
**INCLUSION: THE CONSIDERATIONS AND RIGHTS OF PLACING SPECIAL
EDUCATION STUDENTS IN REGULAR EDUCATION CLASSROOMS**

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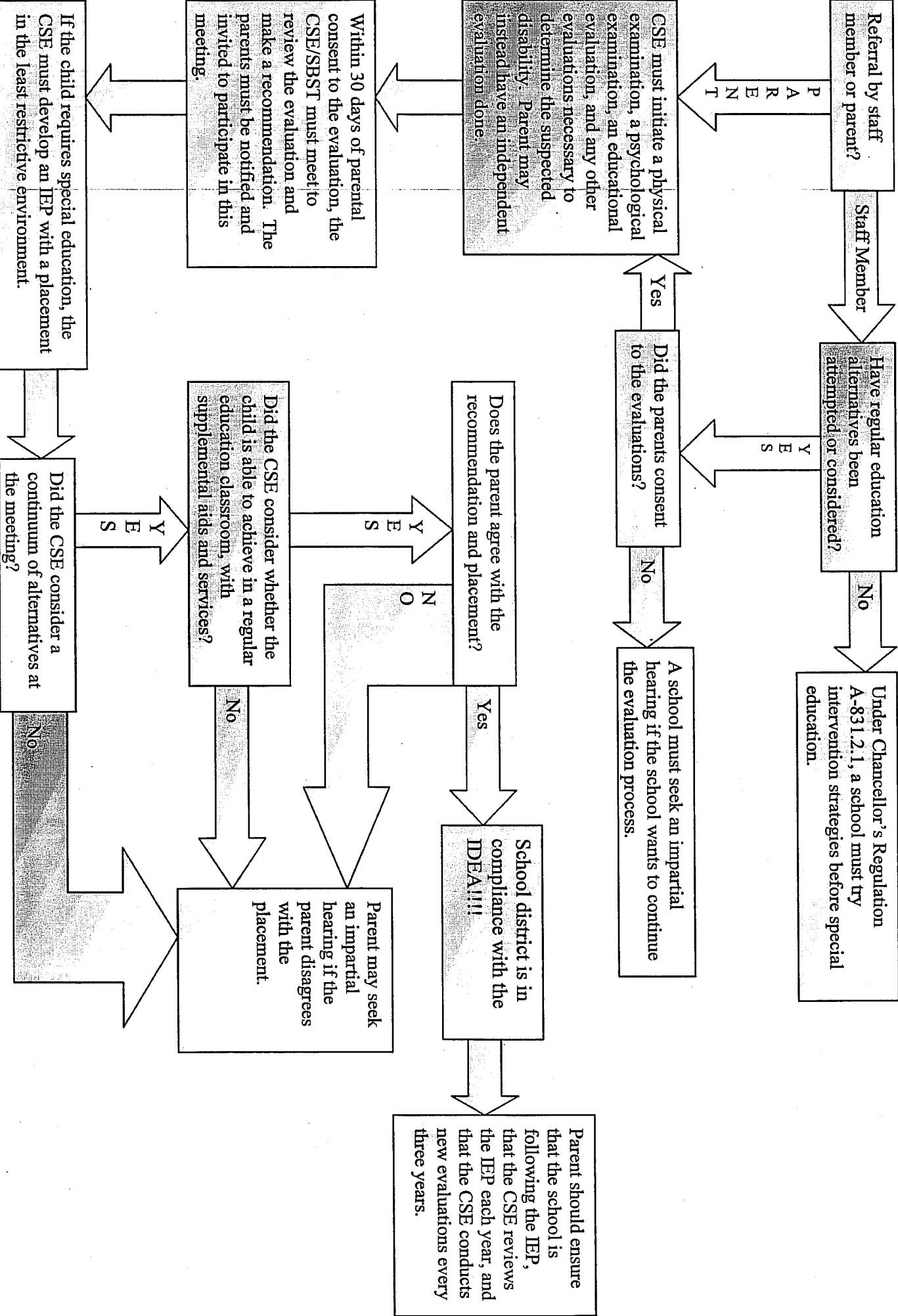
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FLOW CHART TO INCLUSION



INTRODUCTION

Inclusion means placing a student into an age-appropriate general education classroom in the neighborhood school with all necessary services and supports to enable the student to benefit from such placement. Children with disabilities in inclusion classes are expected to achieve at a level commensurate with their abilities, and not the abilities of their classmates.¹

The terms "inclusion" and "mainstreaming" are often used interchangeably. These terms, however, have two distinct meanings. Mainstreaming refers to the integration of students with disabilities into general education classrooms. A mainstreamed child is expected to meet the requirements of the class, not the individual level of ability, with supplemental aids and services, for a part of the school day.²

According to the federal Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1412(5)(A), all states must ensure that

to the maximum extent appropriate, children with disabilities...are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment **occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily** (emphasis added)

School districts must place a child in the Least Restrictive Environment ("LRE"). A LRE environment provides an education which is appropriate to a child's needs and, to the maximum extent appropriate, is in the educational setting the child would be in if the child were not disabled.

This handbook is meant to serve as a guide to parents or legal guardians, educational

professionals, advocates, and legal professionals in attaining an appropriate inclusive learning environment for children with disabilities. The book discusses the considerations of inclusion, the rights of inclusion, the process of obtaining inclusion and special education services for a disabled child, the appeal process, and the issues arising from inclusion for particular disabilities. The book addresses all types of individuals, including those with a great understanding of special education and those without any previous exposure to special education. Although a parent beginning the process may need to read most of the book to understand the rights of inclusion, a parent with a child already in special education may only need to read one section. This book is organized to give benefit to both types of individuals.

BENEFITS AND DRAWBACKS OF INCLUSION

There are many considerations for parents in determining whether inclusion is the best learning environment for a child with a disability. Because of differences in the severity and nature of disabilities, "[o]ne child may have little difficulty competing successfully in an academic setting with non handicapped child while another child may encounter great difficulty in acquiring even the most basic of self-maintenance skills."³ A parent should consider both the benefits and the drawbacks of inclusion before making a decision on whether inclusion is appropriate for their child.

BENEFITS

Proponents of inclusion argue that a child may be able to achieve academic success in a regular education, inclusion setting.⁴ A child's motivation to learn may be greater in a regular education classroom environment.⁵ A child with a disability will learn language and communication skills by modeling the behavior of classmates without disabilities.⁶

Depending on the disability, a child can gain many non-academic benefits from being placed in an inclusion setting. Students have more freedom in a regular education class than a self-contained class.⁷ This freedom may teach a child to be independent.⁸ Further, a child can develop age-appropriate social skills by modeling the behavior of the other classmates. A child, by having relationships with other students, can improve communication skills.⁹ A child can feel a sense of belonging by learning in a regular education classroom.¹⁰ Social and communication skills may lead to a higher self-esteem and a greater excitement about school.¹¹

Children without disabilities also gain benefits from being in an inclusion class. Students learn to interact with children who have special needs. This interaction creates appreciation for diversity and a depreciation of stereotypes. Inclusion settings also allow friendships to form among students with and without disabilities.¹²

DRAWBACKS

Inclusion settings are not appropriate for all children with disabilities. For example, if a child's IEP mandates a drastic modification from the curriculum being taught in the regular education classroom, the child will lose the sense of belonging in the class.¹³

Inclusion placement is usually in a larger classroom than self-contained classroom placement.¹⁴ A larger class and less close relationship between teacher and student may result in a less accurate "assessment of the student's changing needs."¹⁵ A teacher is less able to adjust the curriculum to meet these needs appropriately.¹⁶

Education in an inclusion class has less structure and supervision than that in a self-contained class.¹⁷ Greater independence may lead to more accidents.¹⁸ A loosely structured environment does not benefit all students with disabilities. For such students, inclusion can be more harmful than helpful. Some students with disabilities may react to the over stimulation of larger classrooms in ways detrimental to their education.¹⁹

Some severely disabled children only have non-verbal "cues" to communicate.²⁰ A child with such abilities will have difficulty in an inclusion setting because while the teacher is focusing on the other students, the teacher may miss these "cues."²¹

CHAPTER ONE

THE RIGHTS OF INCLUSION

PARENTS' RIGHTS TO INCLUSION FOR THEIR CHILDREN

~~Under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400-~~
1485, a state must educate disabled children with non-disabled children to the maximum extent appropriate. A child must be able to receive a Free Appropriate Public Education ("FAPE") in the least restrictive environment that meets the child's needs.²² A school district may only remove a student with a disability from a regular educational setting when the "nature or severity of the disability" does not allow the child to achieve satisfactorily, even with the use of supplementary aids or services.²³

The appropriate level of integration for a child with a disability requires a local education agency to consider whether the child's placement in a regular educational environment can be satisfactorily achieved, with or without supplementary aids or services.²⁴ The agency must consider the educational and developmental benefits for the student in a regular education class as opposed to those in a separate class, the effect of the presence of a child with a disability on the education of the other students in the class, and the cost of providing supplementary aids and services to the student.²⁵ If a student's disability requires entirely different educational and behavioral goals than the rest of the class, a full-time aide, and constant one-on-one supervision, then the student's education cannot be satisfactorily achieved in an inclusion setting.²⁶ If a child's education cannot be satisfactorily achieved in a full inclusion setting, the local education agency must place the child in a special education class with integrated educational opportunities to the maximum extent possible.²⁷

A child's Individualized Education Program (IEP) defines the educational goals and objectives that the child is expected to achieve, with supplementary aids and services.²⁸ When a school district places a child in an inclusion setting, that child has a right to trained staff to assist in education.²⁹ Although the child is in a regular education class, the child must still receive the supplementary aids and assistive services that his/her IEP recommends.³⁰ Further, the school district must address the specific needs of the child in providing an education in an inclusion setting.³¹ In addition, the child does not have to achieve at the same level as the other students in the class to remain in an inclusion class.³²

A parent of a child with disabilities should continually monitor the environment of the inclusion class. A parent must of a child in an inclusive setting must be aware of various issues that may arise so that the parent can address them, if and when they arise. For instance, although based in one inclusive classroom, two distinct classes may emerge which may inhibit children from interacting with each other, eliminating one of the major benefits of inclusive learning environments.¹ Additionally, all staff working with students in inclusive settings should be trained on how to facilitate interaction among the children and understand their particular roles in the classroom. Students in inclusion classes must participate in activities adapted to the various needs of the students.³³

THE LOCAL EDUCATION AGENCY MUST FOLLOW THE PROPER PROCEDURES IN PLACING A CHILD

A local education agency must adhere to the procedures outlined in the IDEA,

¹ For an analysis of special education, see "Segregated and second Rate: Special Education in New York, Advocates for Children of New York, Inc., 1989.

federal regulations, and New York regulations in the identification, evaluation, program, and placement of students with disabilities.³⁴ Once a parent has decided to advocate for an inclusive learning environment for a child, the parent should indicate this preference to the local education agency during all steps of the placement process.

Identification and Referral

A school district's obligation under the IDEA begins when there is "reason to believe" that a child may need special education services.³⁵ The IDEA defines children with disabilities as children with mental retardation, hearing impairments, visual impairments, severe emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and that require special education and related services.³⁶ When a student is suspected of having a disability, the student is referred for an evaluation to the school district's Committee on Special Education ("CSE").³⁷ A parent or legal guardian, a professional staff member of the school district, a licensed physician, a judicial officer, a commissioner of a public agency with responsibility for welfare, health or education of children, or a student for himself, if emancipated or over 18 years old, may make a referral.³⁸

If a school staff member is making the referral, the staff member must first research regular education alternatives.³⁹ A school needs to consider and attempt any possible intervention strategies prior to a referral.⁴⁰ If a parent suspects that her child is having difficulty in school, the parent may discuss the problem with the teacher, school principal, guidance counselor, or other school staff members to develop a regular education solution. Such alternatives to special education include bilingual education, English as a Second

Language ("ESL"), Title I reading and math programs, speech and language services, and guidance services.⁴¹

The referral for an evaluation must be made in writing to the building administrator of the school where the student attends or to the CSE for the school district.⁴² An individual, other than parent, student, or judicial officer, who is making the referral, must state the reasons for the referral, include any relevant documents describing the signs of a disability, describe any intervention attempts, and describe the extent of parental contact prior to the referral.⁴³ A parent's referral for an evaluation requires only a request in writing that states the reasons for the request.⁴⁴ If the parent desires an inclusive setting for the child, the parent should state this in the request. Such a statement informs the CSE that a review team should consider primarily regular education settings.

