
<td><a href="mailto:jpowell@lbcc4kids.org">jpowell@lbcc4kids.org</a></td>
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<td>30 Manhattan Avenue</td>
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<tr>
<td>White Plains, NY 10607</td>
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<tr>
<td><strong>St. Mary’s Hospital for Children</strong></td>
<td>Ms. Jean Steins</td>
<td>Home &amp; Facility</td>
<td>Spanish</td>
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<tr>
<td>29-01 216th Street</td>
<td>(718) 281-8848</td>
<td>based</td>
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<tr>
<td>Bayside, NY 11360</td>
<td>Ms. Maria Madan</td>
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<td></td>
<td>(718) 281-8857</td>
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<td></td>
<td><a href="mailto:jsteins@stmaryskids.org">jsteins@stmaryskids.org</a></td>
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<td></td>
<td><a href="mailto:mmadan@stmaryskids.org">mmadan@stmaryskids.org</a></td>
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<tr>
<td><strong>TheraCare</strong></td>
<td>Ms. Rebecca Diaz</td>
<td>Home &amp; Community</td>
<td>English only</td>
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<tr>
<td>1133 Westchester Ave</td>
<td>(914) 576-5292 ext. 2767</td>
<td>based</td>
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<tr>
<td>Suite N-230</td>
<td><a href="mailto:Rebeccadiaz2@theracare.com">Rebeccadiaz2@theracare.com</a></td>
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<td>White Plains, NY 10604</td>
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<tr>
<td><strong>Westchester Institute for Human Development</strong></td>
<td>Ms. Beth Heyd</td>
<td>Facility based</td>
<td>English only</td>
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<tr>
<td>Alternative &amp; Augmentative Communication (AAC) and</td>
<td>(914) 493-7364</td>
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<tr>
<td>Access Evaluations</td>
<td><a href="mailto:bheyd@wihd.org">bheyd@wihd.org</a></td>
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<td>*Performed ONLY after device trials through our</td>
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<td>Assistive Technology Loan Program</td>
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<td>Cedarwood Hall</td>
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<td>Valhalla, NY 10595</td>
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<tr>
<td><strong>WestCOP Port Chester Therapeutic Nursery</strong></td>
<td>Ms. Susan Summer</td>
<td>Facility based</td>
<td>Spanish</td>
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<tr>
<td>17 Spring Street</td>
<td>(914) 937-5863</td>
<td></td>
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<tr>
<td>Port Chester, NY 10573</td>
<td><a href="mailto:ssummer@westcop.org">ssummer@westcop.org</a></td>
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<tr>
<td><strong>WestCOP Therapeutic Nursery</strong>&lt;br&gt;P.O. Box 173&lt;br&gt;6 Old Tomahawk Street&lt;br&gt;Granite Springs, NY 10527</td>
<td>Ms. Cheryl Rosenfeld&lt;br&gt;(914) 243-0501&lt;br&gt;<a href="mailto:crostenfeld@westcop.org">crostenfeld@westcop.org</a></td>
<td>Home, Community, &amp; Facility based</td>
<td>Spanish</td>
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</table>
The Committee on Preschool Special Education (CPSE): For Children 3 – 5 Years Old

If you have any questions about the CPSE process or choosing an evaluation site, feel free to call the Early Childhood Direction Center (ECDC) at (914) 493-2902. The ECDC can also provide you with the name and contact information for the CPSE Chairperson in your school district.

1. **PARENT REFERRAL**
   - Parent sends a written referral to the child’s school district stating the need for an evaluation.

2. **SCHOOL DISTRICT**
   - Office of Committee on Preschool Special Education (CPSE)
   - Upon receiving the written referral, the CPSE office must provide the parent a copy of: consent form for evaluation, list of approved preschool special education evaluation sites, and Procedural Safeguards Notice (due process rights).

3. **PARENT CONSENT FOR EVALUATION**
   - Parent signs consent form and writes in choice of evaluation site. Parent returns consent form to school district. When CPSE office receives this consent, two timeframes begin: 60 calendar days to hold a meeting and 60 school days to child receiving services.

4. **CONTACT EVALUATION SITE**
   - The school district will authorize the evaluation site chosen by the parent.

5. **EVALUATION**
   - A multidisciplinary evaluation (MDE) for the child will be scheduled and performed.

6. **CPSE MEETING**
   - After the evaluation, the CPSE meeting is held, including the district Chairperson, parent(s) and mandated participants. At this meeting, the full CPSE will review the evaluations, determine if the child is eligible to be classified, and determine appropriate services.

7. **CHILD RECEIVING SERVICES**
   - Within 30 school days of receiving the CPSE recommendation for services, (and within 60 school days from receipt of consent for evaluation), the school district Board of Education arranges for the student to receive the services.
Dear Parents and Families:

Parents and family members are critical partners, along with school district personnel, in the education of their children. Parents provide essential information to teachers and administrators, play an important role in decisions made about their children and can be a key to supporting high expectations for their children during their school years.

The New York State Board of Regents and the State Education Department have set high goals for educational programs and services for students with disabilities in New York. Among them are:

- All students will meet high standards for academic performance and personal behavior and demonstrate the knowledge and skills required by a dynamic world.
- All educational institutions will meet Regents high performance standards.
- The public will be served by qualified, ethical professionals who remain current with best practice in their fields and reflect the diversity of New York State.
- Education, information and cultural resources will be available and accessible to all people.

The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) strategic plan is driven by a vision that is based on the belief that individuals with disabilities, given high expectations, opportunities and support when necessary, will live successful adult lives. Children learn to become independent adults, contributing to society and participating in the community through quality educational and social experiences with their peers. The Rehabilitation Act of 1992 states clearly that disability is a natural part of the human experience and that individuals with disabilities have the right to:

- live independently.
- contribute to society.
- pursue meaningful careers.
- enjoy self-determination.
- make choices.
- enjoy integration in the economic, political, social, cultural and educational mainstream of American society.

This document provides information for parents, guardians and other family members about laws, regulations and policies affecting special education programs and services. However, these protections, rights and opportunities will best help students reach their full potential when parents, families and schools work collaboratively. Setting high expectations for students and high standards for programs will provide the greatest opportunities for a successful adult life.

Sincerely,

[Signature]

Lawrence C. Gloeckler
Kingston

Regents of The University

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The Special Education Process

What is Special Education?

Special education means specially designed individualized or group instruction or special services or programs to meet the unique needs of students with disabilities. Special education services and programs are provided at no cost to the parent.

What are the steps in the Special Education Process?

Step 1: Initial Referral for Special Education Services
Students suspected of having a disability are referred to a multidisciplinary team called the Committee on Special Education or the Committee on Preschool Special Education.

Step 2: Individual Evaluation Process
The Committee arranges for an evaluation of the student's abilities and needs.

Step 3: Determining Eligibility for Special Education Services
Based on evaluation results, the Committee decides if the student is eligible to receive special education services and programs.

Step 4: Individualized Education Program (IEP)
If the child is eligible to receive special education services, the Committee develops and implements an appropriate IEP, based on evaluation results, to meet the needs of the student. Based on the IEP, the Committee must determine the student's placement, ensuring that services are provided in the least restrictive environment (LRE). Placement must be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student must be educated in the school he or she would have attended in not disabled. For more information on least restrictive environment, see page 11.

Step 5: Annual Review/Reevaluation
The IEP is reviewed and, if needed, modified or revised by the Committee at least once a year (annual review). The student has a reevaluation at least once every three years, to review the student's need for special education programs and services and to revise the IEP, as appropriate. A reevaluation may also occur when conditions warrant or when requested by a parent or teacher.

The process occurs sequentially with each step building on the previous one. In this way, comprehensive information about the student is obtained and considered. Timelines are in place so that delays are avoided. Parents are an integral part of this process, and your involvement is encouraged.
Initial Referral for Special Education Services

What should you do if you feel your child needs special education?

If you have a preschool child and you have noticed that your child is not developing skills such as walking, talking or playing like other young children, you may want to talk to your family doctor. He or she may be able to reassure you that children develop at different rates and your child is within the normal developmental scales. If, however, the doctor is concerned, or you are still not comfortable with your child’s progress, you may make a referral to your school district’s Committee on Preschool Special Education (CPSE).

If your three-year-old child received services from the Early Intervention Program and is in need of special education services, he or she will need to transition (move) from the Early Intervention Program into the preschool special education program. The Early Intervention official from your county must give written notice to the CPSE in your local school district that your child may be transitioning from the Early Intervention Program. With your consent, a transition plan must be developed no later than three months before your child’s third birthday.

If your school-age child is having difficulties in school, first talk to his or her teacher. Many schools offer supports for students within regular education such as psychological services, speech and language improvement services, curriculum and instructional modifications and Academic Intervention Services. If you, the teacher and principal have not been able to help your child, your child may have a disability which affects his or her learning. To find out, you can make a referral to the Committee on Special Education (CSE).

What is a referral for special education?

A referral is a written statement asking that the school district evaluate your child to determine if he or she needs special education services. This written statement should be addressed to the chairperson of your school district’s Committee or your school principal. The referral may result in a request to have your child tested to see if he or she needs special education services. In some cases, you may want to meet with the principal before agreeing to test your child to discuss other ways to assist your child. As a result, the referral may be withdrawn.
Who else can make a referral for special education?

