

## Preschool Special Education Provisions

### I General Provisions

The Sharon Springs Central School District Board of Education recognizes the value of special education and acknowledges its responsibility for ensuring that all preschool age children with disabilities resident in the District have the opportunity to participate in special education programs and to receive special education services from which they can benefit. The Board therefore authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include the following:

- A. Locating and identifying all preschool age children with disabilities, pursuant to the relevant provisions of the New York State Education Law, during the next year. The register of children who are eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
- B. Ensuring that the parents of preschool age children with disabilities have received and understood the request for consent for evaluation of their child;
- C. Developing an Individualized Education Program (IEP) for each preschool age child with a disability;
- D. Appointing and training appropriately qualified personnel, including the members of a CPSE, the membership of which is described by law;
- E. Maintaining lists of special education programs within Schoharie County and adjoining counties that are approved by the New York State Education Department; and;
- F. Reporting to the New York State Education Department the number of children with disabilities that are being served, as well as of those not being served.

### II Committee on Preschool Special Education to be Appointed

The Board of Education shall appoint a CPSE. The function of the CPSE shall include evaluating and recommending placement in appropriate approved programs and providing appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. The Board shall ensure that the members of the CPSE are appropriately trained to perform their duties.

The members shall include:

1. A professional employed by the district
2. A parent of a child with a disability
3. A professional who participated in the child's evaluation
4. A county representative.

III Board Approval of CPSE Recommendations: Procedure When Board Disagrees with CPSE Recommendations

It is the responsibility of the Board to arrange for the appropriate, approved services recommended by the CPSE for any child found to have a disability. In the event that the Board disagrees with the recommendation of the CPSE, the Board has the following options, and shall proceed according to one or the other at the time the Board's disagreement becomes a matter of record.

The Board's options are:

- A. To return the recommendation to the CPSE with which it originated, along with a statement of the concerns or objections and a request that the CPSE hold a timely meeting to review said concerns or objections. The CPSE shall then consider the Board's concerns or objections, shall revise the students Individualized Education Plan (IEP) as appropriate, and shall resubmit a recommendation to the Board. If the Board continues to disagree then it may either :
  1. Continue to send the recommendation to the CPSE for additional reviews of its concerns or objections, or
  2. Establish a second CPSE to develop new recommendations.
- B. To establish immediately a second CPSE to develop a new recommendation for the student. If the Board disagrees with the recommendation of the second CPSE, then the Board may send the recommendation to the second CPSE with a statement of its concerns or objections and a request that the second CPSE hold a timely meeting to review said concerns or objections, shall revise the students Individualize Education Plan (IEP) as appropriate, and shall resubmit a recommendation to the Board. If the Board continues to disagree then it may continue to send the recommendations to the second CPSE for additional reviews of its concerns or objections.

If the Board establishes a second CPSE then the Board may not thereafter select the recommendation of the original CPSE.

IV. Parental Right of Appeal Offer or Mediation Required

A. Parental Right of Appeal

Placement of a student may be appealed to an impartial hearing officer by the student's parent or guardian. Said impartial hearing officer shall be appointed by the Board.

B. Mediation To Be Offered

Mediation shall be offered to said student's parents or guardians in order to resolve complaints regarding the education of their child as a student with a disability. The District shall provide notice of the availability of mediation at the same time that notice of the availability of an impartial hearing officer is provided.

V. Use of Tape Recording Devices at CPSE Meetings

The use of any tape recording device at CPSE meetings is permissible so long as the device is unobtrusive and will not distract or interfere adversely with the Committee's deliberative process. The CPSE Chairperson shall be informed prior to the start of the meeting that such recordings are to be made. The CPSE may on its own initiative recommend that tape recordings be made of its meetings in order to ensure a reliable, accurate, and complete account of the CPSE meetings.

VI. Operation of Educational Programs for Preschool Children with Disabilities

The District's preschool special education programs shall be operated in accordance with the regulations of the Commissioner of Education of the State of New York. An IEP shall be developed for each child who is determined to be eligible for preschool special education services. Consistent with the Commissioner's Regulations, the IEP shall: indicate the special educational programs and services, utilizing the lists of preschool programs and services established pursuant to Section 4410 of the Education Law, to be provided to meet the unique educational needs of the individual child; define the extent to which the child will participate in programs in the least restrictive environment appropriate to the student; define the extent to which the preschool child's parents or guardians will receive parent education, when appropriate; and restrict the recommendation to a program that uses psychotropic drugs only insofar as

such program has a written policy pertaining to such use, with the child's parent or guardian receiving a copy of the program's written policy at the time such recommendation is made.

VII. Annual Review of Preschool Children's Progress by CPSE

In order to ensure preschool children's access to such programs, the CPSE shall, pursuant to requirements of law, annually review each eligible student's program. At each annual review of a child's IEP, the CPSE shall consider the appropriateness of modifications of instructional techniques and materials.

VIII. Report by CPSE to Board of Education

The CPSE shall report not less than annually to the Board on the status of programs, services, and facilities made available by the District for the purposes set forth in this policy.

IX. Superintendent to Develop and Maintain Plan

The Superintendent shall develop and maintain a plan that incorporates information concerning the provision of services for students with disabilities, pursuant to the Regulations of the Commissioner of Education.

References:

20 USC Sec. 140 et seq (IDEA)  
34 CFR 300.12; 300.503  
Education Law Sec 4410  
8 NYCRR Part 200