Immediately upon receipt of a referral, the CSE must notify the parent.⁴⁵ In the Notice of Referral, the CSE must inform the parent of the name of the author of the referral, the reason for the referral, the existence of any documents regarding the referral, the parents' rights to participate in the decision-making process, the parents' rights to examine any records, the parents' rights to withdraw consent to the assessment and evaluation process, and the Board of Education's right to request an impartial hearing to continue with the assessment and evaluation process.⁴⁶ The notification letter will give the name of a contact person if the parents have any questions. The notice to the parents must be in the parents' dominant language.⁴⁷ In addition, the notice must be in terms that are not confusing and that enable a parent to understand the issue clearly.⁴⁸

A parent must voluntarily consent in writing for an evaluation to proceed.⁴⁹ A

parent also has the right at any step in the evaluation process to withdraw consent for the evaluation.⁵⁰ When a parent does not grant consent for the evaluation within 30 days of the referral, the Board of Education may request an impartial hearing to determine whether the evaluation should continue.⁵¹ If a parent has questions about the purpose or type of evaluation proposed, the parent may request an informal conference with the building administrator at the school or with the author of the referral.⁵² The parent may also discuss regular education alternatives at this meeting. At that meeting, the author of the referral may sign a written agreement with the parent to withdraw the referral.⁵³

Evaluation

Once the CSE has obtained consent from the parent, or an order from an impartial hearing officer, the CSE must initiate a psychological evaluation, an educational evaluation, a social history, and any other evaluations necessary to determine the suspected disability.⁵⁴ A parent may also make a written request to the CSE for a medical evaluation. Additionally, the New York City Board of Education is required to assure that all children referred for an educational evaluation receive a hearing and vision screening. These evaluations are at the expense of the CSE.⁵⁵ A parent may request copies of the results of these evaluations before the placement review meeting.⁵⁶

A parent may choose to obtain an independent evaluation of their child.⁵⁷ An independent evaluation is an evaluation conducted by a qualified examiner who is not employed by the CSE.⁵⁸ The CSE, upon request, can provide a list of agencies available for independent evaluations. If the parents disagree with the evaluation conducted by the CSE, they may request that the CSE pay the expenses of an independent evaluation, but they

must notify the CSE prior to obtaining the evaluation.⁵⁹ The CSE, however, may request an impartial hearing to dispute payment on the basis that the CSE's evaluation was appropriate.⁶⁰ The CSE must consider the results of any evaluations initiated by the parents in decisions regarding the placement of their child.⁶¹

Placement and the Individualized Education Program

Within forty days from the date of the referral for an evaluation, or thirty days from the consent to the evaluation, the School Based Support Team ("SBST") or the CSE must meet to review the evaluation and make a recommendation for the placement of the child.⁶² The membership of a review team consists of the child's teacher, a school psychologist, a representative of the school district who is qualified to supervise special education, and the parent of a handicapped child in the school district.⁶³ New York State law and city policy also mandate the participation of a social worker and an education evaluator.

Following the completion of the evaluation process, the SBST, rather than the CSE meets with the parent to discuss the evaluations and make its recommendation.⁶⁴ Absent a parental request to meet with the CSE and have the CSE, instead of the SBST review the evaluations, the SBST will meet with the parent of a child with a disability.⁶⁵

Generally, the CSE meets with parents to discuss the evaluations only if the child's disability is severe, if the child is enrolled in a non-public school, if the child is in pre-school, or if the child is just starting or not attending school.⁶⁶

Parents have a right to receive notice of, and participate in, the placement meeting with the CSE/SBST.⁶⁷ A written notice in the parent's preferred language indicating the

date, time, location and purpose of the meeting must be mailed to the parents at least ten days prior to the conference. If the parent does not respond by indicating his/her attendance at least three days before the scheduled conference, then a staff person who is usually the social worker, must send a second notice as well as telephone the parent to remind the parent of the scheduled meeting. All such outreach efforts must be documented. Parents may request a translator and bring an advocate or other person to the meeting.⁶⁸ Although a parent may request particular placements, the CSE/SBST is not required to place the child in the parent's ideal program.⁶⁹ If a parent chooses not to attend the meeting, the CSE/SBST may still meet and make a recommendation on the placement and IEP of the child.⁷⁰

At the meeting, the CSE/SBST review team determines whether, based on the results of the evaluation, the child requires special education.⁷¹ If the child does require special education, the CSE/SBST develops an IEP for the child's disability classification at the review meeting.⁷² The review team must consider a continuum of placements and discuss the placement options with the parents at the time that the IEP is developed.⁷³ Such options include, regular education class placement for the entire school day with a modified curriculum, regular education class placement for some academic classes and special education classes for other classes, regular education classes for non-academic classes only, and interaction with children without disabilities during lunch and recess.⁷⁴ In New York, the CSE/SBST must also consider consultant teacher services, resource room services, related services only, special education itinerant services only, related services in combination with special education itinerant services, a half-day special education program, and a full-day special education program.⁷⁵ If the child requires placement in a self-

contained class or placement in a school other than the home-school, the CSE must meet to review placement.⁷⁶

In determining whether the child is able to make academic progress in a regular education setting, the CSE must ask if the child can achieve the goals of the IEP in such an environment with the assistance of supplementary aids and services.⁷⁷ The CSE measures progress in the abilities of the child, and not in the abilities of the other students in the class.⁷⁸ An IEP may represent a "free appropriate public education," but the IEP is not in compliance with the IDEA if the placement is not in the "least restrictive environment".⁷⁹ The CSE/SBST may consider a self-contained classroom only when the disability is so severe that education is unable to be achieved in a regular education classroom setting.⁸⁰ The CSE does not have to attempt actual placement in an inclusion setting if the record demonstrates a basis for a self-contained classroom placement.⁸¹

The IEP must be "reasonably calculated to enable the child to receive educational benefit."⁸² Placement for a child may prepare the child for an inclusion or mainstreamed education in the future.⁸³ Although the child may receive more academic benefit in a self-contained classroom, the child may receive non-academic benefit in an inclusion setting that outweighs any benefit of a self-contained classroom.⁸⁴ If, however, an inclusion setting will cause the child to fall behind the child's peers academically in the self-contained class, inclusion may be detrimental to the child and is thus an inappropriate placement for the child.⁸⁵

An IEP must contain specific information concerning the education of the child. The IEP must include the child's present level of performance, the child's classification, the

annual goals of the child, the recommended program and staffing ratio for the recommended class, any transition services for the child if age 15 and older, the projected date for initiation of the services, the eligibility of the child to 12 month services and, if required, testing modifications for the child.⁸⁶ The annual educational goals describe short-term objectives and evaluation criteria for determining the child's performance.⁸⁷ The recommended program should state the extent to which the child will be included in regular education settings.⁸⁸

If a parent feels that the child is not achieving satisfactorily, or that there is a problem with the placement, the parent may request a meeting with the CSE.⁸⁹ The IDEA requires that the local education agency review each child's IEP annually.⁹⁰ The CSE must provide written notice to the parents whenever the agency proposes to, or refuses, to initiate or change the "identification, evaluation, or placement of the child."⁹¹ The agency must notify the parents in their dominant language.⁹² The CSE must conduct new evaluations of the child at least every three years.⁹³ If the CSE/SBST determines that the child is no longer eligible for special education services, the CSE/SBST may place the child in a regular education setting.⁹⁴ The CSE/SBST should include in this recommendation for placement in regular education any necessary declassification support services.⁹⁵

A parent who disagrees with the recommendation may refuse to sign the IEP. The parent should ensure that the CSE has recorded and attached to the IEP any objections to the recommendation.

CHAPTER TWO
APPEAL PROCEDURES

APPEAL PROCEDURES

A parent can appeal the actions of the CSE/SBST at any step of the placement process. The IDEA outlines an appeal process that a parent must follow to ensure that the rights of the child are protected.

PARENTS HAVE A RIGHT TO APPEAL PLACEMENTS, EVALUATIONS, OR RECOMMENDATIONS

A parent who disputes the recommendation of the SBST may request the CSE to review the recommendation. If a parent disagrees with the classification, placement, or IEP for a child, and the CSE agrees with the recommendation of the SBST, a parent may seek an impartial due process hearing.⁹⁶ This right also applies to parents who feel that the CSE/SBST did not follow the proper procedures in addressing a child's special education needs.⁹⁷ At the impartial hearing, the parent needs to show, through evidence and testimony, that the CSE/SBST did not provide a Free Appropriate Public Education in the Least Restrictive Environment that meets the unique needs of the child.⁹⁸ The CSE/SBST bears the burden of demonstrating that its proposed placement or recommendation is appropriate.⁹⁹ It is advisable to consult an attorney or advocate experienced in special education law.

If a parent disagrees with the decision of the impartial hearing officer, the parent can appeal to the state review office.¹⁰⁰ A parent may write the appeal or obtain the services of an attorney experienced in filing such appeals with the Office of State Review. However, there the appeal must conform to the Form and procedures established by the state education department. Parents may obtain the relevant information by submitting a written request for

Handbook H to: Office of Counsel, New York State Education Department, State Education Building, Albany, New York, 12234. A parent appeals by filing a Notice of Intent to Appeal within thirty days of the impartial hearing officer's decision.¹⁰¹ The parent, as the petitioner, must then file the appeal through a Verified Petition within ten days of filing the Notice of Intent.¹⁰² The petition should state clearly the reasons for appeal and the relief requested.¹⁰³ The parent needs to serve the named party (usually the Board of Education) with the petition by delivering it to the Board of Education Office.¹⁰⁴ If the Board of Education is appealing the Board of Education would file the petition. The petitioner should attach to the petition any supporting materials, including affidavits and documents.¹⁰⁵ The state review officer makes a decision based upon the documents submitted, and not on oral testimony, so a parent needs to submit all evidence with the petition.¹⁰⁶ The Board of Education, as the respondent, has ten days to respond to the petition by filing an answer.¹⁰⁷ The Board of Education must also file a copy of the transcript from the impartial hearing.¹⁰⁸ The state review officer decides whether the impartial hearing officer was correct by reviewing the transcripts and the documents submitted.¹⁰⁹ The decision of the state review officer is final and binds both the parent and the school district unless the parent files a court action.¹¹⁰

During all steps of the appeal process, under the "Stay Put" provision of the IDEA, 20 U.S.C. § 1415(e)(3)(A) (1996), unless the parent and district otherwise agree, the child must remain in the placement the child was in before the appeal procedures began, unless the school districts obtains an injunction.¹¹¹

PARENTS MAY FILE A FEDERAL COURT ACTION TO ACQUIRE A PROPER EDUCATION FOR THEIR CHILD

Once a state review officer renders a decision on an appeal of special education identification, placement, or recommendation, a parent may file a civil action in federal or state court to appeal the decision.¹¹² In New York, the parent may file such action under article 78 of Civil Practice Law and Rules.¹¹³ The parent must file the action within four months from being notified of the state review officer's decision.¹¹⁴ If the parent has not exhausted all administrative remedies of appeal, a court may not decide the issue.¹¹⁵ Thus, prior to filing a court action, a parent must first seek an impartial hearing and then appeal an unfavorable determination of the case to the State Review Officer using the procedures outlined above.

The court's duty in an IDEA action is to determine whether the school district complied with the IDEA.¹¹⁶ The court looks only at whether the school district has provided a free appropriate public education in the least restrictive environment for the child.¹¹⁷ The court first finds whether the school district complied with the procedures defined in the act and, secondly whether the proposed placement is in the least restrictive environment.¹¹⁸ It also looks at whether the school district considered placement in regular education.¹¹⁹ If the school district did not consider this placement, the parents will prevail.¹²⁰ If the school district did consider regular education placement, the court looks at whether the school district attempted placement in regular education to the maximum extent possible.¹²¹ Courts are not able to dictate to the school district the appropriate placement for a child.¹²²

Attorneys' Fees

If a parent prevails in an IDEA action, the parent may receive attorney's fees and litigation costs from the school district.¹²³ Only an attorney can collect attorney's fees.