You, the parent, can always make a referral for your child. Your child’s teacher or a professional in your child’s school may also make a referral to the Committee. Additional people who may make a referral include doctors, judicial officers (such as a family court judge or a probation officer) or a designated person in a public agency. For a preschool child, any of the people mentioned above may make a referral to the CPSE. In addition, a referral may also be made by someone from an Early Childhood Direction Center, an approved preschool program or an Early Intervention Program that serves children with disabilities from birth to age three. A student over eighteen and younger than 21 who is an emancipated minor may refer him or herself.

What are the Committee on Preschool Special Education (CPSE) and the Committee on Special Education (CSE)?

Every school district has a CPSE and a CSE that decides a child’s special education needs and services. The CPSE is responsible for children with disabilities ages 3-5. The CSE is responsible for children with disabilities ages 5-21. Some school districts also have Subcommittees on Special Education (sometimes called the Sub CSE). In New York City the Subcommittee is sometimes called the School Based Support Team. You are a member of the Committee that will recommend special education services for your child.

You know your child better than anyone else and you have valuable knowledge to bring to Committee discussions. Other members of the Committees are people who have a broad range of experiences planning for and/or working with students with disabilities. Together you will work to make sure that special education programs and services are provided to meet your child’s needs.

Throughout this Guide, these Committees will be referred to as the Committee, or in some cases, more specifically as the CSE or CPSE. Members of each of these Committees are listed on page 37.
Individual Evaluation Process

What is an individual evaluation?

After your child is referred for an evaluation for special education, you will be asked to give your written consent to have your son or daughter evaluated. The results of an evaluation help determine if special education services or programs are needed. An evaluation includes various assessment tools and strategies. These tests determine what your child's learning difficulties may be and how those difficulties affect his or her participation and progress in the general education curriculum. This evaluation is at no cost to you. As a parent, it will be helpful to share with the Committee the important information you have about your child's skills, abilities and needs, including copies of any evaluations you have on your child. The Committee must consider information from parents when making decisions.

What is your role in the individual evaluation process?

Parents of preschool children will be asked to select an approved evaluator from a list of evaluation sites. If you have concerns about providing consent, you can talk to the Committee chairperson. If you do not provide consent for your preschool child (ages 3-5) to be evaluated, the Committee on Preschool Special Education will take steps to make sure that you have received and understand the request for consent for evaluation of your child but the district may not go forward without your consent. If you have a school-age child, the school district is responsible for providing the evaluation.

As a parent, you have input as to the tests and assessments to be conducted on your child. Before an evaluation is conducted, you will be asked for your suggestions about evaluating your child and be given information about the kinds of tests that will be used. If you have questions about the purpose or type of evaluation proposed, you should discuss them with the chairperson of the Committee.
What is included in an individual evaluation?

Evaluations must be comprehensive and provide information about your child's unique abilities and needs. Evaluations include information from parents and a group of evaluators, including at least one special education teacher or other person with knowledge of your child's (suspected) disability. An evaluation will provide information that relates to your child in his or her classroom. It will tell what your child needs to be involved in to participate and progress in general education curriculum.

Tests and assessments, given as part of an evaluation, must be given in your child's language by people who are trained, knowledgeable and/or certified to give the tests. The tests must be fair and not discriminate racially or culturally.

An initial evaluation to determine your child's needs must include:
- a physical examination
- a psychological evaluation (if determined appropriate for school-age students, but mandatory for preschool children)
- a social history
- observation of your child in his or her current education setting
- other tests or assessments that are appropriate for your child (such as a speech and language assessment or a functional behavioral assessment)
- vocational assessments (required at age 12)

The results of the evaluation must be provided to you. This may involve a meeting with the Committee in which the technical language and scoring of individual tests and assessments are explained to you, usually by the professionals who administered the tests or assessments. In addition, you must be given a copy of the evaluation report. You may also bring in evaluation information which the Committee must consider. If you feel that an evaluation conducted by the Committee is not appropriate or if you disagree with the results, you can obtain, and request that the school district pay for, an independent educational evaluation (IEE). For more information about evaluations and independent educational evaluations, see page 17.
Eligibility for Special Education

What happens after the individual evaluation?

After the evaluation is completed, you will be invited to a meeting, as a member of the Committee, to talk about the results. You should attend this meeting because you have important information to share about your child. If you can not attend, you have the right to ask the district to change the time or place of the meeting. At the meeting, the Committee will review the evaluation results. Based on that information, and information that you provide, the Committee decides if your child is eligible or ineligible to receive special education programs and/or services.

In order to be eligible, a child must have a disability that affects his or her ability to learn. In New York State, a child ages 3-5, may be identified as a “preschool student with a disability” if the CPSE identifies the child as having a disability because of mental, physical or emotional reasons. Some preschool children may be identified as having autism, deafness, deaf-blindness, hearing impairment, orthopedic impairment, other health impairment, traumatic brain injury or visual impairment. Preschool students must meet one of the eligibility criteria to be determined eligible as a child with a disability who requires special education. The criteria are described in section 200.1(mm) of the Regulations of the Commissioner of Education.

A student with a disability means a child with a disability, as defined in Education Law; who does not turn 21 before September first; who is entitled to attend public school; who because of mental, physical or emotional reasons, has been identified as having a disability; and who requires special services or programs. Students, ages 5-21, who are identified as having a disability, may have autism, deafness, deaf-blindness, emotional disturbance, hearing impairment, learning disability, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury or visual impairment (including blindness). These terms are defined in section 200.1 (zz) of the Regulations of the Commissioner of Education.

What happens if your child is ineligible for special education services?

If you, with the Committee, decide that your child does not require special education services or programs, the Committee will provide you with information indicating why the child is ineligible. If your child is of school-age, the Committee:

• will also send information to the principal of your child’s school. The principal will be able to work with professionals in the school or with your child’s current teacher, the reading teacher, the guidance counselor, or another specialist to help your son or daughter; and
• may make a referral under Section 504 of the Rehabilitation Act of 1973 (a Federal civil rights law) to another multidisciplinary team within the school.

You will receive a written notice that explains the Committee's decision, and the information on which that decision was based. If you disagree with the decision of the Committee, you may request mediation and/or an impartial hearing to resolve the disagreement. Mediation and impartial hearings are discussed on pages 24-31.
**What happens if your child is eligible for special education services?**

If the Committee decides your child is eligible for special education services, the Committee must identify the one disability category that most appropriately describes your child. The determination of a disability category is used solely for eligibility purposes and does not prescribe the program or services your child will receive. The Committee will develop and implement an individualized education program (IEP) to meet your child’s needs. (See next page.)

You will receive a written notice that explains the Committee’s decision, and the information on which that decision was based. If you disagree with the decision of the Committee, you may request mediation and/or an impartial hearing to resolve the disagreement. Mediation and impartial hearings are discussed on pages 24-31.

**What special education services may my child receive?**

For school-age students, special education services and programs may include specially designed instruction and supplementary services provided in the regular class, consultant teacher services, related services, resource room programs, special classes, home and hospital instruction, placement in an in-State or out-of-State approved private school, and/or 12 month special service and/or program.

For preschool students, special education services and programs may include related services; special education itinerant services; a half-day preschool program; a full-day preschool program; 12 month special service and/or program; or an in-state residential special education program. Before recommending that special education services are provided in a setting which includes only preschool children with disabilities, the CPSE shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found.
Individualized Education Program (IEP)

If your child is eligible for special education services and/or programs, the Committee must meet to develop a plan to meet your child’s unique needs. This plan is called an Individualized Education Program (IEP).

How is an IEP developed?

The IEP development process must consider:
- your child’s strengths;
- your concerns for your child’s education;
- the results of your child’s individual evaluation;
- the results of any State or districtwide tests or assessments; and
- any unique needs related to your child’s disability (such as communication needs, behavior, etc.).

The IEP evolves from a discussion that begins with how your child is doing in school (current level of functioning). From that base, the Committee agrees on the goals your child should be working toward. The Committee then discusses the supports and services and modifications that the child needs to reach those goals. Finally, the Committee determines where those special education services will be provided (location and placement). The location where services will be provided and the student’s placement must be in the least restrictive environment. For preschool children with disabilities, special education services can be delivered in day care, a regular preschool program or other early childhood program in which you have enrolled your child.

What planning should occur for preschool children as they transition to school-age programs and services?

If your child has been receiving preschool special education programs or services, you and the Committee will need to discuss your child’s school program before he or she enters Kindergarten. Sometime during the year before your child is eligible to enter school, the Committee will decide if
your child continues to have a disability and/or if he or she continues to require special education programs or services. If so, the CPSE will make a referral to the CSE.

If eligible, at age five, your child may be recommended to receive special education services or programs in the district's Kindergarten program or other educational setting. However, you are not required to enroll your child in the district's Kindergarten program. Your child may be recommended to receive special education services at home, or while attending a nursery school, day care center or other early childhood program in which you have enrolled your child at your expense.

What planning should occur for young adults?

