



**Rye Neck Union Free School District
Review of Special Education
IEP Development, follow up and
Statistical analysis of students served
June 30, 2017**





June 30, 2017
The Audit Committee
Board of Education
Rye Neck Union Free School District
310 Hornridge Road
Mamaroneck, New York 10543

Re: Review of Special education IEP development, follow up and statistical analysis of students served

Dear Members of the Committee and the Board,

We have completed our review of Special Education, specifically IEP development and follow up and a statistical analysis of students served.

Procedures employed to recognize absences and engage substitutes

The objective of this review was to document procedures in place in the identification of students entitled to services, and the procedures in place to ensure that the required services are being delivered to the students.

Statistical information was provided by Ms. Diane Santangelo, Administrator for special services.

Results of our review

We have documented these procedures as part of the annual Risk Assessment update. We have met with District personnel to review our observations and recommendations. Many of these recommendations have already been implemented by the District as it continues to strive for improvement in all areas of operation.

Closing

We continue to appreciate the cooperation and assistance that we receive from the District's Business Office personnel. We are available to discuss the content of this report, or the District in general, at your convenience

Very truly yours,

June 30, 2017

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Locating and Identifying Students with Disabilities

District policy #5020.3 (11/17/2007), mandates that no student shall be discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The District is required to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. In order to accomplish this The district will conduct an annual census to locate and identify all students with disabilities who reside in the district, and establish a register of such students who are entitled to attend the public schools of the district during the next school year, including students with disabilities who are homeless or wards of the State. The census shall be conducted, and the registry maintained, in accordance with the requirements established in Commissioner's regulations.

Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using any and all audiovisual equipment deemed necessary; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

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

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Evaluation of Students with Disabilities

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the district will conduct a full evaluation of the student in accordance within legally prescribed time lines. As set forth in Commissioner's regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

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

Parental Consent for Student Evaluations

Before conducting any type of evaluation, district staff will take steps to obtain written informed consent from a student's parent, as required by applicable law and regulations. The District is required to document all attempts to obtain such consent and their results.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board will commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner's regulations.

2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, District staff will proceed with the reevaluation without parental consent if it has documentation of reasonable efforts to obtain such consent and the parent(s) have failed to respond. If the District cannot document its efforts to obtain consent, the District will commence

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Parental Consent for Student Evaluations – concluded

due process proceedings to conduct a reevaluation without parental consent.

3. If the student is home schooled or parentally placed in a non-public school, and the District is unable to obtain consent for the initial evaluation or reevaluation, the District will **not** commence due process proceedings to conduct the evaluation, and will consider the student as not eligible for special education.

Conducting Evaluations

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

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

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

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

Eligibility Determination

The CSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student's educational needs.

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Committee on Special Education

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

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and as such has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure the parent's participation, in accordance with the following:

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

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

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Services provided

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

All staff responsible for the implementation of a student's individualized education program, or an individualized education services program or services plan in the case of parentally placed nonpublic school students with disabilities, will be provided information regarding those responsibilities

Parental Consent for the Provision of Services

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

The District is required to adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The District shall ensure that students with disabilities and their parents are notified annually of the District's responsibilities under Section 504 (see forms included (4321-E.3 and 4321-E.4)

District policy 4321.4 (8/23/10) documents the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and

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Parental Consent for the Provision of Services- concluded

professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation, except in an exceptional circumstance, as determined by the district.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Superintendent of Schools is responsible for the development of regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests. These regulations are contained in the Special Education District Plan

Appointment of Impartial hearing Officer

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

Selection of IHO

A list of District approved of certified IHOs will be maintained and will be used in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district. Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

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Selection of IHO - concluded

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

An IHO on the district's rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and
2. Initiate the hearing within the first 14 days after either:
 - The date on which he or she receives written notice that the parents and the district waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
 - The expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

Appointment of IHO

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or is available.

The Board will appoint a new IHO if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy

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Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 multidisciplinary committee will include the appropriate test accommodations as part the 504 plan. The recommendations will be reviewed annually by the CSE, CSE subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or

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Testing Accommodations - concluded

Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his or her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his or her professional judgment. He or she also may confer with CSE, CPSE and/or Section 504 Committee members

Declassification

The District, at some point in time may declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an IEP, IESP or SP. The CSE, the CSE Subcommittee or, the CPSE, as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulations.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, is required to conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations.