However, parents are able to file an independent action against the Board of Education to recover legal expenses associated with an IDEA claim.¹²⁴ Although the statute of limitations in New York for claims brought under the IDEA is four months, the statute of limitations for claims brought to recover attorneys' fees incurred in IDEA actions is three years.¹²⁵

CHAPTER THREE

INCLUSION IN PRIVATE SCHOOLS

INCLUSION IN PRIVATE SCHOOLS

THE SCHOOL DISTRICT IS REQUIRED TO PROVIDE INCLUSION SERVICES IN PRIVATE SCHOOLS

When a parent voluntarily places a child with a disability in a private school of the parent's choice², the school district must still provide special education services for the child.¹²⁶ If the CSE has recommended that the student be placed in an inclusion setting, the CSE must provide the supplemental services recommended in the IEP for the student in public or private school.¹²⁷ If the costs of providing the services at the private school and at a public school are the same, the local education agency may be required to provide the services at the private school.¹²⁸

Services Available in a Private School

The services available for a student in private school are not always those that are available at a public school.¹²⁹ The CSE must offer services that are "comparable in quality, scope, and opportunity" to the services offered to public school students.¹³⁰ In New York, until 1997, this limitation required the CSE to provide supplemental services at the same service-child ratio and the same cost for private school students as for public students.¹³¹ If the costs of providing the services in a private school were significantly higher than the costs of providing the services in a public school, the CSE was obligated only to offer the services at a public school site.¹³² A student at private school requiring those services would then travel to the public school site to receive the services.¹³³

² The term "private school" refers to a non-public school for which a parent assumes the payment of tuition. It may also be used to refer to a sectarian private school.

The 1997 amendments to the IDEA changed the requirements for local education agencies in providing supplemental services in private schools. These services now must be provided in a manner consistent with state law.¹³⁴ Since the amendments, the Supreme Court held that the United States Court of Appeals for the Second Circuit must now reconsider the obligations of local education agencies for providing services.¹³⁵

Obtaining Services for Private School Students

When a private school student is entitled to supplementary services at the private school, the parent needs to obtain a Related Services Authorization ("RSA") letter from the Board of Education by contacting the Office of Related and Contractual Services at (718) 935-3580.¹³⁶ An RSA letter allows a parent to hire personnel to provide the supplementary services at the expense of the Board of Education.¹³⁷ The RSA letter states the amount the Board of Education will pay and the specific services to be provided.¹³⁸

When the parent unilaterally places the child in a private school, the Board of Education pays only for the services recommended in the IEP. Placement in private school is the most restrictive learning environment.¹³⁹ The Board of Education does not pay the tuition for the school.¹⁴⁰ The Board of Education will pay the tuition for a private school only when the parents have shown that there is no appropriate public school placement and informed the CSE of their choice of private school enrollment at least ten days prior to the enrollment.¹⁴¹

Services at Sectarian Schools

Under the IDEA, a local education agency is required to provide supplemental services at sectarian schools to the extent that the local education agency is required to

provide them at a private school.¹⁴² Although the services are being provided in a religious setting, they do not violate the First Amendment separation of church and state as long as the type of services meets three criteria.¹⁴³ The local education agency must provide the services in a neutral manner, without regard to religion. The student using the services must be in the school as a result of the parent's choice, and not of the school district's choice. The funds must not benefit any of the sectarian school's accounts.¹⁴⁴ If the school district is providing services that aid a student in learning, the agency may provide the services at a sectarian school.¹⁴⁵ If, however, the services provide academic support such as the review of the material covered in the regular class, the school district may not supply these services at a sectarian school.¹⁴⁶

CHAPTER FOUR

INCLUSION FOR PRE-SCHOOL STUDENTS

INCLUSION FOR PRE-SCHOOL STUDENTS

According to New York State law every school district must have a Committee on Preschool Special Education ("CPSE") to identify, evaluate, and place three and four year old children with disabilities.¹⁴⁷ The CPSE must conduct an evaluation or provide a list of private evaluation sites, make a placement, and conduct a yearly review to assess the progress of each child with a disability in that setting.

As with children with disabilities aged 5-21, the CPSE must place a child in the least restrictive environment. The CPSE can place the child in an inclusive setting when this type of placement is appropriate. In the 1990-91 school year almost 90% of preschool special education students were in segregated placements, a percentage twice the national average.¹⁴⁸

PARENTS AND CPSE'S MUST FOLLOW THE PROPER PROCEDURES IN SECURING INCLUSIVE PROGRAMS FOR PRE-SCHOOL AGED CHILDREN

Once a child reaches the eligible age for pre-school services, the CPSE must follow the proper procedures in the referral, evaluation, and placement of the child in a special education, pre-school program. The eligibility of a child for pre-school education services depends upon the date of birth of the child. If a child turns three years old between January 1 and June 30, the child becomes eligible for pre-school services beginning on January 2. If a child turns three years old between July 1 and December 31, the child becomes eligible on July 1.

Referral³

When a parent suspects that a child has a disabling condition that may affect his education, the parent should submit a written referral to the chairperson of the CPSE in the community school district.¹⁴⁹ A parent, a licensed physician, a professional at a government agency, a judicial officer, a school staff member, a school district employee, or a representative from an Early Childhood Direction Center or other programs serving preschool children may make a referral to the CPSE. An Early Childhood Direction Center provides information and referrals regarding special education programs for the parents of children with disabilities from birth to five years of age.¹⁵⁰

Upon receipt of a request for a referral, the CPSE must immediately send the parent, in the parent's dominant language, a notice that a preschool referral has been received, a Notice of Parental Due Process Rights, and a listing of free and low cost legal services available if the parent needs assistance.¹⁵¹ The CPSE must also provide an official list of evaluation sites and program providers that have been approved by the New York State Education Department to serve preschool age children. The notice must include a Consent to Initial Evaluation letter for the parent to sign and give to the preschool evaluation site before the evaluation can begin.⁴

This chapter focuses on the preschool child. However, for a detailed overview of the special education referral and placement process also see the chapter entitled "The Rights of Inclusion."

The CPSE may name a "surrogate parent" to make educational decisions for the child if the parent cannot be found. This surrogate parent should, to the extent possible, share the cultural, linguistic background of the child. A foster parent may ask to be designated as the surrogate parent.

Evaluation

The evaluation is conducted at no cost to parents. In New York City, a CPSE may either conduct the evaluations or provide for a private evaluation.¹⁵² A child will not be evaluated unless the CPSE receives written consent from the parent. If a parent does consent, the parent needs to choose an evaluation site from an official list of approved evaluators. These sites include pre-kindergarten programs, day care centers, head start programs, early childhood direction centers, or a licensed certified provider.¹⁵³ A representative from the CPSE should be available to assist the parent in selecting an appropriate site and in arranging for an evaluation meeting. If a parent has applied for a child to attend a school for the blind, deaf, or severely physically disabled (a "4201 school"), the 4201 school closest to the child's home conducts the evaluation.

After the parent selects a site for the evaluation, the CPSE must send materials to that site and notify the parent of an evaluation meeting date. If the site the parent chose is overbooked or if it is not qualified to evaluate the child's suspected disabling condition, the CPSE helps the parent select an appropriate site. The evaluation meeting must be scheduled no later than five school days from the date that the CPSE sent the notification letter. A parent should contact the site to reschedule if the parent cannot attend the meeting. The site may close the case if the CPSE can document that it was unable to establish a meeting date with the parent.

If the parent needs a translator at the meeting, the parent needs to let the evaluation site know immediately after receiving notice of the meeting date. The site is responsible for providing translation services.

Personnel at the evaluation site must complete a multidisciplinary assessment and issue a report of the assessment within twenty (20) school days of receiving consent to the evaluation.¹⁵⁴ Evaluators must consider the child's primary language and, if necessary, conduct the evaluation in that language. A Home Language Survey designed to identify the student's dominant language will be administered. The evaluation must include a general physical examination, a social history, an individual psychological evaluation and an observation of the child in any current preschool program. The evaluation may also include, a speech/language evaluation, a thorough medical examination, a psychiatric evaluation, a neurological evaluation, an audiological evaluation, an ophthalmological evaluation, an occupational evaluation, or a physical therapy evaluation. In addition, a parent may submit any private reports that the parent wishes the CPSE to consider during the placement process.

When the evaluation is completed, the evaluation site prepares and sends the CPSE administrator an evaluation summary and an Individualized Service Plan ("ISP"). Although a parent is required to receive only the evaluation summary, the parent may request a copy of the full evaluation from the CPSE. The ISP must state the child's intellectual, social, emotional, and physical development and behavior needs as they pertain to his/her education. The ISP also contains a recommendation on the type of services, the frequency of the services, and the length of each session. The evaluation summary must describe the child's present level of performance and specific learning characteristics and indicate whether the child is educationally disabled. The evaluation summary, however, should not contain a recommendation as to the type of placement or the specific program that the evaluator

believes is best for the child.¹⁵⁵ The parents and the members of the CPSE will discuss the provision of appropriate services during the CPSE review meeting.

~~If a parent disagrees with the evaluation, the parent may be eligible for a second~~ evaluation at public expense.¹⁵⁶ The CPSE may request an impartial hearing to dispute payment.¹⁵⁷ If the CPSE considers placing a child in the program that conducted the initial evaluation, the CPSE may choose to obtain a second evaluation from another approved evaluator.¹⁵⁸

Review

Once the CPSE receives the reports from the evaluation site, it must schedule a Preschool Special Education Review meeting. The CPSE is required to mail the parent a notice of the meeting and a copy of the evaluation summary at least seven days prior to the meeting. If the parent does not respond within seven days, the CPSE can conduct the review meeting without the parent. The following must attend the CPSE review meeting for a child who has been evaluated for the first time: (1) a CPSE Preschool Administrator; (2) the parent; (3) a parent of a child with a disability who resides in the school district and whose child is enrolled in a preschool or elementary-level education program, and who is not employed by, or under contract with, the Board of Education; (4) the child's teacher or an appropriately certified teacher; (5) a professional who participated in the evaluation of the child or a professional employed by the district (other than the chairperson)¹⁵⁹; and (6) a professional employed by the school district qualified to provide or supervise the provision of special education who serves as chairperson.¹⁶⁰ For a preschool child who is transitioning from early intervention, a professional designated by the Department of Health's Early

Intervention program must attend all the CPSE's meetings conducted prior to the child's initial receipt of services.¹⁶¹ In addition, a translator and a representative of the parent may attend the CPSE review meeting for assistance.

At the CPSE review meeting, the participants discuss the results of the assessment in language that is easy to understand, identify any educational disabilities that the child has, and determine if the child is eligible for preschool services. The Committee must review all relevant information, including any evaluations or information the parent wants to add, and any information from prior programs the child may have attended. After discussion the CPSE must develop an IEP for the child, containing annual goals, short-term objectives to meet those goals, and measurable criteria to be used later to determine whether the child is meeting the stated goals. If the CPSE members disagree among themselves or with the parents' preference, the Committee must develop a statement describing the reasons for its recommendation. The CPSE should include the parents' comments in this statement.¹⁶²

When a CPSE decides that a child is not eligible for services, it must send this recommendation and all of the child's evaluation materials to the Central Board of Education's Central Based Support Team ("CBST"). If the CBST agrees with the CPSE, the parent receives a Final Determination that the child is not eligible for special education services, as well as information about Due Process rights to challenge the denial of special education at an impartial fair hearing.

Placement

If the Committee decides that the child needs assistance because of an educational disabling condition, it will recommend an educational placement at a specific licensed or

certified program site and/or itinerant services, such as a consultant teacher or related services such as speech/language therapy, physical and/or occupational therapy. The CPSE may recommend that the program and/or services be provided year-round if a year-round environment is necessary to prevent regression and to maintain developmental levels.

The Board of Education is mandated to provide a disabled preschool child with a continuum of services, or range of alternative placement options. The continuum of services must include, related services only, special education itinerant services only,¹⁶³ related services in combination with special education itinerant services, integrated programs, a half-day preschool program, and lastly, a full day program.¹⁶⁴ The CPSE must consider the appropriateness of providing special education services in a setting with age-appropriate peers without disabilities. Thus, the CPSE must consider whether support services or a regular education placement is appropriate before it considers a special education class or school for a child. The CPSE is required to place a child in least restrictive setting that will serve the child's educational needs. Placement in a setting with no daily contact with a child's regular education peers may be recommended only when the child's education cannot be achieved satisfactorily in a less restrictive environment, even with the use of supplementary aids and services.¹⁶⁵

After the review, the parent should receive a Preschool Acceptance Letter from the recommended program. The CPSE then sends the parent a Notice of Recommendation and the IEP. The IEP indicates whether the recommended program will be a ten month (September to June) or twelve month placement.