It is also important to plan ahead when your son or daughter becomes a teen-ager so that he or she can prepare for a high school diploma and/or learn skills necessary for employment, postsecondary education and/or community living as an adult. Beginning when your child is age 12, he or she will receive an assessment to determine vocational skills, aptitudes, and interests. By age 14, the Committee will begin discussing your child's goals as an adult, and how he or she can learn the important skills to meet these goals. From this point forward, the IEP will include programs and services to prepare for adult life (transition services) to address your child's hopes and dreams for the future. Transition planning will involve you, your child and the school discussing questions such as:

- What can your child do now to prepare for being an adult? What can you do to help him or her prepare?
- What will your child do after he or she graduates from school? (Or when he or she turns 21 and is no longer eligible to attend school?)
- Will your child go to college? If so, what high school courses should he or she take? What tests will your child take?
- Will your child look for a job right after high school? Will your child need job training while still in school?
- Where will your child live? Does he or she need to learn new skills to live independently?
Individualized Education Program (IEP)

If your child is eligible for special education services and/or programs, the Committee (of which you are a member) must meet to develop a plan to meet your child's unique needs. This plan is called an Individualized Education Program (IEP). Some of the requirements of the IEP are listed below.

- Your child's name and his or her disability.
- Your child's current abilities, needs, and evaluation results.
- Goals and objectives for your child to meet this school year (annual goals).
- Special equipment your child may need in school.
- Information about the special education programs or services your child will receive (what services, how often and how long they will be provided) to help your child meet his or her goals; and support
  - your preschool child's participation in appropriate activities; or
  - your school-age child's involvement and progress in the general education curriculum.
- Special ways, if any, your child will take tests (such as a longer time to take tests).
- Program modifications for your child.
- Supports for your child's teachers to help implement your child's IEP.
- How and when you will receive reports on your child's progress.
- For teenagers, transition planning and services.
- Where services will be provided to ensure that programs reflect the least restrictive environment. After the consideration of all other IEP components, the Committee determines the recommended placement. Placement may be in a public school, Board of Cooperative Educational Services (BOCES), approved private school, State-operated school, State-supported school or a Special Act School District. Placement decisions must be based on the child's strengths and needs and reflect consideration of whether the child can achieve his or her IEP goals in a regular class with the use of supplementary aids and services and/or modifications to the curriculum. (The IEP must explain the extent, if any, to which your child will not be in regular education programs.)
Least Restrictive Environment

Your child's education must be in the least restrictive environment or "LRE". LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that, even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

In all cases, special education services should be provided in the least restrictive environment.

Each year your child's IEP should be developed to ensure that:
- your child's placement is based on his or her IEP.
- your child's placement is as close as possible to his or her home. Unless your child's IEP requires another arrangement, your child should be educated in the school he or she would have attended if he or she did not have a disability.
- when making a decision about LRE, the Committee considers any possible harmful effect on your child or the quality of the services that he or she needs.
- your child is not removed from education in a regular classroom with other children of the same age only because the general curriculum needs to be modified.

What happens after the IEP is developed?

The Board of Education is responsible for arranging for appropriate special education programs and services to be provided to your child. Timelines for implementing (starting) your child's IEP are described on page 23. There may be no delay in implementing the IEP while deciding who pays for the special education services. You will receive a copy of the IEP at no cost to you, and your child's teachers and service providers (who are involved in implementing the IEP) will have access to a copy of the IEP. Each teacher and service provider will be informed about his or her specific responsibilities to implement the IEP and specific accommodations, modifications and supports that must be provided to your child.
Annual Review/Reevaluation

How can we be sure my child’s program is meeting his or her needs?

At least once a year, you and other members of the Committee will review your child’s IEP. You may request a meeting sooner than that. Together, you will make decisions about any necessary changes to your child’s program. This is called an annual review.

At least once every three years, your school district will reevaluate your child. This is called a reevaluation (formerly called the triennial evaluation). A reevaluation may also occur if conditions warrant one (for example, when a functional behavioral assessment is needed as a result of disciplinary action) or if either you or your child’s teacher requests a reevaluation. If additional data are needed as part of this reevaluation, your school district will ask your written consent prior to conducting these tests. A reevaluation must be sufficient to determine your child’s individual needs, educational progress and achievement, your child’s ability to participate in regular education classes as well as your child’s continuing eligibility for special education services.
Your General Rights as a Parent

Steps to Resolving Concerns:

No one knows more about your child than you do. By working together, you and the staff of the school can help your child have a successful school year. If you become concerned about your child's educational programs or special education services, contact your child's teacher immediately and share information about what you see. Informal meetings and phone conferences help you build a partnership with the teacher and school. You may also ask for a meeting with school administrators or the CPSE or CSE to discuss your concerns about your child's education.

- To prepare for the meeting or phone conference, make a list of your questions, concerns, ideas and information about your child. Ask your child if there is anything that you should share.
- During the meeting, discuss your list, take notes and ask to see examples of your child's work, for specific examples of classroom behavior and ways to help your child at home. If you do not understand something, ask for an explanation. Try to arrive at a mutually agreed-upon solution to any problems or concerns.
- After the meeting, talk with your child about the good things that were discussed, the problems that need to be worked on and the steps that will be taken to help your child. Keep working with your child's teacher and if necessary, ask for a follow-up meeting or phone conference.

We encourage you to be an active member of your child's educational planning. We know that children benefit more from their education if their parents are involved and well informed. As a team member, you need to understand the special education process, your rights, and how to become involved in your child's program. Now that you are familiar with the special education process, you will want to know more about your rights and protections under law and regulations.

You must be given opportunities to participate in the discussion and decision making process about your child's need for special education. You will receive notice at least five school days before meetings of the CSE or CPSE inviting you to participate in the development of the recommendations for your child's educational program.
You have legal due process rights under Federal and State laws to be involved and make sure that your child receives an appropriate education:

- You must receive **written notice** several times during the process of identifying, evaluating, placing your child and providing your child with special education services and/or programs. If your district refuses to do any of these things, you must be notified. See pages 19-21 of this document for more information.

- Certain actions may not be carried out without your written **consent**. See page 18 of this document for more information.

- If you **disagree with decisions** made by the Committee, you may ask for meetings, mediation and/or impartial hearings to resolve (settle) disagreements between you and your school district about your child's evaluations, identification (classification), placement or educational program (the provision of a free appropriate public education). See pages 24-31 of this document for more information.
Your Child’s Educational Records

You have the right to ask for and read records about your child unless the district has been legally notified in writing that your rights as a parent have been terminated or otherwise limited by a court order. Upon your request, the school district must make your child’s records available to you:

1. within a reasonable time.
2. in no case more than 45 calendar days after you ask.
3. before any meeting about your child’s individualized education program (IEP).
4. before any due process hearing about your child’s special education needs.

You have the right to ask for and receive explanations and interpretations of the records from your school district. You may also ask to receive copies of your child’s educational records if that is the only way that you can inspect and review the records. The school district may charge a reasonable cost for copies of the records. However, if you cannot afford the fee, you still have the right to review and receive the records. You may also have your representative inspect and review the records. When you have questions about your child’s records, you have the right to:

1. ask for and read records about your child.
2. ask for and receive explanations and interpretations of the records from your school district.
3. have a person you choose read your child’s records.
4. ask for and receive copies of education records. The school district may charge a reasonable cost for copies of records, unless the cost would effectively prevent you from inspecting or reviewing those records. Costs for searching or getting information are not allowed.
5. read only the information about your child. You may not read any information about other children.
6. ask for and receive a list of the educational records held and used by the school district, and to know where the records are kept.
7. be told by the school district when information about your child is no longer needed to provide educational services to your child. Information that is no longer needed must be destroyed at your request.
8. know that a permanent record of your child’s name, address, telephone number, grades, attendance, classes attended, grade level completed and year completed may be kept forever. Records may be needed for other purposes such as obtaining social security benefits.

The rights of parents concerning education records are given to the student at age 18 unless you have obtained guardianship.

Your rights to change educational records include the right to:

1. ask the school district to amend (change) information if you believe it is wrong, misleading or violates (harms) the privacy or other rights of your child.
2. receive a decision about your request to change your child’s records within a reasonable period of time from the date the school district receives your request.
3. be told if the district will not change the information as you requested and be advised of your right to a hearing. In this case, you must ask for a hearing from your school district to change information in your child’s education records if the school district refuses to do so. This request must be in writing. (This should not be confused with an impartial hearing as explained starting on page 25).

4. request a hearing conducted (run) by any person who does not have a direct interest in the hearing. This could be a school official.

5. be notified (told) in writing if the hearing officer decides to change your child’s educational record. If the hearing officer decides that the records do not need to be changed, you must be notified in writing.
   - This notice must tell you of your right to put a written statement (note) in your child’s records to explain the information or give reasons why you disagree with the decision.
   - Any written note of explanation you place in the records of your child must be kept by the school district as part of your child’s records.
   - If the school district gives a copy of your child’s records or the disagreed part to any person, your written note must also be given to that person.

Personal information about your child may not be released without your consent unless it is:

1. given to school officials or teachers with a legitimate educational interest, State and local educational authorities, or certain individuals designated under Federal Law.

2. used to meet a requirement under Federal Law.

Personal information includes the following information:

1. the name of your child, your name, or the names of other family members.

2. the home address of your child.

3. personal information, such as your child’s social security number.

4. a description that would make it possible to identify your child.
Evaluations

Individual evaluation

An individual evaluation means any procedures, tests, or assessments, including observations, given individually to your child to find out whether he or she has a disability and/or to identify his or her special education needs. The term does not include basic tests given to groups of children in a school, grade or class.

The results of the evaluation must be shared with you. When the CSE or CPSE has conducted an evaluation for determining your child's eligibility for special education, you must be provided a copy of the evaluation report and documentation of determination of eligibility. In addition, if you are the parent of a preschool child, the CPSE must also give you a copy of the summary report of the findings of the evaluation. For more information about evaluations, see pages 4-5.