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

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

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

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

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Declassification Support Services

It is an objective of the District that the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. These declassification support services may include psychological, Social work, speech and language improvement services, non-career and other appropriate services.

Statistical Analysis 2015-16 v 2016-17 school years.

Student population and the population of students receiving services for the 215-16 and 2016-17 school years was reviewed. Specifically information from the District BEDS report and from the Special Education Verification reports VR-3 and VR-8. These reports part of a series of reports filed annually by the District as part of the verification and certification of New York State Special Education reporting requirements.

We are not attempting to infer or draw any conclusions as the adequacy or efficacy of the services provided by the District to its Special Ed population. The information reported on the following schedules is presented only to show a comparison of the data for the two most recent school years. No inference can be made as to completeness or impartiality of the services provided.

Rye Neck Schools

Statistical analysis of Special Education services provided for the years ended 2015-16 and 2016-17

Source: District BEDS report

Student Population	2016-17	%	2015-16	%
Hispanic or Latino	302	18.6%	284	18.0%
American Indian	4	0.2%	4	0.3%
Asian/Native Hawaiian	123	7.6%	119	7.5%
African American	53	3.3%	51	3.2%
White	1,049	64.8%	1,043	66.1%
Other	89	5.5%	78	4.9%
	<hr style="width: 100%;"/>		<hr style="width: 100%;"/>	
	1,620	100.0%	1,579	100.0%

Rye Neck Schools

Statiscal analysis of Special Education services provided for the years ended 2015-16 and 2016-17

Source: VR3

Student Population	2016-17				2015-16			
	Pre K	%	K-12	%	Pre K	%	K-12	%
Hispanic or Latino	2	40.0%	48	28.9%	3	50.0%	46	26.9%
American Indian	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Asian/Native Hawaiian	-	0.0%	5	3.0%	-	0.0%	3	1.8%
African American	-	0.0%	8	4.8%	-	0.0%	10	5.8%
White	3	60.0%	96	57.8%	3	50.0%	103	60.2%
Other	-	0.0%	9	5.4%	-	0.0%	9	5.3%
	5	100.0%	166	100.0%	6	100.0%	171	100.0%

Rye Neck Schools																					
Statistical analysis of																					
Special Education services provided																					
for the years ended 2015-16 and 2016-17																					
Source: VR8 for 2016-17																					
By Location	TOTAL		Rye Neck School District		Children Serviced outside of the District		Harrison School District		Westchester BOCES		Assoc for Mentally Ill Children of Westchester		Rye City School District		Ardely School District		Putnam Westchester BOCES		Mamaroneck School District		
	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	
1	Parentally placed - Non Public - regular classroom	0		0		0		0		0		0		0		0		0		0	
2	Parentally placed - Non Public - other facility	0		0		0		0		0		0		0		0		0		0	
3	Parentally placed - Non Public - no services	0		0		0		0		0		0		0		0		0		0	
4	Attending Kindergarten, 1st grade or other ECP for more than 10 hours per week	0		0		0		0		0		0		0		0		0		0	
5	Attending Kindergarten, 1st grade or other ECP for more than 10 hours per week - receiving services elsewhere	5		4		1		1		0		0		0		0		0		0	
6	Attending Kindergarten, 1st grade or other ECP for less than 10 hours per week	0		0		0		0		0		0		0		0		0		0	
7	Attending Kindergarten, 1st grade or other ECP for less than 10 hours per week - receiving services elsewhere	0		0		0		0		0		0		0		0		0		0	
8	Separate class	0		0		0		0		0		0		0		0		0		0	
9	Separate School	0		0		0		0		0		0		0		0		0		0	
10	Resident facility	0		0		0		0		0		0		0		0		0		0	
11	Home	0		0		0		0		0		0		0		0		0		0	
12	Other uncoded service provider	0		0		0		0		0		0		0		0		0		0	
13	Inside regular classroom more than 80% of the day		88		87		1		0		0		0		1		0		0	0	
14	Inside regular classroom 40%-79% of the day		65		63		2		0		1		0		0		0		0	1	
15	Inside regular classroom less than 40% of the day		7		1		6		0		2		0		2		2		0	0	
16	Separate School		5		0		5		0		3		1		0		0		1	0	
17	Resident facility		0		0		0		0		0		0		0		0		0	0	
18	Hospital - In patient		0		0		0		0		0		0		0		0		0	0	
19	Home placement by CSE		1		1		0		0		0		0		0		0		0	0	
20	Incarcerated in the county correctional facility		0		0		0		0		0		0		0		0		0	0	
21	Home schooled by Parent choice		0		0		0		0		0		0		0		0		0	0	
22	Parentally placed in a non-public school - receiving services		0		0		0		0		0		0		0		0		0	0	
23	Parentally placed in a non-public school - Not receiving publicly funded services		0		0		0		0		0		0		0		0		0	0	
		5	166	4	152	1	14	1	0	0	6	0	1	0	3	0	2	0	1	0	1
				80.0%	91.57%	20.0%	8.43%														
			171		156		15		1		6		1		3		2		1	1	

