

# POLICY

2014 7611  
Students 1 of 3

## **SUBJECT: CHILDREN WITH DISABILITIES**

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

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

- \* Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- \* Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- \* Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- \* Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- \* Adoption of written policies and procedures ensuring that students with disabling conditions are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- \* Allocation of appropriate space within the District for special education programs that meet the needs of students with disabling conditions.
- \* Assurance that appropriate space will be available to meet the needs of resident, students with disabling conditions who attend special education programs provided by BOCES.

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES, Cont'd**

- \* Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
  1. Utilize established procedures for publication of all potential job openings;
  2. Check credentials and requirements listed on applications;
  3. Provide training sessions for interview committee;
  4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations.
  5. Special Ed staff participated in Orientation/Induction Mentoring Programs; and
  6. There are in-service opportunities.
  
- \* Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  1. Provide necessary accommodations as specified on individualized education program (IEP) and implemented in accordance with the IEP including test modifications;
  2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
  3. Scheduling of all District-wide assessments are made with input from the Special Education Department director and related service providers.

(Continued)

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Students 3 of 3

## **SUBJECT: CHILDREN WITH DISABILITIES, Cont'd**

- \* To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities) in developing and administering District-wide assessment programs by:
  1. Addressing appropriate testing accommodations in an IEP, such as students participating in District-wide assessments by accessing their testing accommodations (i.e., time and a half, testing in a location with minimal distractions, tests read and scribed);
  2. Providing instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;
  3. Providing flexible curricular materials and activities built into the instructional design and operating systems.
  4. Providing instruction that is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

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

Historical Note: Amended 8/26/97  
Amended 11/4/14