Independent educational evaluation

An independent educational evaluation (IEE) of your child means a procedure, test or assessment done by a qualified examiner who does not work for the school district or other public agency responsible for the child's education. You may get an IEE at district expense if you disagree with the evaluation arranged for by the school district. "At district expense" means that the school district pays for the full cost of the test.

If you ask the school district to pay for the IEE, the school district may ask, but not require, you to explain the reason why you object to the district's evaluation. The school district may not unreasonably delay either providing the IEE or initiating an impartial hearing to defend the district's own evaluation.

You have the right to:

1. get an IEE of your child.
2. have the IEE be at district expense if you disagree with the district's evaluation. If you ask for the IEE to be at district expense, the school district may ask for an impartial hearing to show that its evaluation is appropriate. If the impartial hearing officer finds that the district evaluation is appropriate, you have the right to obtain and submit an IEE to the CSE or CPSE, but the district does not have to pay for it.
3. receive information about where an IEE may be obtained, the school district's criteria under which the evaluation is obtained (including the location of the evaluation and the qualifications of the evaluator), and any district criteria regarding the reimbursement of IEE, when you ask your school district to pay for an independent educational evaluation.
4. have an IEE at public expense if the impartial hearing officer asks for this evaluation as part of an impartial hearing.
5. have the results of an IEE considered by the Committee as part of its review and in the development of your child's IEP. The results of the IEE can be used as evidence at an impartial hearing regarding your child.
Notice and Parent Consent

There are many times when the school district must notify (tell) you in writing of its proposed (planned) action and ask for your written consent (permission) to carry out this action.

Consent means that:

1. you have been informed in the language you speak, or other kind of communication that you understand, of all the information about the activity for which your permission is asked.
2. you understand and agree in writing to the activity for which your permission is needed.
3. your permission is given freely and may be withdrawn at any time. However, if you withdraw your consent, it is not retroactive (it will not apply to actions already taken by the district).

Your consent will be requested when:

1. your child will be evaluated for the first time by the Committee to decide if he or she has a disability and needs special education.
2. your child is recommended to receive special education services and programs for the first time.
3. your child is recommended to receive twelve-month special education services (programs during July and August) for the first time.
4. your child will be reevaluated.
5. the school district proposes to use your private insurance. In this case, you must be notified that if you refuse to allow the school district to access (use) your private insurance, the district is still responsible to provide all required services at no cost to you.
6. another agency other than a school requests to review records about your child. The request for consent will include information about the records that will be released and to whom they will be given.

Your consent is not required:

1. before reviewing existing data (information) as part of an initial evaluation or a reevaluation.
2. administering (giving) a test or other evaluation that is given to all students (unless parents of all students must give consent before the test is given).
3. to conduct a reevaluation if the school district can show that it has taken reasonable measures to get your consent, and you did not respond.

If you, as a parent of a school-age child, do not provide consent for an initial evaluation, the district will inform you that you may ask for an informal meeting with the school district to discuss the evaluation. You may ask questions about the evaluation and may bring someone to advise you to the meeting. At that meeting, you will meet with the person who made the initial referral for special education and someone who is most familiar with the evaluation. If at the meeting, you and the person
who made the referral agree in writing that there is no need for a referral, the referral will be withdrawn. If, within 30 calendar days after the referral is received, you and the school district do not agree to withdraw the referral and you continue to refuse consent, the district must initiate (start) an impartial hearing to decide whether to conduct the evaluation.

For preschool children, the district will take steps to make sure that you have received and understand the request for consent. If you, as a parent of a preschool child, do not provide consent for the evaluation, the district will not take any further action on the referral.

Notice

As a parent of a child with a disability or suspected disability, you will receive notices to tell you about proposed special education services, meetings and your rights. There are three kinds of notices that you will receive at various times throughout the special education process.

- prior notice.
- notice of meetings.
- procedural safeguards notice.

Notice is a written statement provided to you in the language you speak or other kind of communication that you understand unless it is clearly not possible to do so. If the language you speak at home (your native language) or other kind of communication you understand is not a written language, the district must take steps to make sure that the notice is translated orally or by other means (such as sign language) so that you understand the notice. You have the right to ask for an interpreter, translator or reader for the meetings. The school district must keep written records that these steps have been taken.

Prior Notice

Prior notice is written notice that is given to you a reasonable time before the school district proposes to or refuses to start or change the identification, evaluation or educational placement or the provision of a free appropriate education to your child. It must be provided to you in the language you speak or other kind of communication that you understand unless it is clearly not possible to do so.

Prior notice must include:

1. a description of the action offered or refused by the CSE or CPSE.
2. an explanation of why the school district will or will not take action.
3. a description of any other options (choices) the school district considered and the reasons why those choices were refused.
4. a description of each evaluation, procedure, test, record or report the school district used as a reason to offer or refuse an action.
5. a description of any other factors that are relevant to the district's decision.
6. a statement that you have protection under the law. This legal protection is called procedural safeguards and they are listed in procedural safeguards notice. If the procedural safeguards notice is not included with the prior notice, the prior notice will describe the ways you can obtain (get) a copy of a description of the procedural safeguards.
7. sources for you to contact to get assistance in understanding the special education process and your rights.
If the prior notice relates to an action by the school district that requires your consent (see pages 18-19), the district will give you notice at the same time they request your consent. You should also receive prior notice before your child graduates from high school with a local or Regents diploma or before he or she receives an Individualized Education Program (IEP) diploma.

Notice of Meetings

Whenever the Committee proposes to conduct a meeting to develop or review your child’s IEP or to discuss the provision of a free appropriate public education to your child, you must receive a meeting notice. It must be provided to you in the language you speak or other kind of communication that you understand, unless it is clearly not possible to do so. You must receive a written meeting notice at least five days before the meeting unless you and the school district agree to meet within five days or in certain meetings relating to discipline procedures. If the proposed meeting time or place is not good for you, you may call the school district to ask for a change that is good for both of you.

If you are unable to attend the meeting, the district can use other ways to encourage your participation. They may call you before a meeting occurs to talk about evaluation results and ask you for information, or they may ask you to participate in the meeting by telephone.

Meeting notice must include:

1. the purpose of the meeting and the date, time, location and names and titles of the persons expected to attend the meeting.
2. a statement that you have the right to participate as a member of the Committee.
3. a statement telling you that you may bring anyone to the meeting who has knowledge or special expertise about your child.
4. a statement of your right to ask the school physician to be at the meeting of the CSE (This does not apply to parents of preschool children.) You must do this in writing at least 72 hours before the meeting.
5. a statement that you may request in writing that the additional parent member of the Committee not participate in the meeting of the Committee.
6. if the meeting is a Subcommittee meeting, a statement that you may make a written request to the full Committee if you disagree with the recommendation of a Subcommittee.
7. for students for whom a meeting will be held to consider transition services, a statement that indicates the purpose of the meeting and that the student will be invited and lists any other agencies that will be invited to send a representative.
8. for preschool students, a statement that you have the opportunity to address the Preschool Committee in writing or in person.

School district staff may have informal or unscheduled conversations about issues such as teaching methodology, lesson planning or coordinating your child’s services if those issues are not addressed on the IEP. They may also work together to prepare for the meeting. These activities are not considered “meetings” for which the school is required to send you a “meeting notice.”

Procedural Safeguards Notice

Procedural safeguards notice provides a full explanation of all your legal rights under law. The school district must make sure that the procedural safeguards notice is provided to you in the language you speak or other kind of communication that you understand, unless clearly not feasible to
do so. If necessary, the district must take steps to make sure that the notice is translated orally or by other means so that you understand the notice. The school district must keep written records that these steps have been taken.

Procedural safeguards notice is provided:
- upon initial referral for evaluation of your child.
- with each notice of a CSE or CPSE meeting.
- upon reevaluation of your child.
- when the district receives a letter from you requesting an impartial hearing.
- when a decision is made to suspend or remove your child for discipline reasons that would result in a disciplinary change in placement.

Procedural safeguards notice includes information about:
1. independent educational evaluations (page 17).
2. prior written notice (page 19).
3. notice of meetings (page 20).
4. parental consent (page 18).
5. access to educational records (page 15).
6. opportunities to present complaints to initiate due process hearings (page 30).
7. the student’s pendency (where he or she will receive services) during due process proceedings (page 29).
8. procedures for students who are subject to placement in interim alternative educational settings (page 30).
9. requirements for unilateral placement by parents of students in private schools at public expense (page 22).
10. mediation (page 24).
11. due process hearings, including requirements for sharing evaluation results and recommendations (page 25).
13. civil actions (page 29).
14. attorney’s fees (page 30).
15. State complaint procedures, including information about how to file a complaint and timelines (page 30).
16. the parents’ right to receive information upon request about getting free or low-cost legal and other services (page 26).
17. for preschool students, procedural safeguards notice will indicate that, if parents do not provide consent for initial evaluation or initial provision of special education services, no further action will be taken by the district until the parent does provide consent.
Reimbursement for Placement Made by Parents in a Private School if the District Fails to Make a Free and Appropriate Public Education Available to the Child

A school district is not required to pay for the cost of education of your child at a private school or facility if the school district has made a free and appropriate public education (FAPE) available to your child. However, if you place your child in a private school because you and the school district disagree that an appropriate program has been made available for your child, you have the right to request an impartial hearing to seek reimbursement for the private school placement.