Rye Neck Schools
Statistical analysis of
Special Education services provided
for the years ended 2015-16 and 2016-17

Source: VR8 for 2015-16

By Location	TOTAL		Rye Neck School District		Children Serviced outside of the District		Mamroneck School District		Council of Chief State School Officers		Rye City School District		Prt Chester School District		Westchester BOCES		Ardsley School District		Putnam Westchester BOCES		Putnam Westchester BOCES	
	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12	Pre-K	K-12
1 Parentally placed - Non Public - regular classroom	0		0		0		0		0		0		0		0		0		0		0	
2 Parentally placed - Non Public - other facility	0		0		0		0		0		0		0		0		0		0		0	
3 Parentally placed - Non Public - no services	0		0		0		0		0		0		0		0		0		0		0	
4 Attending Kindergarten, 1st grade or other ECP for more than 10 hours per week	6		6		0		0		0		0		0		0		0		0		0	
5 Attending Kindergarten, 1st grade or other ECP for more than 10 hours per week - receiving services elsewhere	0		0		0		0		0		0		0		0		0		0		0	
6 Attending Kindergarten, 1st grade or other ECP for less than 10 hours per week	0		0		0		0		0		0		0		0		0		0		0	
7 Attending Kindergarten, 1st grade or other ECP for less than 10 hours per week - receiving services elsewhere	0		0		0		0		0		0		0		0		0		0		0	
8 Separate class	0		0		0		0		0		0		0		0		0		0		0	
9 Separate School	0		0		0		0		0		0		0		0		0		0		0	
10 Resident facility	0		0		0		0		0		0		0		0		0		0		0	
11 Home	0		0		0		0		0		0		0		0		0		0		0	
12 Other uncoded service provider	0		0		0		0		0		0		0		0		0		0		0	
13 Inside regular classroom more than 80% of the day		76		76		0		0		0		0		0		0		0		0		0
14 Inside regular classroom 40%-79% of the day		77		76		1		0		0		0		0		0		0		1		0
15 Inside regular classroom less than 40% of the day		11		3		8		1		0		2		0		2		2		1		0
16 Separate School		5		0		5		0		0		0		0		3		0		1		1
17 Resident facility		1		0		1		0		1		0		0		0		0		0		0
18 Hospital - In patient		0		0		0		0		0		0		0		0		0		0		0
19 Home placement by CSE		1		0		1		0		0		0		1		0		0		0		0
20 Incarcerated in the county correctional facility		0		0		0		0		0		0		0		0		0		0		0
21 Home schooled by Parent choice		0		0		0		0		0		0		0		0		0		0		0
22 Parentally placed in a non-public school - receiving services		0		0		0		0		0		0		0		0		0		0		0
23 Parentally placed in a non-public school - Not receiving publically funded services		0		0		0		0		0		0		0		0		0		0		0
	6	171	6	155	0	16	0	1	0	1	0	2	0	1	0	5	0	2	0	3	0	1
			100.0%	90.64%	0.0%	9.36%																
		177		161		16		1		1		2		1		5		2		3		1