A parent should respond to the recommendation, regardless of whether the parent

agrees with the recommendation. No special education services may be provided to a child without the parent's consent. If a parent does not respond to the recommendation and does not request an impartial hearing or another CPSE review meeting, the CPSE can close the case if they document that they were unable to reach the parent. When a parent disagrees with the evaluation or recommendation of the CPSE or CBST, the parent may request an impartial hearing. Chapter Two outlines the procedures for appealing placements. The same procedures apply when appealing against a CPSE placement.¹⁶⁶

Implementation of Services

If the parent consents to the placement, the CPSE refers the materials to the Central Board of Education's Central Based Support Team ("CBST") for review and initiation of the services. The CBST must complete its review within thirty school days of the parent's consent for evaluation. No services or program for a child may begin until the CBST approves the placement and forwards the packet to the program or service provider.

When the CBST and the CPSE disagree on a recommendation the CBST will request a meeting to discuss the reasons for the Committee's decision. Parents have a right to attend this meeting. If the CPSE does not change its recommendation the CBST may not override the district's findings.

If the CBST agrees with the recommendation, and the parent grants consent, then the child must receive the services, including appropriate transportation. The start date will be either the first school start date in January, July or September or no later than 30 days after the date the recommendation was made if the child was referred mid-semester.

Change of Program or Services

A parent, teacher, or service provider who believes a change of program or services is necessary may request the CPSE to review the placement. Upon such a request, the CPSE conducts any necessary evaluations and schedules a conference to review the IEP. A change in a child's educational placement may not occur without prior notification to the parent. A parent may request an impartial hearing if a parent objects to the change. During the period of time that the parent contests the change, the child's placement remains the same as before the review. This is commonly referred to as pendency or status quo placement.

Bilingual Pre-School Programs

A child needing a bilingual preschool program when one is not available, may be placed in a English program if the CPSE also provides a bilingual paraprofessional who speaks the child's language. A child should remain at this alternate interim placement only until an appropriate bilingual program becomes available. In November 1996, the Board of Education stipulated that it would begin to immediately phase out alternate interim placements for Limited English Proficient preschoolers whose primary language is one of the major languages spoken in New York.¹⁶⁷ If the current alternate interim placement refuses to provide a bilingual paraprofessional for a child, the parent should call the CPSE and let them know.

CHAPTER FIVE
INCLUSION FOR CHILDREN WITH SPECIFIC NEEDS

INCLUSION FOR CHILDREN WITH SPECIAL NEEDS

HEARING IMPAIRED CHILDREN

When developing an IEP for a deaf child, the local or state education agency should consider the child's and family's preferred method of communication, the child's linguistic needs, the severity of the child's hearing loss and potential for using residual hearing, and the child's academic level.¹⁶⁸ The agency should also consider the child's social, emotional, and cultural needs, including the need for peer interaction and communication.¹⁶⁹

The Least Restrictive Environment provision of the IDEA is not satisfied for a deaf child if the child's educational setting does not meet the child's communication and related service needs.¹⁷⁰ The local or state education agency must determine the appropriate placement for the child, after carefully considering the specific needs of the child.¹⁷¹ If the needs of a deaf child cannot be met in an inclusive setting, then an inclusive setting is not the appropriate placement for the child.¹⁷²

According to some parents and advocates, inclusion is not the appropriate setting for many deaf or hearing impaired children. These groups believe that "segregated" environments are often necessary to meet the unique needs of these children. Given their unique communication needs and the non-academic benefit of being with other deaf children, an inclusive setting may have a segregating effect within the regular education classroom.¹⁷³ The communication barrier between a hearing impaired child and a hearing teacher and classmates may cause a regular education classroom to be the most restrictive environment.¹⁷⁴ Opponents of inclusion argue that any appropriate education for a deaf

child should include a teacher who can communicate directly and on an adult level with that child.

In two cases, Grkman v. Scanlon, 1983-84 EHLR 555:101, and Visco v. School District of Pittsburgh, 1987-88 EHLR 559:519, courts ruled that special schools for the deaf were appropriate placements and that deaf students should not be removed to regular schools. Both courts held that the language skills taught in the "segregated" placement were so vital that these placements were the least restrictive environments.¹⁷⁵ Thus, any setting that does not provide for a deaf child's communication needs cannot be the Least Restrictive Environments.¹⁷⁶

Ultimately, the parent, in conjunction with the Committee, determines what the appropriate placement is for a child. A parent with a child in an inclusive setting should ensure that the certain conditions in the classroom are present. Only teachers and interpreters of the deaf who are qualified and certified and have an understanding of deaf culture should be hired to teach in these classes.¹⁷⁷ Only teachers who can communicate directly and appropriately with deaf students should instruct the children.¹⁷⁸ Deaf adult role models should be present on a regular basis in the educational process, either as teachers or aides.¹⁷⁹ Hearing teachers and students in the school should be offered continued opportunities to learn and use sign language.¹⁸⁰

A parent may be entitled to sign language training at the school district's expense. For instance, a child may need the assistance of a parent who is proficient in ASL to assist with homework and other out-of-class assignments. According to the OSEP, if the IEP determines that sign language training for the parent is necessary for the child to benefit from an educational program then this training must be provided. This related service must be

designed to assist the child in developing skills necessary to benefit the child's education.¹⁸¹

BLIND OR VISUALLY IMPAIRED CHILDREN

The population of blind or visually impaired students who are entitled to special education services is extremely diverse. These students display a wide range of vision difficulties and adaptations. Visual deficits may be coupled with other disabling conditions. In addition, students with similar degrees of vision may function differently. Overall these students have similar unique needs for instruction in literacy, self-help skills, orientation and mobility, use of technological devices and services, transition service needs, and career education.¹⁸²

If a referral is made to the Committee on Special Education or Committee on Preschool Special Education and the suspected disability is a hearing or visual impairment, the CSE refers the case to the Hard of Hearing/Visually Impaired ("HHVI") Office.

In determining the least restrictive environment for any child with a disability the individual needs of the child drive the placement decision.¹⁸³ Thus, placement may not be based solely on the nature and severity of the disability. The committee must also consider the other unique needs a child has that will impact on the ability to receive a free appropriate public education ("FAPE").

To ensure that an Individualized Education Program is appropriate for a blind or visually impaired student, it should address various needs. The program should allow the student to attain literacy, using appropriate instructional methods. The student, with the appropriate use of technological devices and services, should develop skills for acquiring information. In addition, the program should teach orientation, mobility, social skills, and interaction skills, and should provide for transition services, recreation, and career

education.¹⁸⁴

An assessment of vision includes the nature and extent of the student's visual impairment and the instructional methods that would be appropriate to enable the child to develop skills in reading, reading comprehension, composition and computing. These methods may include Braille, large print, or regular print with or without optical devices that provide computer generated speech. Optical scanners and personal computers with speech output are some devices available for visually impaired students. Braille is most likely to be the primary reading method for students who are blind or who have residual vision. A student learning Braille requires systematic and regular instruction from a trained, professional.¹⁸⁵

According to OSERS and OSEP a significant concern among parents is that visually impaired students do not receive instruction in orientation and mobility. The intent of the IDEA cannot be fully achieved if blind or visually impaired students needing this instruction do not receive it before completion of their education.¹⁸⁶

THE CHILD WITH LIMITED MOBILITY

The Board of Education must arrange to provide any services recommended in an IEP. These services may include transportation.¹⁸⁷ A child who has limited mobility will receive door-to-door bus services. If a child is non-ambulatory and lives above the ground floor in a building without an elevator, the child may be provided with Transportation Assistant Services, commonly referred to as "porter service" or "carry down services."

The CSE determines, during the placement process, the appropriate transportation services to be provided, if any. A parent must inform the CSE when the child has a particular transportation need.

In New York City a parent should contact the Office of Pupil Transportation Hotline at (718) 392-8855 if any transportation problems arise.

ASSISTIVE TECHNOLOGY AS A SUPPLEMENTAL AID

Federal regulations define an assistive technology device as "[a]ny item, piece of equipment or product system, whether acquired commercially off-the-shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of children with disabilities."¹⁸⁸ The regulations define an assistive technology service as "[a]ny service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device."¹⁸⁹ These services include the evaluation of a child's need for assistive technology devices, the purchase or lease of the devices, the selection and adaption of the devices, the coordination of their use in therapy and education, and the training of students and professionals in the use of the devices.¹⁹⁰

Whether a child with a disability requires an assistive technology device or service is determined at the CSE review in accordance with IDEA requirements.¹⁹¹ A relationship between the educational needs of the child and the assistive technology device or service must be evident.¹⁹² There is no predetermined list of the types of devices or services that may be provided. Instead, the provision for specific products or services is determined according to a child's needs.¹⁹³

In general, if a device is necessary to ensure that a child receives a free, appropriate education and the child's IEP specifies that the child needs this device, the school district is responsible for providing this item at no cost to the child or the child's parents.¹⁹⁴ If, however, the item is a personal device that the child uses regardless of whether the child is in school, the district is not required to provide the device.¹⁹⁵ For example, a parent must provide for a motorized wheel chair when the child requires it for mobility in out-of-school

activity, even if the chair is used for mobility in the school. An adaptation to the chair, such as a special lap board, is the responsibility of the school district if the adaptation is necessary for the child to fully participate in school. This includes purchasing a suitable lap board, installing it, and providing any technical assistance the child or school personnel need to learn how to use it.¹⁹⁶

When a child requires the use of specialized equipment, the parent should contact the SBST in the child's school. The parent should provide the SBST with any documentation that shows this need. If approved, the SBST includes the recommendation for specialized equipment on the IEP. The Supervisor of Special Education in the child's school then makes arrangements to provide the child with this equipment. A parent should contact the CSE or request an Impartial Hearing if the child does not receive necessary devices or services.¹⁹⁷

A school district must ensure that private school students receive services comparable in quality, scope, and opportunity to those provided to students in public school.¹⁹⁸ This equitable participation requirement does not require a district to pay for technology devices for students in private school unless the district's implementation of equitable participation includes the provision of such services.¹⁹⁹

THE CHILD WITH ATTENTION DEFICIT DISORDER OR ATTENTION DEFICIT HYPERACTIVE DISORDER

Attention Deficit Disorder ("ADD") and Attention Deficit Hyperactive Disorder

("ADHD") are not listed as specific disabilities in the IDEA.²⁰⁰ Although ADD/ADHD may not always rise to the level of an educational disability, local education agencies and state education agencies must ensure that children with ADD/ADHD who are eligible for special education receive services designed for their individual needs.²⁰¹

A school district must conduct a full evaluation of a child to determine the eligibility of the child for special education services.²⁰² A medical diagnosis of ADD/ADHD cannot be the sole basis of eligibility.²⁰³ In addition to ADD/ADHD, a child must also display a special educational need. If a child with ADD/ADHD is able to function and achieve in a regular education setting without any aids, the child might not receive special education services.²⁰⁴ When a child with ADD/ADHD is eligible to receive services, the CSE/CPSE may classify the child as "other health impaired," "specific learning disability," or "seriously emotionally disturbed."²⁰⁵

The CSE/CPSE must consider a continuum of services in placing a child with ADD/ADHD.²⁰⁶ The CSE/CPSE should recommend a regular education setting for a child who has the academic skills to function in a regular education classroom.²⁰⁷ A consultant teacher or a resource room teacher may be recommended to support the student as well as the mainstream teacher.²⁰⁸

The CSE/CPSE may only place a child with ADD/ADHD in a self-contained classroom when the child cannot achieve in a regular education classroom, even with supplemental aids and services.²⁰⁹ When a child's behavior deteriorates in a regular

classroom because the child requires more attention, the CSE/CPSE may place the child in a self-contained classroom.²¹⁰ Such behavior may be evidenced by a lack of self-control, a lack of attention to tasks, and a failure to complete assignments.²¹¹ Although a regular education setting is the least restrictive environment, this setting is not appropriate because of the child's requirement for close supervision in the classroom.²¹²

A child's "right to a free and appropriate public education [can] not be premised on the precondition that he be medicated without his parent's consent."²¹³ If a child does take Ritalin or other medication, the IEP may state that the placement is premised on the child continued medication. A change or discontinuation of the medication is sufficient to require a review of the current IEP and placement. A school or CSE, however, cannot insist that the IEP require the child take medication.