1. If you are the parent of a child who previously received a special education program and/or services through the school district and you place your child in a private school without the consent or referral of the school district, you may be entitled to reimbursement for the cost of the private placement if you can prove at an impartial hearing or State-level or court appeal that:
   • the school district did not provide your child with a free appropriate public education in a timely manner prior to that enrollment in private school and
   • the private placement is appropriate to meet your child’s educational needs. A hearing officer or court may find that a parental placement is appropriate even if it does not meet the State standards that apply to education programs provided by the school district or the State.

2. Your reimbursement may be denied or reduced if you do not:
   • inform the school district at the most recent CSE or CPSE meeting you attend that you are rejecting the placement proposed by the school district and state your concerns and that you will be placing your child at a private school at public expense, or
   • provide the school district with written notice at least ten business days (including any holidays that occur on a business day) prior to removing your child from the public school. However, the cost of reimbursement may not be reduced or denied because you did not give this notice if you are unable to read and cannot write in English; or if providing notice would likely result in physical or serious emotional harm to your child; or if the school prevented you from providing the notice; or if you did not receive the procedural safeguards notice that tells you about this requirement, then the cost of reimbursement may not be reduced or denied because you did not give this notice.

3. If the school district gave you written notice prior to your removing your child from public school that it wants to evaluate your child, you must make your child available for the evaluation. If you refuse to make your child available, any request for tuition reimbursement may be reduced or denied.

4. If you do not inform the school district or make your child available for the evaluation, or if there are other unreasonable actions on your part, an impartial hearing officer or court may reduce or deny the reimbursement of costs of the private school for your child.
Timelines

School-Age Timelines

A. Initial Evaluation

If your child is being evaluated for the first time to decide whether he or she has a disability, the Board of Education must arrange for appropriate special education programs and services within 60 school days of receiving your consent to evaluate your child. If the recommendation is for placement in an approved in-State or out-of-State private school, then the Board of Education will arrange for such programs and services within 30 school days of the Board receipt of the recommendation from the Committee.

B. Review

If your child is a child with a disability whose special education programs and services are being reviewed, the Board of Education must arrange for appropriate special education programs and services within 60 school days of the referral for review. The referral for review means the projected date of review as noted on your child's IEP or the date of the request for such review by you, your child's teacher or another appropriate individual. If the recommendation is for placement in an approved in-State or out-of-State private school, then the Board of Education will arrange for such programs and services within 30 school days of the Board receipt of the recommendation from the Committee.

Preschool Timelines

A. Initial Evaluation

If your preschool child is being evaluated for the first time to decide whether he or she has a disability, the CPSE must provide a recommendation to the Board of Education within 30 school days of the date the district received your consent for evaluation.

B. Receiving Special Education Services

The Board of Education must arrange for the preschool student with a disability to receive the recommended special education services or programs starting with the July, September or January starting date of those approved programs or no later than 30 school days from the date the CPSE made its recommendation.

Note: There may be no delay in implementing a preschool or school-age student’s IEP, including any case in which the payment source for providing or paying for special education is being determined.
Due Process Rights

A. Informal discussions

If you have concerns about your child’s educational program, discuss these concerns with appropriate staff at the school district. If you disagree with evaluation results or other proposed actions of the Committee, such as the recommendation, placement or implementation of the program, you should express your disagreement and dissatisfaction. By clearly sharing your concerns and the reasons for your concerns, you are making sure that the other members of the Committee understand your point of view. Try to work out differences informally with your school district as soon as they happen.

Ask for a meeting to talk in person or schedule a phone conference to discuss your concerns with (a) your child’s teacher(s) and/or related service provider(s), (b) principal or assistant principal, (c) Chairperson of the CSE or CPSE or (d) Instructional Support Team. Write down what was discussed at the meeting, staff present and steps identified to resolve your concerns. If necessary, request a follow-up meeting within a reasonable amount of time to revisit your concerns and to ensure that the steps identified above were implemented as planned. If it is not possible to resolve disagreements informally, mediation is a good method to work differences out in a timely way. You also have the right to request an impartial hearing.

B. Special education mediation

Special education mediation is a voluntary process for you and the school district to work out disagreements about the recommendations of the CSE or CPSE. All school districts must offer mediation to parents. You and a person chosen by the Board of Education meet with a qualified and impartial mediator from the Community Dispute Resolution Center (CDRC) in your county who helps in reaching an agreement about the recommendation for your child.

If you decide to use mediation, you must ask for it by writing to the Board of Education (see form on page 35). If you decide not to use mediation, someone may call you from the CDRC to talk about the benefits of mediation, but this cannot deny or delay your rights to an impartial hearing. Any agreement reached by the parties is set forth in a written mediation agreement. The CSE or CPSE must immediately meet to amend your child’s IEP to be consistent with the mediation agreement. Mediation is at no cost to you or the school district.

You have the right to:

1. mediation run by a qualified and impartial mediator from a Community Dispute Resolution Center.
2. mediation held in a timely manner and at a place that is good for you and the school district.
3. have any agreements made during mediation written down. Written agreements may be presented as part of the record at an impartial hearing.
4. have discussions that occur during the mediation process be confidential and not used as evidence in any impartial hearing or civil proceedings. Parties to the mediation process may be required to sign a confidentiality pledge before starting the mediation.

5. request an impartial hearing at any time.

### Benefits of Mediation

Unlike an impartial hearing where the hearing officer makes the final determination as to what is appropriate for your child, a mediator assists you and the district to reach a mutually agreeable determination. By asking questions and discussing information with you and the school district representative, the mediator helps both parties to have a more complete understanding of each others concerns and reach an agreement about your child's special education program in a cooperative and timely manner. Of the 375 special education mediation sessions that took place in New York State during 2000-2001, 91% resulted in agreement.

The following comments were made by school district representatives and parents after participating in mediation.

**Parent/Parent Representative Comments**

- At one point I felt pressured by the school district and expressed my concern. I was told I would have as much time as needed to talk and this came true.
- I was pleased and surprised by the results. I also felt that how the mediation was explained and handled made me, as parent, feel more comfortable.
- I didn’t expect everything to go as well as it did from past experiences. But, I think everyone that has differences should try mediation.
- This is a peaceful way to resolve issues of any kind.
- The mediation process was very helpful in resolving the difficulties between the school district and the child’s services team. The district was far more sensitive to our concerns once the mediation was involved. Thank you.

**School District Representative Comments**

- It was handled calmly and professionally. It allowed all parties to “air” their concerns on neutral grounds. Results were positive and achieved in one session. Both parties were willing participants and interested in finding a solution.
- The experience was pleasant, efficient and all parties were satisfied.
- It helped resolve an issue that could not be resolved at a CSE meeting. It avoided the need for a costly impartial hearing.

### C. Impartial due process hearings

An impartial hearing is a formal proceeding in which disagreements between you and the school district are decided by an impartial hearing officer (see Section G) appointed by the Board of Education. A parent or a school district may initiate a hearing on matters relating to the identification, evaluation or educational placement of a student with a disability, or the provision of a free appropriate public education to the child.

1. Your request for an impartial hearing must be made in writing to the Board of Education.*

* See page 35 for a copy of a form that may be used to request an impartial hearing or mediation.
2. Your written request needs to:
   • describe the facts relating to your concerns
   • describe a proposed solution.
   • state your child’s name and address.
   • name the school your child attends.

3. If you do not give the information stated above, it may result in a reduction of an award of attorneys’ fees by a court. However, the school district may not deny or delay your right to an impartial hearing if you do not provide that information.

4. For three- and four-year-old children, the school district may not begin a hearing if you refuse to give consent to initial evaluation or the initial provision of special education to your child. If you do not give consent for an individual evaluation, the CPSE will implement the district’s practices and procedures to make sure that you have received and understand the request for consent for evaluation of your child but the district may not go to a hearing to obtain consent. In addition, if you do not consent to an initial evaluation, you must be notified that you can ask for an informal conference where you can ask questions about the proposed evaluation. If you do not provide consent for the initial evaluation or the initial provision of special education services, no further action will be taken by the CPSE until such consent is obtained.

5. The impartial hearing is at no cost to you. You may have to pay your own attorneys’ fees. If requested by you, the school district must provide you with information on free or low-cost legal and other relevant services. If a hearing officer requests an independent educational evaluation as part of the hearing, the cost of the evaluation must be at public expense. Also, see page 30 for information about attorneys’ fees.

6. The decision of the hearing officer will be based only on recorded information presented at the hearing and will provide the reasons and facts for the decision. The decision will be binding (final) unless you or the school district appeal to the State Review Officer.

At an impartial due process hearing, you have the right to:

1. have and be advised by an attorney and/or by individuals with special knowledge or training about the education of students with disabilities.

2. present evidence and testimony, and question, cross-examine and require the attendance of witnesses.

3. receive evidence, including evaluations and recommendations, at least five business days before the hearing (or three business days in the case of an expedited due process hearing) and to stop such information from being presented that was not exchanged between both parties on time.

4. receive, at your option, a written or electronic word-for-word record of the hearing and word-for-word findings of fact and the decision of the IHO.

5. have the hearing open to the public.

6. have your child present during the hearing.

7. have an interpreter for the deaf or an interpreter fluent in your native language (the language normally used by you), if necessary, at no cost to you.

8. have an impartial hearing conducted at a time and place that is reasonably convenient for you and your child.

9. receive an expedited due process hearing for certain disciplinary decisions.
Timelines and location of impartial hearings

1. The rotational process to select the IHO must begin immediately, but not later than two business days, when the school receives your written request for an impartial hearing.