1. Application of a Child with a Disability, NY SRO, Appeal No. 94-21 (1994).
2. See id., NY SRO, Appeal No. 94-21.
3. Board of Education v. Rowley, 458 U.S. 176, 202 (1982).
4. S. Deno, et al., Educating Students with Mild Disabilities in General Education Classrooms: Minnesota Alternatives, Exceptional Children, at 57 150-61 (1990); V. Chase and E. Pope, Model for Mainstreaming: The Synergistic Approach, Paper Presented at the Learning Disabilities of America Conference, San Francisco (Feb. 24, 1993).
5. See generally Board of Educ. v. Holland, 18 IDELR 761, 764 (E.D. Cal. 1992) (discussing the educational benefits for children with disabilities in an inclusion setting).
6. See id.
7. See id. at 765.
8. See id. at 765.
9. See id. at 764-5.
10. See id. at 764-65.
- See Holland, 18 IDELR at 765; Principal Letter, Strategies for Inclusion of Behaviorally Challenged Student, at 10 (L.C. Burello & P.T. Wright eds.) (1993).
12. See generally Holland, 18 IDELR at 764-65 (describing the interaction between the students).
13. See Hudson v. Bloomfield Hills Public Schools, 23 IDELR 612, 616 (E.D. Mich. 1995), affirmed 25 IDELR 607 (6th Cir. 1997).
14. See Successes and Concerns in New York City, Inclusive Education Program, Mar. 1994, at 3.
15. See Rosemarie Joyce, Preserve Segregated Options, Inclusive Education Programs, Mar. 1994, at 10.
16. See id. at 10.
17. See Student v. Somerset County Bd. of Educ., 24 IDELR 743, 747 (D. Md. 1996).
18. See Association for Retarded Citizens v. Schafer, 22 IDELR 338, 348 (D.N.D. 1995).
19. See Rosemarie Joyce, Preserve Segregated Options, Inclusive Education Programs, Mar. 1994, at 10.

20. See id. at 10.

21. See id. at 10.

22. N.Y. Educ. § 4402.2.a (Consol. Supp. 1997); 8 N.Y.C.R.R. §200.6(a)(1) (1995).

The IDEA, 20 U.S.C. § 1401(18), defines "free appropriate public education" as "special education and related services that -(A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State Educational Agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the IEP required under Sec. 1414" of the IDEA.

23. 8 N.Y.C.R.R. §200.1(x).

24. See Daniel R. v. State Bd. of Educ., 1988-89 EHLR DEC. 441:433, 440 (5th Cir. 1989). See also Mavis v. Sobol, 839 F. Supp. 968, 983 (N.D.N.Y. 1993) (following Daniel R.).

25. See id. at 440-441.

26. See Daniel R., 1988-89 EHLR DEC. 441:440; Somerset County, 24 IDELR 743.

27. See Daniel R., 1988-89 EHLR DEC. 441:440.

28. See Schafer, 22 IDELR at 338; Mavis v. Sobol, 839 F. Supp. 968, 988 (N.D.N.Y. 1993).

29. See Schafer, 22 IDELR at 345 (stating that the district must train the staff who aid students with disabilities).

30. See Oberti v. Board of Educ., 19 IDELR 908, 913 (3rd Cir. 1993) (citing Rowley, 458 U.S. at 189, 202).

31. See id.

32. See Daniel R., 1988-1989 EHLR DEC. 441:439.

33. Connie L. Cisar, et al., Supporting Inclusion in Preschool Settings, Inclusive Education Programs, April 1995, at PAGE.

34. See 20 U.S.C. § 1415; Rowley, 458 U.S. at 206-207. See also Daniel R., 1988-89 EHLR DEC. 441:436 (citing Jackson v. Franklin County Sch. Bd., 806 F.2d 623, 629 (5th Cir. 1986); Hall v. Vance County Bd. of Educ., 774 F.2d 629, 635 (4th Cir. 1985)) ("...a violation of the EHA's procedural guarantees may be a sufficient ground for holding that a school system has failed to provide a free appropriate public education...").

In New York, the procedural requirements are described in 8 N.Y.C.R.R. § 200.4 (1996).

35. See Letter from Thomas Hehir, 21 IDELR 998, 999 (Aug. 29., 1994).
36. See 20 U.S.C. § 1401(a)(3)(A) (1997 Amendments to the IDEA).
37. See 8 N.Y.C.R.R. §200.4(a).
See Appendix A for a list of the district CSE's.
38. See 8 N.Y.C.R.R. § 200.4(a)(1).
39. See Chancellor's Regulation A-831.2.1 (1984).
40. See *id.*
41. See N.Y. Educ. Law § 3602(32) (Consol. Supp. 1997).
42. See 8 N.Y.C.R.R. §200.4(a).
43. See N.Y. Educ. Law § 4401-a(2) (Consol. Supp. 1997); 8 N.Y.C.R.R. § 200.4(2); Chancellor's Regulations A-831.2.3.
44. See N.Y. Educ. Law § 4401-a(3); 8 N.Y.C.R.R. § 200.4.
45. See 8 N.Y.C.R.R. § 200.4(a)(6); Chancellor's Regulation A-831.3.1.
46. See Chancellor's Regulation A-831.3.1.
47. See 34 C.F.R. § 300.345 (1992); Chancellor's Regulations A-831.3.2.
48. See Chancellor's Regulation A-831.3.1.c, A-831.3.2.
49. See 34 C.F.R. § 300.504(b); 8 N.Y.C.R.R. §§ 200.4(a)7, 200.4(a)(8).
50. See 34 C.F.R. § 300.500(3); Chancellor's Regulation A-831.3.1.f.
51. See 8 N.Y.C.R.R. §§ 200.4(a)(8), 200.5(b)(3); Chancellor's Regulation A-831.3.1.g.
52. See 8 N.Y.C.R.R. § 200.5(b)(2).
53. See 8 N.Y.C.R.R. § 200.4(a)(7).
54. See 8 N.Y.C.R.R. § 200.4(b)(1); Chancellor's Regulation A-831.4.1.
55. See 8 N.Y.C.R.R. § 200.4(b)(1).
56. See Chancellor's Regulation A-831.4.1.

57. See 34 C.F.R. § 300.503 (1993).

58. See 34 C.F.R. § 300.500(3)(i) (1993).

59. See 34 C.F.R. § 300.503(b) (1993).

60. See id.

61. See 34 C.F.R. § 300.503(c) (1993).

62. See 34 C.F.R. § 300.343 (1992); 8 N.Y.C.R.R. § 200.4(c).

63. See N.Y. Educ. Law § 4402 (Consol. Supp. 1997).

In New York City, a social worker and an educational evaluator are also required members of the review team. See Jose P. v. Ambach, 3 EHLR 551:412, 416 (E.D.N.Y. 1979).

64. See id. at 63.

65. See id. at 65.

66. See Advocates for Children of New York, Inc., Guide to Effective Advocacy: Securing an Appropriate Education for Children with Handicapping Conditions in New York City, at 63 (revised Jan. 1992) (July 1989).

67. See 34 C.F.R. § 300.344 (1992); 8 N.Y.C.R.R. 200.5(a)(1)(iii); Chancellor's Regulation A-831.4.5.

68. See 8 N.Y.C.R.R. § 200.5(a)(1)(iii); Chancellor's Regulation A-831.4.

69. See Wall by Wall v. Mattituck-Cutchogue Sch. Dist., 24 IDELR 1162, 1168 (E.D.N.Y. 1996).

70. See 8 N.Y.C.R.R. § 200.4(c)(6).

71. See 8 N.Y.C.R.R. § 200.4(c).

72. See id.

73. See Greer v. Rome City Sch. Dist., 18 IDELR 412, 416 (11th Cir. 1991) (IEP is not appropriate if the alternatives were considered after the IEP was written).

74. See Daniel R., 1988-89 EHLR DEC. 441:441.

75. See 8 N.Y.C.R.R. § 200.6 (describing the continuum of services available for children with disabilities).

76. See id. at 60.

77. See Application of a Child with a Disability, NY SRO, Appeal No. 94-21 (1994).

78. See Mavis, 839 F. Supp. at 989.

79. See Oberti, 19 IDELR at 916 ("...the School District's failure to give adequate consideration to including ... in a regular classroom with supplementary aids and services supports...that the School District violated the IDEA."); See generally Greer, 18 IDELR 412 (The school district was in violation of the IDEA because it did not consider the "least restrictive environment" in creating an IEP).

80. See 8 N.Y.C.R.R. §§ 200.1(x), 200.6(a)(1).

81. See Poolaw v. Bishop, 23 IDELR 406, 409 (9th Cir. 1995).

82. Rowley, 458 U.S. at 201, 204, 206-07 (1982) (establishing a two part test for the appropriateness of an IEP).

83. See Daniel R., 1988-89 EHLR DEC. 441:442; Poolaw, 23 IDELR at 410.

84. See Greer, 18 IDELR at 416.

85. See id.

86. See 8 N.Y.C.R.R. § 200.4(c)(2).

87. See 8 N.Y.C.R.R. § 200.4(c)(2)(iii).

88. See 8 N.Y.C.R.R. § 200.4(c)(2)(iv).

89. See Letter from Thomas Hehir, 21 IDELR 998 (August 29, 1994).

90. See 20 U.S.C. §1415(a)(5); 34 C.F.R. § 300.146 (1992); 8 N.Y.C.R.R. § 200.4(e).

91. See 20 U.S.C. §1415(b)(1)(C) (1996).

92. See 20 U.S.C. §1415(b)(1)(D) (1996).

In New York City, if the District Committee or School Based Support Team (SBST) does not provide the proper notice to the parents, the Committee or SBST cannot consider the case. See Chancellor's Regulation A-831.4.4.

93. See 8 N.Y.C.R.R. § 200.4(e)(4).

94. See 8 N.Y.C.R.R. §200.4(c)(1)(iii).

95. Id.

99. See N.Y. Educ. § 4404(1).

97. See id.

98. See Guide to Effective Advocacy, at 110-11.

99. See id., at 122.

100. See N.Y. Educ. § 4404(3); 8 N.Y.C.R.R. §§ 200.5(d), 279.1(a).

101. See 8 N.Y.C.R.R. § 279.2.

102. See 8 N.Y.C.R.R. § 279.2.

103. See 8 N.Y.C.R.R. § 275.10.

104. See 8 N.Y.C.R.R. § 275.8.

105. See 8 N.Y.C.R.R. § 279.4.

106. See 8 N.Y.C.R.R. §§ 276.2(d), 279.8.

107. See 8 N.Y.C.R.R. § 279.5.

108. See 8 N.Y.C.R.R. § 279.7.

109. See 8 N.Y.C.R.R. § 279.10.

110. See 8 N.Y.C.R.R. § 279.10.

111. See also N.Y. Educ. Law § 4404(4).

112. See 20 U.S.C. § 1415(e) (1996).

113. See N.Y. Educ. Law § 4404(3) (Consol. Supp. 1997); 8 N.Y.C.R.R. § 200.5(d).

114. See Mavis, 839 F. Supp. at 976 (quoting Gerasimou by Gerasimou v. Ambach, 636 F.Supp. 1504 (E.D.N.Y. 1086)).

115. See Stellato on Behalf of Rebecca v. Board of Educ., 842 F. Supp. 1512, 1515 (N.D.N.Y. 1994 (quoting Riley v. Ambach, 668 F.2d 636, 640 (2nd Cir. 1981); Vander Malle v. Ambach, 667 F. Supp. 1015, 1029 (S.D.N.Y. 1987))).

116. See Rowley, 458 U.S. at 206-07.

117. See Rowley, 458 U.S. at 207.

118. See Rowley, 458 U.S. at 206-07.

119. See Daniel R., 1988-89 EHLR DEC. 441:440.

120. See id. at 440.

121. See id. at 440.

122. See Rowley, 458 U.S. at 207.

123. See 20 U.S.C. § 1415(e)(4)(B).

124. See Robert D. v. Sobel, 688 F. Supp. 861 (S.D.N.Y. 1988); Michael M. v. Board of Educ. of New York City Sch. Dist., 686 F. Supp. 995 (S.D.N.Y. 1988); Mason v. Schenectady City Sch. Dist., 879 F. Supp. 215, 220 (N.D.N.Y. 1993).

125. See Michael M., 686 F. Supp. at 1001-1002; Robert D., 688 F. Supp. at 864; Mason, 879 F. Supp. at 220.

See 34 C.F.R. §§ 300.451, 300.452.

127. See Zorbrest v. Catalina Foothills Sch. Dist., 113 S.Ct. 2462 (1993) (providing the services of an interpreter); Russman v. Sobol, 24 IDELR 274 (2nd Cir. 1996) (providing the services of a consultant teacher).

128. See Russman, 24 IDELR at 277.

129. See id. at 277.

130. 34 C.F.R. § 76.354 (1995).