2. The IHO must be available to initiate the hearing within 14 days.

3. The findings of fact and decision of an IHO in an impartial hearing must be issued no later than 45 calendar days after the receipt of a request for a hearing for a school-age child, or 30 calendar days for a preschool child. However, the IHO may extend the time for a specific period at the request of you or the school district. If an extension has been granted, the findings of fact and decision must be issued no later than 14 days from the date the record is closed including any post hearing submissions and the transcript is received.

4. The decision of an IHO in an expedited due process hearing for discipline purposes must be completed within 15 business days after the receipt of the request for the hearing, provided that the IHO may grant specific extensions at your or the school district's request. The IHO must mail a copy of the written or, at your option, electronic findings of fact and the decision to the parties within five business days after the last hearing date, but in no event later than 45 calendar days after receipt of the request, without exceptions or extensions.

5. You have the right to have an impartial hearing conducted at a time and place that is reasonably convenient for you and your child.

Impartial hearing officer

An impartial hearing officer must be an individual certified by the Commissioner of Education to conduct impartial hearings. An impartial hearing officer must be selected on a rotational basis from a list maintained by the school district that includes their names and statement of qualifications. The impartial hearing officer makes sure that procedures at the hearing meet due process requirements. Impartial hearing officers cannot:

1. be employees, agents or officers of the school district or of the Board of Cooperative Educational Services (BOCES) of which your school district is a member.

2. be an employee of the State Education Department or be an employee of a public agency that has ties to the education or care of your child.

3. be employed by a school district, school or program serving students with disabilities placed by a school district Committee. An individual employed by such schools or programs may not serve as an impartial hearing officer for two years following the end of his or her employment.

4. have an interest that would make it difficult for him or her to be fair in the impartial hearing.

5. have been involved in the development of the recommendation to be reviewed.

If you have a complaint about the conduct or competence of an IHO, you may send a signed written statement and supporting documentation to the State Education Department.
D. Guardian ad litem

A guardian ad litem is someone who must be appointed by an impartial hearing officer if the hearing officer decides:

- your interests are not the same as or are in conflict with those of your child.
- the interests of your child would be best protected by someone else.

An impartial hearing officer may assign a guardian ad litem to participate fully in the impartial hearing for your child unless a surrogate parent has already been appointed. A guardian ad litem is appointed from the list of surrogate parents or is a pro bono attorney (an attorney who takes cases at no cost). In the event a guardian ad litem is assigned, the impartial hearing officer must make sure that your due process rights are protected throughout the hearing.

E. Surrogate parents

Each school district must try every reasonable way to notify the parents of the child who has been referred or is in need of special education and related services. The Board of Education must appoint a surrogate parent to speak for the child from the list of surrogate parents kept by the Board if:

- the school district, after reasonable efforts, cannot find the parent.
- the child’s parents or guardian are not known.
- the child is a ward of the State.

The person selected as a surrogate parent:

- can represent (speak for) the child in all matters about the identification, evaluation, educational placement and the provision of a free appropriate public education to the child.
- must have the knowledge and skills to represent (speak for) the child.
- cannot have any interests which conflict with the interests of the child he or she represents.
- cannot be an officer, agent or employee of the school district, the State Education Department or the agency which is involved in the education or care of the child.
- may be an employee of a nonpublic agency that only provides non-educational care for the child.
- may be the foster parent of the child who meets the above qualifications. A foster parent does not have to be on a list approved by the Board of Education.

The person is not an employee of the agency just because he or she is paid by the agency to serve as a surrogate parent.

F. State-Level Appeal of Impartial Hearing Officer Decisions

The decision made by the impartial hearing officer is final (must be followed by you and the school district) unless you or the school district ask for a review of the decision of the impartial hearing officer (called an appeal) by the State Review Officer. An appeal must be in writing and be received by the State Review Officer within 30 calendar days after you and the school district receive the decision of the impartial hearing officer. Procedures and timelines for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. Parents may seek the help of an attorney or advocate to file an appeal.
The State Review Officer must:

1. make sure that steps taken at the hearing agree with due process requirements.
2. obtain additional spoken testimony or written evidence, if necessary.
3. direct that spoken argument be heard if the State Review Officer decides that such argument is necessary. If a hearing is held, all the parent rights listed under impartial hearings continue. A review involving spoken testimony and/or written evidence (at the discretion of the State Review Officer) must be held at a time and place that is reasonably convenient to the involved parties.
4. make an independent decision after a complete review of the hearing record.
5. make a final decision within 30 calendar days after receiving the request for a review. The State Review Officer may extend the time beyond the 30 days at the request of you or the school district. The extension must be for a specific time. The reason for the extension must be included in the record.
6. mail copies of the written or, at your option, electronic findings of fact and decision to you or your attorney and the Board of Education within the 30-day period.

G. Court Appeal of State Review Officer Decision

The decision of the State Review Officer is final unless either you or the school district seek review of the State Review Officer’s decision in either State Supreme Court or Federal District Courts within four months from the date of the State Review officer’s decision.

H. Pendency: The student’s placement during due process hearings.

During any hearing or appeal, your child will remain in his or her current educational placement. This is sometimes referred to as “pendency”, “stay-put” or “status quo.”

1. Preschool child

   Your preschool child will stay in his or her current placement during any hearing or appeal, unless you and the school district agree in writing to other arrangements.

   A child who has received early intervention services and is now of preschool age may, during hearings and appeals, receive special education in the same program as the early intervention program if that program is also an approved preschool program.

   If your preschool child is currently not receiving special education services and programs, he or she may, during any hearings or appeals, receive special education services and programs if you and the school district agree.

2. School-age child

   During any hearing or appeal, your school-age child will stay in the school placement he or she is in now, unless you and the school district agree in writing to other arrangements.

   If the disagreement involves initial admission to public school, you have the right to have your school-age child placed in a public school program with your consent until all proceedings are over.

   If the due process proceeding concerns consent for an initial evaluation, your child will not be evaluated while the proceeding is pending.

   A child who received preschool special education services and is now school-age may, during hearings and appeals, remain in the same program as the preschool program if that program also has an approved school-age special education program.
3. Court Appeal of State Review Officer Decision
   If you or the school district is appealing a decision of a State Review Officer to a court, pendency is as follows:
   If a State Review Officer issues a placement decision that agrees with the parents, pendency during any subsequent appeal to a court is the placement decided by the State Review Officer.
   If the State Review Officer issues a placement decision that agrees with the school district, pendency during any subsequent appeal to a court is your child's current educational placement.

4. Interim alternative educational setting (IAES) for discipline purposes
   If your child is receiving services in an IAES for discipline purposes, he or she must remain in that IAES until an impartial hearing officer makes a determination about placement or until the end of the time period of the removal (but not more than 45 calendar days), whichever occurs first, unless you and the school district otherwise agree.
   • However, if the Committee proposes to change the placement at the end of the IAES and you challenge the proposed change in placement, after the term of the IAES expires, pendency for your child will be the current educational placement (placement prior to removal to the IAES).
   • A hearing officer may place your child in an IAES again because the school district believes that it is dangerous for the student to stay in his or her current educational placement.

I. Attorneys’ fees
   A court may award reasonable attorneys’ fees to the parents or guardian of a child with a disability if they are the party who wins the hearing.
   Attorneys’ fees may be lowered if you unreasonably delay an agreement or a decision in the case; if the fees, time spent or services of your attorney exceed reasonable rates; or if you failed to provide the information required (on the sample form on page 35) in your request for a hearing. However, attorneys’ fees will not be reduced if a court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation of your child's due process rights. Attorneys’ fees may not be awarded:
   • relating to any meeting of the CSE or CPSE unless the meeting is held as a result of an administrative proceeding or court action.
   • for mediation that is conducted prior to the filing of a request for an impartial hearing.
   • if a written offer of settlement is made by the school district within ten calendar days prior to the proceeding, you do not accept the offer within ten calendar days and the court or hearing officer finds that the decision is not more favorable to the parents than the offer of settlement.

J. Opportunity to present complaints
   You have the right to submit a written complaint to the New York State Education Department if you believe that your school district has violated procedures under State or Federal special education laws and regulations. Your complaint must include a statement that the school district has violated special education laws or regulations and include the facts on which you base your statement. The alleged violation must have occurred not more than one year prior to the date of the complaint:
• unless a longer period is necessary because the alleged violation is continuing; or
• the complaint is requesting compensation services. This only applies to alleged violations that occurred not more than three years prior to the date of the written complaint.

You must send the original signed written complaint to:
Coordinator, Statewide Special Education Quality Assurance
Office of Vocational and Educational Services for Individuals with Disabilities
One Commerce Plaza, Room 1624
Albany, New York, 12234

You will receive a letter stating that your complaint has been received and telling you about your right to submit additional information about the complaint either orally or in writing.

Your complaint will be investigated. A determination must be made within 60 calendar days of when your complaint was received unless exceptional circumstances exist with respect to a specific complaint. You will receive a written, final decision that addresses each claim you raise and contains the findings of fact, and the reasons for the final decision. Any part of the complaint that is currently being addressed in an impartial hearing cannot be investigated.
Disciplinary Procedures

The procedures for the discipline of students with disabilities must be in accordance with section 3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the school has the authority to suspend or remove your child for violating the school's code of conduct, you and your child have certain rights throughout the process.