131. See Russman, 24 IDELR at 277-78.

132. See 20 U.S.C. § 1412(a)(10) (1997); Watervliet Bd. of Educ. v. Russman, 1996 WL 693387, at *1 (U.S. June 27, 1997).

133. See 20 U.S.C. § 1412(a)(10) (1997 Amendments to the IDEA).

134. See 20 U.S.C. § 1412(a)(10)(A) (1997 Amendments to the IDEA).

135. See Watervliet Bd. of Educ., 1996 WL 693387, at *1.

136. See Guide to Effective Advocacy, at 156-57.

In New York City, parents need to contact the Office of Related and Contractual Services at the Central Board of Education at 110 Livingston, Brooklyn, New York, 11201.

137. See id. at 156-57.

138. See id. at 156-57.

139. See 20 U.S.C. § 1412(a)(10)(C) (1997 Amendments to the IDEA); 8 N.Y.C.R.R. § 200.6(i).

140. See 8 N.Y.C.R.R. § 200.6(i).

141. See 20 U.S.C. § 1412(A)(1)(C) (1997 Amendments to the IDEA).

142. See 20 U.S.C. § 1412(a)(10)(A) (1997 Amendments to the IDEA); Zorbreast, 113 S. Ct. 2462; Russman, 24 IDELR at 276-77; Application of the Board of Education, Appeal No. 96-36; Application of the Board of Education, NY SRO, Appeal No. 96-41. But see Watervliet Bd. of Educ., 1996 WL 693387, at *1 (vacating and remanding Russman for further consideration by the United States Court of Appeals for the Second Circuit in light of the 1997 IDEA amendments).

143. See Zorbreast, 113 S. Ct. 2462; See also Russman, 24 IDELR at 276 (expanding Zorbreast).

144. See Russman, at B-40 (citing Zorbreast, 113 S. Ct. at 2468-2469).

145. See Application of the Board of Education, NY SRO, Appeal No. 96-41 (1996).

146. See NY SRO, Appeal No. 96-41.

147. 8 N.Y.C.R.R. § 200.

148. See Ray M. v. Board of Educ., 22 IDELR 776, 781 (E.D.N.Y. 1995).

149. See Appendix B for a listing of the community CPSE's.

150. See Appendix C for a listing of Early Childhood Direction Centers.

151. See Appendix D for a list of legal services.

152. See N.Y. Educ. Law §§ 4410(1), 4410(4) (Consol. Supp. 1997).

153. See N.Y. Educ. § 4410(4)(b) (Consol. Supp. 1997).

154. See 20 U.S.C. § 1412(5)(c); 8 N.Y.C.R.R. § 200.4(b)(14).

155. N.Y. Educ. Law §§ 4410(4), 4410(5).

156. See 8 N.Y.C.R.R. § 200.16(c)(4).

157. See 34 C.F.R. § 300.503(b).

158. See N.Y. Educ. Law § 4410(4)(c) (Consol. Supp. 1997).

159.N.Y. Educ. Law § 4410(3); 8 N.Y.C.R.R. § 200.

160.See N.Y. Educ. Law § 4410(3)(a) (Consol. Supp. 1997).

161.See N.Y. Educ. Law § 4410; 8 N.Y.C.R.R. § 200.

162.N.Y. Educ. Law § 4410(5)(b)(iii) (Consol. Supp. 1997).

163. If itinerant services are recommended the provider will be selected from a list of certified or licensed providers compiled by the Board of Education. These services may be provided at an approved special education program, a government licensed preschool or day care (eg. Head Start, Project Giant Step) or in your home. If more than one service is being provided for your child then a itinerant service coordinator should be selected . Examples of itinerant services include: speech or language therapy or a consultant teacher.

164.See N.Y. Educ. Law § 4410(5).

165.N.Y. Educ. Law § 4410(5)(b)(i).

166.See N.Y. Educ. Law § 4410.

167.See Ray M., 25 IDELR at 701.

168.See Notice of Policy Guidance, 19 IDELR 463, 464 (Oct. 26, 1992).

169.See id. at 464.

170.See id. at 465.

171.See OSEP Memorandum 94-15, 20 IDELR 1181, 1182 (Feb. 4, 1994).

172.See Notice of Policy Guidance, 18 IDELR at 465.

173.See Inclusion can Mean Exclusion to Deaf Students, Attorney Says, 10 The Special Educator Iss. 8, at 113.

174.See "Balancing Deaf Students" Needs and the Law, vol 2. Iss. 2 Inclusive Education Programs (newsletter) p.3.

175.See Grkman, 1983-84 EHLR 555:101; Visco, 1987-88 EHLR 559:519.

176.See 1992 Letter from OSERS.

177.See id.

178.See id.

179. See id.

180. See id.

181. See Letter to Anonymous, 19 IDELR 586 (OSEP 1992); Letter to Dagley, 17 EHLR 1107 (OSEP 1991); and Letter to DOLE, EHLR 211:399 (OSERS 1986).

182. Policy Guideline on Educating Blind and Visually Impaired Students, 23 IDELR 377, 378 (Nov. 6, 1995).

183. 34 C.F.R. § 300.552 and Note 1.

184. Policy Guideline on Educating Blind and Visually Impaired Students, 23 IDELR at 380.

185. Id. at 379-380.

186. Id. at 379

187. See N.Y. Educ. Law §§ 4410(5)(b), 4410(8)(e); 8 N.Y.C.R.R. § 200.16(e)(1).

188. 34 C.F.R. § 300.5.

189. 20 U.S.C. § 1401(a)(26); 34 C.F.R. § 300.6.

190. See 34 C.F.R. § 300.6(a)-(f).

191. See Letter to Naon, 22 IDELR 888 (1995).

192. See id.

193. See id.

194. See Letter to Seiler, 20 IDELR 1216 (hearing aids); 34 C.F.R. § 300.532(f); Letter to Bachus, 22 IDELR 629 (1995) (eyeglasses); Letter to Anonymous, 24 IDELR 388 (1996) (pulmonary nebulizer).

195. See Jeffrey, T. Sultanik, Q & A in 12 The Special Educator, Issue 16, at 6-7 (Mar. 28, 1997).

196. See Patrick McKee TSE, VOI 10, Iss12, at 179 Q&A column. DATE

197. See "A Parent's Guide to Special Education for Children Ages 5-21," Bd. of Ed. of the City of New York, at 51.

198. See 34 C.F.R. § 76.654.

199. See Letter to Anonymous, 21 IDELR 745 (1994); Zorbrest, 113 S.Ct. 2462 (1993).

200. See 20 U.S.C. § 1401(3) (listing the eleven classifications of disabilities included in the definition of a "child with a disability").

201. See Joint Policy Memorandum, 18 IDELR 116, 117 (Dept. of Educ. 1991).

202. See id. at 117.

203. See id. at 117.

204. See e.g. Nagle ex rel Nagle v. Wilson Sch. Dist., 21 IDELR 794 (E.D. Pa. 1994) (child with ADHD was recommended regular education without special education services because the child did not exhibit any special education needs).

205. Joint Policy Memorandum, 18 IDELR at 117.

206. See Joint Policy Memorandum, 18 IDELR at 117.

207. See Application of a Child with a Disability, Appeal No. 93-29, at 6 (NY SRO 1993) (Affirmed by Board of Educ. v. Sobol, 610 N.Y.S. 2d 246 (N.Y. Sup. Ct. 1994)).

208. See id. at 6.

209. See Application of Child with a Disability, Appeal No. 93-29, at 6-7 (NY SRO 1993).

210. See Livingston Bd. of Educ., 18 IDELR 1070, 1072 (SEA NJ 1992).

211. See id. at 1073.

212. See Application of a Child with a Disability, Appeal No. 93-29, at 6.

213. Valerie J. Derry Cooperative School District, 16 EHLR 1068.

Committee on Special Education
Offices (CSEs)

Manhattan

District 1, CSE

P.S. 142

100 Attorney Street

New York, NY 10002

(212) 533-1440

District 2, CSE

333 7th Avenue, 8th Floor

New York, NY 10001

(212)330-9500

District 3, CSE

P.S. 165

243 W. 61st Street

New York, NY 10023

(212)245-3541

District 4, CSE

P.S. 146

421 East 106th Street

New York, NY 10029

(212) 876-9755

District 5, CSE

P.S. 175

West 134th Street

New York, NY 10030

District 6, CSE

516 West 181st Street, 5th Floor

New York, NY 10033

(212) 795-8461

Manhattan Hearing, Handicapped and
Visually Impaired Office

400 First Avenue, 7th Floor

New York, NY 10010

(212) 679-9640

Bronx

~~District 7, CSE~~

IS 184

778 Forest Avenue

Bronx, NY 10456

(718) 292-1202

District 8, CSE

JHS 101

2750 Lafayette Avenue

Bronx, NY 10465

(718) 409-9004

District 9, CSE

P.S. 42

1537 Washington Avenue

Bronx, NY 10457

(718) 583-7446

District 10, CSE

550 Broadway

Bronx, NY 10463

(718) 584-8002

District 11, CSE

C/o Truman High School

750 Baychester Avenue

Bronx, NY 10475

(718) 904-5700

District 12, CSE

IS 158

1000 Jennings Street

Bronx, NY 10460

(718) 861-5538

Bronx Hearing, Handicapped/Visually
Impaired Office

5500 Broadway, 2nd Floor

Bronx, NY 10463

(718) 562-8151

Brooklyn

District 13 , CSE
P.S. 93, 4th Floor
~~31 New York Avenue~~
Brooklyn, NY 11216
(718) 636-3204

District 14, CSE
IS 318
101 Walton Street
Brooklyn, NY 11206
(718)384-7600

District 15, CSE
362 Schermerhorn Street
Brooklyn, NY 11217
(718) 935-2040

District 16, CSE
P.S. 81
990 Dekalb Avenue
Brooklyn, NY 11221
(718) 574-0800

District 17, CSE
842 Lefferts Avenue
Brooklyn, NY 11203
(718) 270-6500

District 18, CSE
8914 Foster Avenue
Brooklyn, NY 11236
(718) 649-7109

District 19, CSE
P.S. 213 Mini School
361 Vermont Street
Brooklyn, NY 11207
(718) 498-6902

District 20, CSE
6323 7th Avenue
Brooklyn, NY 11220
(718)630-2300

District 21, CSE
P.S. 100
110 Elmwood Avenue
Brooklyn, NY 11230
~~(718) 377-1632~~

District 22, CSE
P.S. 222
3301 Quentin Road
Brooklyn, NY 11234
(718) 375-1231

District 23, CSE
1655 St. Marks Avenue
Brooklyn, NY 11233
(718) 922-4794

District 32, CSE
P.S. 377
200 Woodbine Street
Brooklyn, NY 11221
(718) 453-4511

Brooklyn West Hearing
Handicapped/Visually Impaired Office
(212)679-9640

Brooklyn East Hearing
Handicapped/Visually Impaired Office
Edward R. Murrow H.S >
1600 Avenue L , Room 103
Brooklyn, NY 11230
(718) 951-9818

Queens

District 24, CSE
72-52 Metropolitan Avenue
Middle Village, NY 11379
(718) 628-1083

District 25, CSE
IS 237
46-21 Colden Street
Flushing, NY 11355
(718) 445-1213

District 26, CSE
P.S. 46
218th Street & 67th Avenue
Bayside, NY 11364
(718) 423-8398

District 27, CSE
115-49 118th Street
South Ozone Park, NY 11420
(718) 641-1337

District 28, CSE
P.S. 40
109-20 Union Hall Street
Jamaica, NY 11433
(718) 526-0450

District 29, CSE
P.S. 147 Mini School
1 Cross Island Plaza
Cambria Heights, NY 11422
(718) 978-7588

District 30, CSE
36-36 10th Street
Long Island City, NY 11106
(718) 777-4600

Queens Hearing Handicapped/ Visually
Impaired Office
29-76 Northern Boulevard
Long Island City, NY 11101
(718) 472-7440

Staten Island

District 31, CSE
465A New Dorp Lane
Staten Island, NY 10306
(718) 351-3557

Staten Island Hearing
Handicapped/Visually Impaired Office
(718)951-9818

State Education Department Office
of Special Education Services (OSES)
New York City Field Services Office
55 Hanson Place
Brooklyn, NY 11217
(718)722-2636

Committee on Preschool Special
Education (CPSE)

Manhattan

District 1, CPSE
P.S. 142
100 Attorney Street
New York, N.Y. 10002
(212) 533-1440

District 2, CPSE
I.S. 70
333 7th Avenue, 8th Floor
New York, N.Y. 10001
(212) 330-9547

District 3, CPSE
243 E. 61st Street
New York, N.Y. 10023
(212)245-3541

District 4, CPSE
P.S. 146
421 E. 106th Street
New York, N.Y. 10029
(212) 876-9750/55

District 5, CPSE
P.S. 175
175 W. 134th Street., Rm. 109
New York, N.Y. 10030
(212) 491-5550

District 6, CPSE
516-20 W. 181st Street
New York, N.Y. 10033
(212)781-3198

Bronx

District 7, CPSE
I.S. 184
778 Forest Avenue, Rm. 415 C
Bronx, N.Y. 10456
(718) 292-1202

District 8, CPSE
J.H.S. 101
2750 Lafayette Avenue
Bronx, N.Y. 10465
(718) 409-9004

District 9, CPSE
1887-95 Bathgate Avenue
Bronx, N.Y. 10457
(718)731-2590

District 10, CPSE
5500 Broadway
Bronx, N.Y. 10463
(718) 584-8002

District 11, CPSE
Truman H.S.
750 Baychester Avenue
Bronx, N.Y. 10475
(718) 904-5700

District 12, CPSE
1000 Jennings Avenue
Bronx, N.Y. 10456
(718) 861-5538

Brooklyn

District 13, CPSE
576 Willoughby Street
Brooklyn, N.Y. 11201
(718) 802-0653

District 14, CPSE
I.S. 318
101 Walton Street
Brooklyn, N.Y. 11206
(718) 384-8602

District 15, CPSE
P.S. 261
362 Schermerhorn Street
Brooklyn, NY 11217
(718) 935-2752

District 16, CPSE
P.S. 81
990 Dekalb Avenue
Brooklyn, N.Y. 11221
(718) 574-0800

District 17, CPSE
842 Lefferts Avenue
Brooklyn, N.Y. 11203
(718) 270-6546

District 18, CPSE
8814 Foster Avenue
Brooklyn, N.Y. 11236
(718) 649-7101

District 19, CPSE
I.S. 292
301 Vermont Street
Brooklyn, NY 11236
(718) 649-7101

District 20, CPSE
6323 7th Avenue
Brooklyn, NY 11220
(718) 630-2302/3/4

District 21, CPSE
110 Elmwood Avenue
Brooklyn, N.Y. 11230
(718)377-1632

District 22, CPSE
P.S. 222
3301 Quentin Road, 4th Floor
Brooklyn, N.Y. 11234
(718) 375-1231

District 23, CPSE
1665 St. Marks Avenue
Brooklyn, N.Y. 11233
(718) 922-4794

District 32, CPSE
P.S. 377K
200 Woodbine Street
Brooklyn, N.Y. 11221

Queens

District 24, CPSE
72-52 Metropolitan Avenue
Middle Village, N.Y. 11379
(718) 628-1083

District 25, CPSE
I.S. 237
46-21 Colden Street
Flushing, N.Y. 11355
(718)445-4235

District 26, CPSE
P.S. 46
218th Street & 67th Avenue
Bayside, N.Y. 11364
(718) 423-8398

District 27, CPSE
115-49 118th Street
South Ozone Park, N.Y. 11420
(718) 641-1337

District 28, CPSE
P.S. 40
109-20 Union Hall Street
Jamaica, N.Y. 11433
(718) 526-0451

District 29, CPSE
1 Cross Island Plaza
Rosedale, N.Y. 11422
(718) 978-7588

District 30, CPSE
2976 Northern Blvd
Long Island City, N.Y. 11106
(718) 472-7880

Staten Island

District 31, CPSE
465 New Dorp Lane
Staten Island, N.Y. 10306
(718) 351-3557

New York State Early Childhood Direction Centers

1. Coordinating Office

~~New York State Education Department~~
Office of Vocational and Educational Services for Individuals with Disabilities
Room 1607, One Commerce Plaza
Albany, New York 12234
(518) 473-4823

2. Early Childhood Direction Center

NY Hospital-N-507
525 East 68th Street
New York, NY 10021
(212) 746-6175

3. Early Childhood Direction Center

SUNY at Brooklyn
450 Clarkson Avenue
Box 49
Brooklyn, NY 11203
(718) 245-4081

4. Early Childhood Direction Center

United Cerebral Palsy of Queens
82-25 164th Street
Jamaica, NY 11432
(718) 380-3000, Ext 265

5. Early Childhood Direction Center

Lincoln Medical and Mental Health Center
234 East 149th Street, 7B-Room 134
Bronx, NY 10451
(212) 579-5778 or 579-5779

6. Early Childhood Direction Center

Staten Island University Hospital
475 Seaview Avenue
Staten Island, NY 10305
(718) 226-6319

APPENDIX Resources

Source: Including your Child by Susan Groschen and Kim Silverman with Veda Bright, US Department of Education, Office of Educational Research and Improvement, US Government Printing Office, 1997. P.47-94.

Associations and Organizations

American Foundation for the Blind

11 Penn Plaza

New York, NY 10001

1-800-232-5463 or (212) 502-7600

The Arc (formerly the Association for Retarded Citizens)

500 E. Border Street, Suite 300

P.O. Box 1047

Arlington, TX 76010

1-800-433-5255 or (817) 261-6003

e mail: thearc@metronet.com

Association for Persons with Severe Handicaps (TASH)

29 W. Susquehanna Avenue, Suite 210

Baltimore, MD 21204

1-800-484-8274 or (410) 828-8274

TDD: (410) 828-1306

e-mail: tashbalt@aol.com

Children with Attention Deficit Disorders (CHADD)

499 NW 70th Street, Suite 101

Plantation, FL 33317

1-800-233-4050 or (954) 587-3700

Council for Exceptional Children

1920 Association Drive

Reston, VA 20191

(703) 620-3660

National Center for Latinos with Disabilities

1921 S. Blue Island

Chicago, IL 60608

(312) 666-3393

TTY: (312) 666-1788

National Center for Learning Disabilities

1401 New York Avenue, NW, Suite 900

Washington, DC 20005

(202) 879-5767

National Down Syndrome Congress

1605 Chantilly Drive, Suite 250

Atlanta, GA 30324

1-800-232-NDSC or (404) 633-1555

URL: <http://nwm.carol.net/~ndsc/>

The Lighthouse National Center for Vision and Child Development

111 East 59th Street

New York, NY 10022

1-800-334-5497 or (212) 821-9200

TDD: (212) 821-9713

e-mail: mbeck@lighthouse.org

National Easter Seal Society

230 W. Monroe, Suite 1800

Chicago, IL 60606

1-800-221-6827 or (312) 726-6200

TTY: (312) 726-4258

URL: <http://www/seals.com>

National Federation of the Blind

National Organization of Parents of Blind Children

1800 Johnson Street

Baltimore, MD 21230

(410) 659-9314

URL: <http://www.nfb.org>

National Parent Network on Disabilities (NPND)

1727 King Street, Suite 305

Alexandria, VA 22314

(703) 684-6763 (Voice/TTY)

e-mail: npnd@cs.com

Spina Bifida Association of America (SBAA)

4590 MacArthur Boulevard, NW, Suite 250

Washington, DC 20007-4226

1-800-621-3141 or (202) 944-3285

e-mail: spinabifida@aol.com

URL: <http://www.infohiway.com/spinabifida>

United Cerebral Palsy Associations, Inc.

1660 L Street, NW, Suite 700

Washington, DC 20036-5602

1-800-872-5827

TDD: (202) 973-7197

e-mail: ucnatl@ucpa.org

Government Agencies

Commission for the Blind and Visually Impaired (CBVH)

CBVH Office for Kings, Richmond, and Queens Counties

270 Broadway, 5th Floor

New York, NY 10007

(212) 217-5227

CBVH Office for Manhattan and Bronx Counties

163 West 125th Street, 13th Floor

New York, NY 10027

(202) 651-5051

TTY: (202) 651-5054

e-mail: nicd@gallux.gallaudet.edu

National Parent to Parent Support and Information System

c/o Kathleen Judd

P.O. Box 907

Blue Ridge, GA 30513

1-800-651-1151 or (706) 632-8822 (Voice/TTY)

Hotlines and Information Lines

American with Disabilities (ADA) Information Line

1-800-514-0301

TTY: 1-800-514-0383

Center for Disease Control (CDC) AIDS Hotline

1-800-342-2437

Spanish : 1-800-244-7432

TTY: 1-800-243-7889

U.S. Department of Education

Information Resource Center

1-800-USA-LEARN

U.S. Department of Justice

Queens District Office

(718) 271-9346

Administration on Developmental Disabilities

U.S. Department of Health and Human Services

Hubert Humphrey Building, Room 329D

@00 Independence Avenue, SW

Washington, DC 20201

(202) 690-6590

TTY: (202) 690-6415

Clearinghouse on Disability Information

Office of Special Education and Rehabilitative Services

U.S. Department of Education

Switzer Building, Room 3132

330 C Street, SW

Washington, DC 20202-2524

(202) 205-8241 (Voice/TTY)

National Institute of Child Health and Human Development

P.O. Box 2911

Washington, DC 20040

(310)496-5133

National Institute on Disability and Rehabilitation Research

Office of Special Education and Rehabilitative Services

U.S. Department of Education

(212) 961-4440

Office of Mental Retardation and Developmental Disabilities (OMRDD)

Regional Office

75 Morton Street, 6th Floor

New York, NY 10014

(212) 229-3000

Developmental Disabilities Services Offices (DDSO)

(212) 229-3000

Office of Vocational and Educational Services for Individuals with Disabilities (VESID)

Bronx District Office

(718) 931-3500

Brooklyn District Office

(718) 722-6700

Manhattan District Office

(212) 630-2300

Harlem Satellite Office

(212) 961-4420

Staten Island Satellite Office

(718) 816-4800

Switzer Building, Room 3060
600 Independence Avenue, SW
Washington, DC 20202-2572

(202) 205-8134

TTY: (202) 205-8198

National Library Service for the Blind and Physically Handicapped

Library of Congress

1291 Taylor Street, NW

Washington , DC 20542

(202) 707-5100

TTY: (202) 707-0744

Office of Special Education Programs

U.S. Department of Education

MES Building, Room 3086

600 Independence Avenue, SW

Washington, DC 20202-4611

(202) 205-5507

Social Security Administration (Headquarters)

6401 Security Boulevard

Baltimore, MD 21235

1-800-772-1213

TTY: 1-800-325-0778

Government Support Organizations

Abledata: The National Database of Assistive Technology Information

8455 Colesville Road, Suite 935
Silver Spring, MD 20910-3319
1-800-227-0216 or (301) 608-8998
TTY: (301) 608-8912

ERIC Clearinghouse on Disabilities and Gifted Education

Council for Exceptional Children
1920 Association Drive
Reston, VA 22091-1589
1-800-LET-ERIC or (703) 264-9474
TTY: (703) 264-9449
e-mail: ericec@inet.ed.gov

**National Information Center for Children and Youth with Disabilities
(NICHCY)**

P.O. Box 1492
Washington, DC 20013-1492
1-800-695-0285 or (202) 884-8200 (Voice/TTY)
e-mail: nichcy@aed.org

National Information Center on Deafness

Gallaudet University
800 Florida Avenue., NE
Washington, DC 20002-3695

ADA Information Line

1-800-515-0301

TDD: 1-800-514-0383

Internet Sites

Our Kids

URL: <http://wonder.mit.edu/ok/>

Parents Place

URL: <http://www.parentsplace.com/index.html>

Parent Training and Information Centers in New York

Advocates for Children of New York, Inc.

105 Court Street, 4th Floor

Brooklyn, NY 11201

(718) 624-8450

Fax: (718) 624-1260

Parent Network Center (PNC)

250 Delaware Avenue, Suite 3

Buffalo, New York 14202

(716) 853-1570

1-800-724-7408

TDD: (716) 853-1573

Fax: (716) 853-1574

Resources for Children with Special Needs, Inc.

200 Park Avenue South, Suite 816

New York, NY 10003

(212) 677-4650

Fax: (212) 254-4070

APPENDIX

Glossary of Special Education Terms

Source: "A Parent's Guide to Special Education for Children Ages 5-21", Board of Education of the City of New York, 1994, p.23-32, Appendix A-Glossary.

Adaptive Physical Education (APE): Specialized physical education program for children who require a modified physical education program in a small-group setting.