You have the right:

1. to be notified immediately by telephone, if possible, and to receive written notice within 24 hours of a proposed suspension of five school days or less. The notice should describe the incident, proposed suspension and your child's rights. You also have the right to request an informal conference with the school principal prior to the suspension unless your child's presence in school poses a danger.

2. to receive written notice of your opportunity for a superintendent's hearing, if the suspension is for more than five consecutive school days, which describes your child's rights to counsel and to question and present witnesses.

3. for your child to receive alternative instruction during the first ten days of any suspension or removal to the same extent as nondisabled students, if your child is of compulsory school age.

4. for your child to receive education services necessary to enable your child to progress in the general education curriculum and appropriately advance toward achieving his or her IEP goals if your child is suspended or removed for more than ten school days in a school year.

5. for your child also to have services to address the behavior that resulted in the disciplinary action if your child is removed to an interim alternative educational setting.

6. to have the CSE develop or review and implement a behavioral intervention plan for your child that is based on the results of a functional behavioral assessment, if your child is suspended or removed for more than ten school days in a school year.

7. to a CSE meeting to determine whether your child's behavior which led to the disciplinary action is related to his or her disability (manifestation determination) when the suspension or removal results in your child being suspended or removed for more than ten school days in a school year (disciplinary change in placement).

8. for your child not to be suspended or removed for behaviors that are determined to be related to your child's disability, except for suspensions or removals ten school days or less in a school year and for removals to interim alternative educational settings.

9. to challenge, in an expedited due process hearing before an impartial hearing officer, the decision of the CSE regarding the relationship between your child's behavior that resulted in a disciplinary action and his or her disability (manifestation determination).

10. to challenge, in an expedited due process hearing before an impartial hearing officer, any placement decision related to discipline.

If you have additional questions about disciplinary procedures, you can contact your Regional Associate at VESID's Special Education Quality Assurance Regional Office. Those offices are listed on page 40.
References

The information in this Guide was taken from the following Federal and State laws and regulations:

- Individuals with Disabilities Education Act (IDEA)
- Family Educational Rights and Privacy Act of 1974 (FERPA/ Buckley Amendment)
- Part 300 of the Code of Federal Regulations
- Article 89 and Section 3214 of the New York State Education Law
- Parts 200 and 201 Regulations of the Commissioner of Education

You should refer to these laws and regulations for specific rules and requirements. In addition to the teachers and administrators in your school district, many other people can assist you in understanding the information in this Guide. These include individuals at your local Special Education Training and Resource Center, Parent Centers and Networks and the Quality Assurance Regional Office of Vocational and Educational Services for Individuals with Disabilities of the New York State Education Department. Information on how to contact these individuals, including website addresses, is listed on pages 40-44.
Request for Due Process Proceedings

Federal law requires that a parent or attorney representing a child provide notice to the school district if the parents have a disagreement regarding the referral, evaluation, or placement of their child or regarding the provision of special education services. (This notice will remain confidential.) This form has been developed to assist you in describing your disagreement and accessing the due process procedures to which you are entitled. Please complete the entire form and return it to your school district. Failure to do so may result in it being returned for additional information. According to Federal law, failure to provide information may result in a reduction in the award of any attorneys' fees.

Student's Name ___________________________ Date of Birth: _______________________
Parent or Legal Guardian: _______________________________________________________

Legal Residence:

Street ________________________________________________________________

City or Town ______________ Zip Code __________________________
Telephone: (_____) __________________________

Current School: __________________________________________________________
Address: Street __________________________________________________________
City or Town ____________________________________________________________
Zip Code _______________________________________________________________

School District of attendance, if different from district of residence:

Fully describe the nature of the problem including all specific facts relating to the disagreement (Attach additional pages or documents as necessary):

________________________________________________________________________
________________________________________________________________________
State your proposed solution to the problem or the reason why you are unable to suggest a solution at this time. (Attach additional pages or documents as necessary):

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

Upon receipt of this form, you will be contacted to establish a mutually agreeable time to participate in mediation with an outside mediator and representative(s) of the district to attempt to resolve this disagreement. If mediation is unsuccessful, an impartial hearing will be conducted unless you inform the district in writing that you do not wish to proceed with a hearing. Participation in mediation will not delay or preclude your right to a due process hearing.

If you do not wish to attempt to resolve this problem through mediation prior to a hearing, please check the box below:

☐ I do not wish to participate in mediation and request that the district schedule an impartial hearing at this time. (Please note: You may be requested to participate in a meeting to discuss the benefits of mediation.)

Name of Person Completing this Form:

Signature: __________________________ Date: __________________________

Relationship to Student:   ☐ Parent  ☐ Legal Guardian

                      ☐ Surrogate Parent  ☐ Attorney

Date of Receipt of Form:

Return this form to: __________________________ (To be completed by school district)
Members of Committees

A Committee on Special Education includes:

- Parent(s) of the student
- Regular education teacher of the student whenever the student is or may be participating in the regular education environment
- Special education teacher of the student, or if appropriate, special education provider of the student
- School district representative who is qualified to provide or supervise special education and is knowledgeable about the general curriculum and the availability of resources of the school district (This person may also be the special education teacher/provider or school psychologist.)
- An individual who understands and can talk about the evaluation results and how these results affect instruction (This person may also be the special education teacher/provider, regular education teacher, school psychologist, school district representative or someone that the school district determines has knowledge or special expertise regarding the student.)
- School psychologist
- School physician (upon request)
- Parent member (unless the parent requests that the parent member not participate)
- Other people that have knowledge or special expertise regarding the student, including related services personnel as appropriate (as requested by the parent or school district)
- The student, if appropriate

A Subcommittee on Special Education includes:

- Parent(s) of the student
- Regular education teacher of the student whenever the student is or may be participating in the regular education environment
- Special education teacher of the student or, if appropriate, special education provider of the student
- School district representative who is qualified to provide, administer or supervise special education and is knowledgeable about the general curriculum and the availability of resources of the school district (This person may also be the special education teacher/provider or school psychologist.)
- An individual who understands and can talk about the evaluation results and how these results affect instruction (This person may also be the special education teacher/provider, regular education teacher, school psychologist or school district representative.)
- School psychologist (under certain circumstances)
- Other people that have knowledge or special expertise regarding the student, including related services personnel as appropriate (as requested by the parent or school district)
- The student, if appropriate
A Committee on Preschool Special Education includes:

- Parent(s) of the student
- Regular education teacher of the child whenever the child is or may be participating in the regular education environment
- Special education teacher of the child or, if appropriate, special education provider of the child
- School district representative who is qualified to provide or supervise special education and is knowledgeable about the general curriculum and the availability of preschool special education programs and services and other resources of the school district and the municipality (This person is the Chairperson of the Committee.)
- An individual who understands and can talk about the evaluation results and how these results effect instruction (This person may also be the special education teacher/provider, regular education teacher, school psychologist, school district representative or someone that the school district determines has knowledge or special expertise regarding the student.)
- Parent member (unless the parent requests that the parent member not participate.)
- A licensed or certified professional from the Department of Health's Early Intervention Program (for a child in transition from the Early Intervention Program.)
- Other people that have knowledge or special expertise regarding the child, including related services personnel as appropriate (as requested by the parent or school district.)
- A county representative (A certified or licensed preschool representative from the municipality must be notified of scheduled meetings; however the CPSE meeting can be held whether or not the municipal representative attends.)
Resources

This Guide, other publications of interest, answers to frequently asked questions and other resources are available on the Internet at the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) Special Education website, at http://www-vesid-nysed-gov/specialed. This site also links parents to a variety of State and federal resources. You can access the Internet from a computer at home or at your local library.

You may contact your VESID Special Education Regional Associate if you would like additional information or if you have questions about:

- the information in this Guide;
- the special education process;
- your child’s education program; or
- your legal rights as a parent.

The phone numbers and locations of the five Special Education Quality Assurance Offices are listed on the next page. You should ask to speak to the Regional Associate responsible for your school district.
Vocational and Educational Services for Individuals with Disabilities
(VESID) Special Education Quality Assurance
Regional Offices

Rebecca H. Cort, Statewide Special Education Quality Assurance Coordinator
(718) 722-4544
Daniel H. Johnson, Upstate Regional Coordinator (518) 473-1185
Patricia Shubert, New York City Regional Coordinator (718) 722-4544

The VESID Special Education Regional Offices are responsible for monitoring special education services through a collaborative Quality Assurance system and providing technical assistance to schools and residents of their regions. To locate the Special Education Quality Assurance Office nearest you, refer to VESID's website, http://www.vesid.nysed.gov/specialed/quality/qaoffices.htm for a map of New York State by BOCES and New York City Supervisory Region.

Eastern Regional Office
NYS Education Department
Special Education Quality Assurance
One Commerce Plaza, Room 1623
Albany, NY 12234
(518) 486-6366
(518) 486-7693 (fax)

Hudson Valley Regional Office
NYS Education Department
Special Education Quality Assurance
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010
(914) 245-2952 (fax)

Long Island Regional Office
NYS Education Department
Special Education Quality Assurance
The Kellum Educational Center
887 Kellum Street
Lindenhurst, NY 11757
(631) 884-8530
(631) 884-8540 (fax)

New York City Office
NYS Education Department
Special Education Quality Assurance
55 Hanson Place, Room 545
Brooklyn, NY 11217-1580
(718) 722-4544
(718) 722-2032 (fax)

Central Regional Office
NYS Education Department
Special Education Quality Assurance
State Tower Building
109 Warren Street, Suite 304
Syracuse, NY 13202
(315) 471-4796
(315) 471-4795 (fax)

Western Regional Office
NYS Education Department
Special Education Quality Assurance
2A Richmond Avenue
Batavia, NY 14020
(585) 344-2112 Ext. 420
(585) 343-2660 (fax)
Parent Centers

Parent Training and Information Centers (PTIC), Community Parent Resource Centers (CPRC), and Parent Centers are funded by State and Federal grants. These centers provide workshops on parent rights, necessary services, advocacy and other relevant presentations for parents of children with disabilities. Call them for information and/or assistance.

**PARENT TO PARENT NYS**
500 Balltown Road
Schenectady, NY 12304
(518) 381-4350
1-800-305-8817
FAX: (518) 382-1959
e-mail: info@parenttoparentnys.org
website: www.parenttoparent.org
(A statewide organization, based in Schenectady, but serving all of New York State)

**ADVOCATES FOR CHILDREN OF NEW YORK, INC.**
151 West 30th Street, 5th Floor
New York, NY 10001
(212) 947-9779
FAX: (212) 947-9790
(Serving the five boroughs of New York City)

**THE ADVOCACY CENTER**
277 Alexander Street, Suite 500
Rochester, New York 14607
(585) 546-1700
1-800-650-4967 (NY only)
Spanish: (585) 797-0032
FAX (585) 546-7069
e-mail: advocacy@frontiernet.net
e-mail: www.advocacycenter.com
(Serving New York State, except for New York City)

**RESOURCES FOR CHILDREN WITH SPECIAL NEEDS, INC.**
200 Park Avenue South, Suite 816
New York, NY 10003
(212) 677-4650
FAX: (212) 254-4070
(Serving New York City)

**SINERGIA, INC.**
Metropolitan Parent Center
15 West 65th Street, 6th Floor
New York, NY 10023
(212) 496-1300
FAX: (212) 496-5608
(Serving New York City)

**UNITED WE STAND OF NEW YORK**
728 Driggs Avenue
Brooklyn, NY 11211
(718) 302-4313
FAX: (718) 302-4315
e-mail: uwsofny@aol.com

**PARENT TO PARENT NEW YORK, INC.**
1050 Forest Hill Road
Staten Island, NY 10314
(718) 494-5122
FAX: (718) 494-0837
(Serving New York City)

**LONG ISLAND PARENT CENTER**
Kellum Street Learning Center
887 Kellum St.
Lindenhurst, NY 11757
(631) 884-1848
FAX: (631) 884-1830

**PARENT CENTER OF WESTERN NEW YORK**
Parent Network of WNY at the Wilson Parent Center
1000 Main St.
Buffalo, NY 14202
(716) 332-4173
FAX: (716) 886-0221
website: www.expage.com/parentnetworkwny
Other Resources

Early Childhood Direction Centers

The network of Early Childhood Direction Centers (ECDCs), administered by the New York State Education Department, is a resource for professionals and parents of children with disabilities, birth through five years of age. ECDCs provide information about programs and services available in the community and referral assistance in accessing these services. For information about the ECDC in your region, refer to VESID's website http://www.vesid.nysed.gov/lsn/home.html or call (518) 486-7462.

Independent Living Centers

Independent Living Centers are private, community-based programs which provide a variety of services to people with disabilities. These nonresidential, nonmedical service centers provide education and awareness activities within their communities to break down barriers, allowing people with disabilities to participate fully in community life. Services provided by centers include: peer counseling; information and referral; advocacy; housing assistance; transportation; services referral (interpreters, readers, attendants); independent living skill counseling and training; architectural barrier consultation; equipment maintenance; repair and loan; and TTY relay. For information about the Independent Living Center in your region, refer to VESID's website http://www.vesid.nysed.gov/lsn/home.html or call (518) 474-2925.

Special Education Training and Resource Centers (SETRC)

The SETRC network, administered by VESID, provides local information, training and resources related to the education of students with disabilities. SETRC training specialists provide parents, school district staff and administrators, agency representatives and other interested individuals with resources, consultation and training programs based on local needs and statewide goals. For information about the SETRC office in your region, refer to VESID's website http://www.vesid.nysed.gov/lsn/home.html or call (518) 486-7462.

Transition Coordination Sites

Regional Transition Coordination Sites (TCS) assist local communities in implementing transition planning and services. They coordinate existing resources within a geographic area to provide information, training and technical assistance to local school districts, families, students and community agencies. They also assist at the local and community levels to expand services to enhance the transition of students with disabilities from school to postsecondary educational opportunities, adult vocational rehabilitation services and employment. For information about the TCS in your region, refer to VESID's website http://www.vesid.nysed.gov/lsn/home.html or call (518) 474-7566.

VESID Vocational Rehabilitation Regional Offices

The VESID Vocational Rehabilitation Regional Offices provide services to individuals with disabilities to prepare them for employment. Services include: physical and/or psychological examinations; vocational evaluation; guidance and counseling; medical services (to improve ability to work); job and work adjustment training; meal allowances; books, tools and transportation for on-the-job support; other goods and services needed to obtain a job; job coaching; supported employment services; training in job seeking; job placement services and follow-up services. For information about the Vocational Rehabilitation Office in your region, refer to VESID's website http://www.vesid.nysed.gov or call 1-800-222-JOBS (1-800-222-5627).
Other Agency Resources

Commission for the Blind and Visually Handicapped

Located within the Office of Children and Family Services, CBVH is responsible for the administration of programs and services to legally blind individuals to enhance independence and facilitate opportunities to participate in the community. CBVH provides a range of services for individuals who are legally blind through the independent living and vocational rehabilitation provisions of the Federal Rehabilitation Act, as well as through programs serving children and older individuals who are blind. For information about CBVH, call 1-866-871-3000 (TTY: 1-866-871-6000).

Commissioner for Quality Care

The Commission on Quality of Care’s Advocacy Services Bureau coordinates a statewide protection and advocacy program for people with disabilities and their families. The Bureau offers training programs to help parents understand special education laws and regulations. These programs are co-sponsored by local groups. For information about the Advocacy Services Bureau, call (518) 381-7098 (collect) or contact the website at cathom@cqc.state.ny.us.

Coordinated Children Services Initiative

The Coordinated Children Services Initiative (CCSI) is a multi-agency initiative that assists localities in providing children with emotional and behavioral disabilities at risk of residential placement with services in their homes, schools and communities. The goal of CCSI is to reduce residential placements by developing a local infrastructure that brings together child serving systems to provide a comprehensive and integrated system of care that supports families in staying together. For more information contact VESID at (518) 473-9307.

Office of Advocate for Persons with Disabilities

The Office of Advocate for Persons with Disabilities (OAPwD) is a systems advocacy agency for people with disabilities. Its primary mission is to ensure that people with disabilities have every opportunity to be productive and participating citizens through: full access to emerging technology; access to up-to-date, comprehensive information on and referral to programs and services available to people with disabilities and their families; and implementation of progressive legislation protecting the equal rights of people with disabilities. For information about OAPwD, call (800) 522-4369 or (518) 473-6005, (voice, TTY and Spanish call (518) 473-4129 (within NYS), (518) 474-5567 (outside NYS)), electronic BBS call (800) 943-2323 or refer to the OAPwD website at www.advac4disabled.state.ny.us.

Office of Mental Health

The Office of Mental Health (OMH) is responsible for developing plans, programs and services for the care, treatment, rehabilitation, education and training of individuals with mental illness. The Office provides direct services at nineteen adult, six children’s and three forensic psychiatric centers and provides fund allocation and certification of non-State-operated mental health programs. For more information contact the Bureau of Children and Family Services at (518) 474-8394 or visit the OMH web site at http://www.omh.state.ny.us/.

Office of Mental Retardation and Developmental Disabilities

The Office of Mental Retardation and Developmental Disabilities (OMRDD) operates 13 Developmental Disabilities Services Offices (DDSOs) responsible for providing care, treatment, habilitation and rehabilitation services to individuals with mental retardation and developmental disabilities. In partnership with consumers, families, staff, private providers and local governments, the DDSOs provide person-centered assistance to improve the quality of life of individuals and their families through the provision of housing, employment and family support services. For more information contact (518) 474-9689 or visit the OMRDD web site at http://www.omr.state.ny.us/.
Office of Children and Family Services

The Office of Children and Family Services (OCFS) provides operational support and policy direction to local social services districts and youth bureaus across the State and is responsible for the operation of 48 statewide residential and day placement facilities for youth. Programs and services provided through OCFS include child and adult protective, child welfare, domestic violence, pregnancy prevention; family services, youth development and delinquency prevention; juvenile justice; and after care programs. For more information contact (518) 473-7793 or visit the OCFS website at http://www.dfa.state.ny.us/.

Office of Alcoholism and Substance Abuse Services

The Office of Alcoholism and Substance Abuse Services (OASAS) administers a comprehensive program of prevention, intervention and treatment services for persons addicted to alcohol and other drugs. OASAS plans, develops and regulates the State's system of alcoholism and substance abuse treatment agencies; operates 13 Alcoholism Treatment Centers; licenses and regulates local, community-based providers of inpatient, outpatient and residential services; and monitors programs to ensure quality of care and compliance with State and national standards. For more information contact (518) 473-3460 or visit the OASAS web site at http://www.oasas.state.ny.us/.
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