Agency Programs: School services for severely disabled students that are provided in agency settings that combine therapeutic services with education during the school day.

Alternate Placement: A temporary placement provided for students recommended for bilingual classes, but for whom a bilingual teacher/class is not available. A bilingual paraprofessional is assigned to work with the student in a class with a monolingual teacher who has been trained in English as a Second Language approaches and methodology.

Alternative Service: Programs provided to general education students who are having difficulty in school. These services are an alternative to special education for students who are not classified as disabled. Alternatives to special education may include:

bilingual education, English as a Second Language (ESL), educationally related services, expanded resource rooms, Chapter 1 reading and math programs, guidance services within the school, Attendance Improvement Dropout Prevention (AIDP) programs, speech and language services.

Annual Goals: Goals written on the IEP that describe what child is expected to achieve in academic, social, physical and management areas over a one-year period.

Annual Review: A review of a special education student's program and progress that is completed at least once each school-year by the teacher at a conference with the parent. Program changes may be recommended at this time.

Appeal Process: The parents' right to disagree with the decisions made by the CSE and seek a decision from a jurisdiction outside of the Board of Education of the City of New York.

Architectural Barrier Removal (ABR) School: A school that has been

remodeled to meet the special needs of students who are limited in mobility. Specific modifications of these schools include ramps, Braille signs, special elevators, special toilet facilities.

Articulation: A process that begins each spring to determine students' movement from elementary to junior high or from junior to senior high school within the same program.

Assembly Bill Entitlement: The right to bus transportation paid for by the Board of Education of the City of New York for students who are classified as disabled by the CSE and are attending private schools that provide a program similar to the recommended public school program at their parents' expense.

Assessment: the process of collections information about a students' strength and weaknesses to improve is/her educational program. The information collected through tests, observations and interviews will assist the team in determining the levels of functioning and educational needs.

Audiological Evaluation: Specialized hearing assessment conducted to determine whether or not a student has a significant hearing loss.

Authorization to Attend Letter: Notice sent to parents after the *Final Notice of Recommendation* indicating the date on which the student will begin to receive the recommended services.

Autistic: A student who manifests a behaviorally-defined syndrome which occurs in children of all levels of intelligence. The features are typically manifested prior to 30 months of age and include severe disturbances of developmental rates and/or sequences of responses to sensory stimuli, speech, language, cognitive capacities and of ability to relate to people, events and objects.

Basic I: Plan of instruction *for high school students only* aimed at meeting high school diploma requirements. Includes some Citywide/District 75 high school programs. This plan is indicated on the IEP.

Basic II: Plan of instruction *for high school students only* with an emphasis on vocational and career opportunities that leads to an IEP diploma. Includes some Citywide/District 75 high school programs. This plan is indicated on the IEP.

Bilingual Evaluation: An assessment conducted in both English and a child's other than English language by professionals who understand both languages. The assessment may be conducted by a Board of Education bilingual assessment provider, a contract agency evaluator, an independent evaluator or a monolingual evaluator with an interpreter.

Bilingual Instructional Services (BIS): Instruction in two languages (English and the child's other than English language) provide to limited English proficient students who are either non-English speaking, beginning to acquire English, or who are beginning to perform at a more advanced levels of English but are not at the level of a native-English-speaking students.

Class size: The maximum number of students allowable in the recommended program and class. This must be indicated on the IEP.

Classification: An official term for the type of disability that affects a student's education.

Classroom Observation: The process of observing a student during the school day in the classroom and other school settings to see how learning occurs and what behaviors are exhibited. This

is conducted by a SBST/CSE member and is used as part of the evaluative information.

Clinician: Another term for an SBST or CSE assessment professional.

Commissioner's Regulations: State Education Department guidelines based in federal and state education laws that specify the steps school districts must follow in the special education referral, evaluation and placement process. (These are known as Part 200 regulations).

Confidentiality: The obligation of the school system to maintain the student's CSE records in a locked records room with access allowed only to authorized personnel who need the information. Requests for material from outside the New York City school system require parental consent.

Consent: The legal term for agreeing to an initial special education evaluation or an initial special education placement for a student.

Continuum: The range of educational services in the Board of Education of the City of New York that are available to children with disabilities.

Counseling: A related service provided to students who need to improve social and emotional interactions in order to function more productively in their classroom and school settings.

CSE Record and CSE File: All of the student's referral, evaluation, and placement, material including due-process notices, IEPs, and school reports.

CSE Review: A meeting held with the parent by a team consisting of a psychologist, educational evaluator, social worker, and a parent of a child with disabilities that determines the educational services required for a student.

Deaf: A student with a loss of hearing so severe that it prevents processing linguistic information through hearing, with or without amplification. The severity of this hearing loss usually necessitates the use of specialized training, through an alternative means of communication or use of speech sound.

Deaf-Blindness: A student with a concurrent hearing and visual impairment, the combination of which causes such a severe communication and other developmental and educational problems that the student cannot be accommodated in special education

programs solely for students who are deaf or blind.

Declassification: A CSE determination that a student no longer needs special education services.

Deferred Placement: Agreement between a parent and the CSE to delay a newly recommended special education program until a more appropriate time, e.g. a student recommended in May but begins the new program at the beginning of the next school-year in September.

Due Process: The provision in law that guarantees and protects the rights of both parents and students during the referral, evaluation, and placement process and ensures the appropriate delivery of instructional services.

Educational Disability: A term used for the classification of a student when s/he is found to be in need of special education services. These include: autistic, deaf, deaf-blindness, emotionally disturbed, hard of hearing, learning disabled, mentally retarded, multiply disabled, orthopedically impaired, other health-impaired, speech-impaired, traumatic brain injured, visually impaired.

Educational Evaluation: A series of formal and informal tests measuring a student's ability to perform school-related tasks, eg. Reading, writing, mathematics. This evaluation is conducted by an educational evaluator and summarized in a written report.

Eligibility Notice- Private Evaluation- A letter to parent that informs them of their right to an independent evaluation for the student with a private evaluator at Board of Education expense because the school system has not completed the evaluation in a timely manner.

Emotionally Disturbed: A student with an inability to learn which can not be explained by intellectual, sensory, or health factors and who exhibits one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to build on or maintain satisfactory interpersonal relationships with peers and teachers.

(2) Inappropriate types of behavior or feelings under normal circumstances.

(3) A generally pervasive mood of unhappiness or feelings under normal circumstances.

(4) A tendency to develop physical symptoms or fears associated

with personal or school problems.

The term does not include socially maladjusted students unless they are emotionally disturbed.

English as a Second Language (ESL): A teaching approach and methodology used by trained English-speaking teachers for limited English proficient students who are acquiring English-language skills.

Evaluation Team: See Committee Special Education (CSE) and School Based Support Team (SBST).

Final Notice of Recommendation: A placement letter to parents indicating the school and program recommended for the child. Parents are asked to consent to or acknowledge the placement.

Foster Parents: Adults appointed the Administration for Children Services or Department of Social Services to assume parental responsibility for the child. If the child has been placed under foster care or residential care the CSE must make further inquiries to determine the birth parents' whereabouts and the custody and legal guardianship arrangements for the student. If Social Services has assumed custody but the birth parent has not relinquished guardianship, the CSE will seek out the parent for

involvement in the special education process. If Social Services has obtained guardianship, the CSE must appoint a surrogate parent to act on behalf of the student for educational decisions. Upon agreement by the CSE, the foster parent can act as the surrogate parent.

General Education: Non-special education classes and programs for students in community school districts and high schools.

Guidance Annual Review: A meeting held each year between junior and senior high school special education students and the school guidance counselor to discuss career and vocational goals. Parents are invited to participate.

Hard of Hearing: A student with a hearing loss, whether permanent or fluctuating, which may adversely affect the student's educational performance. He or she may have difficulty following instructions or have difficulty in other areas relating to the hearing loss; they may have problems discriminating speech sounds, or have speech and/or language difficulties, as well as frequent middle ear infections.

Health Services: Types of related services provided to students who are identified as having medical and/or

health needs that require the assistance of a nurse or health paraprofessional during the school-day. Examples of this service may include feeding, ambulation, suctioning, or catheterization.

Hearing Education Services: Include related services, resource rooms, self-contained classes and special classes and special school for hard-of-hearing and deaf children.

High School Diploma: Given to students who have successfully completed competency test and course credit requirements as prescribed by regulation.

Home Instruction: An educational service provided at home for students with severe medical, physical, or emotional disabilities that prevent them from attending school.

Home Language Survey: A parent questionnaire to determine whether or not other than English is spoken in the student's home.

Hospital Instruction: An educational service provided to special education students who are hospitalized for long-term medical conditions.

IEP Diploma: The diploma that is given to students who each age 21 and have successfully completed the educational goals that are specified on the IEP.

Impartial Hearing: A legal proceeding that is held by a hearing officer who is not an employee of the Board of Education of the City of New York when parent and the school system cannot agree on a student's classification, recommendation or placement for special education.

Independent Evaluation: An assessment by a person not employed by the Board of Education of the City of New York and paid for by the parent or the Board of Education if the SBST/CSE evaluation is determined by an Impartial Hearing Officer to be inappropriate. This evaluation is considered by the CSE during an IEP conference.

Individualized Education Program (IEP): A plan written by the SBST/CSE, the student's teacher, the parent, and other persons involved in the student's education that describes the student's level of functioning and learning styles and the special education services and goals necessary to address specific academic, social, emotional, physical and management needs.

Individuals with Disabilities Education Act (IDEA)/Public Law 94-142 (PL 94-142): Formerly known as the Education of the Handicapped Act, this

Federal law guarantees disabled students the right to receive a free and appropriate education in the least restrictive environment from birth to 21 years.

Interpreter/Translator: Person who speaks the parents' preferred language/mode of communication of the child's language and interprets meetings for the parent and/or assessments for the student.

Language Assessment Battery (LAB): A test given to determine a student's level of proficiency in English and entitlement to bilingual instructional services.

Language Proficiency: The student's ability to communicate and comprehend in a given language.

Learning Disabled: A student with a disorder in one of more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disability, brain injury, neurological impairment, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have

learning problems which are primarily the result of visual. Hearing or motor disabilities, mental retardation, emotional disturbance, or of environmental, cultural or linguistic disadvantage.

Least Restrictive Environment (LRE):

The education of a child with disabilities will be provided, to the maximum extent appropriate to the needs of that child, with other children who do not have disabilities and, to the maximum extent possible, in the school s/he would attend if not attend if not disabled. If that is not possible, s/he is entitled to attend a school as close as possible of the child's home. A child with a disability may not be removed from the general education classroom unless s/he cannot benefit there even with the provision of necessary supports and services. A child with a disability may be placed in special classes and/or separate schooling when the nature or severity of the disability is such that education in regular classes with use of supplementary aids and services can not be achieved satisfactorily.

Legal Guardians: Adults who assume full responsibility for a child through court proceedings. These

proceedings may occur because the birth parent is absent or not expected to return, or if the child is 18 years or older and is judged to be unable to manage his/her own affairs. Sometimes Child Welfare or Social Services obtains legal guardianship for a child under the age of 18 when birth parents relinquish their rights completely.

Limited English Proficient (LEP):

Students who have not mastered English language skills including listening, speaking, reading and writing and are therefore entitled to bilingual instructional services.

Limited Mobility: Students who have specific physical limitations and difficulty in ambulation that require a barrier-free school for full participation in the educational program.

Mainstreaming into General Education Classes and Services:

Children who are identified as having an educational disability must have access to general education classes and services when appropriate. Mainstreaming is the placement of a child who is in a special education program in general education program for part of the school -day. A child may be mainstreamed into a n academic program such as math, language arts,

science or social studies; or a non-academic program such as music or art.

Management Needs: The amount of adult supervision and any necessary environmental modifications required to meet a student's needs. This must be indicated on the IEP.

Matron: Person who assists students on the bus while riding to and from school.

Mentally Retarded: A student who, concurrent with deficits in behavior, consistently demonstrates general intellectual functioning that is determined to be 1.5 standard deviations or more below the mean of the general population on the basis of a comprehensive evaluation which includes an individual psychological evaluation.

Modified Instructional Services (MIS): Full-time, self-contained special education programs located in community school districts and high school in which a special education teacher provides instruction using alternative materials and techniques to help students learn. Class consist of no more than 15 students.

Multidisciplinary Evaluation: The complete assessment of students to determine disabilities and special education needs that is conducted by

the evaluation team. This is also called a Multidisciplinary Assessment.

Multiply Disabled: A student with two or more disabilities that result in multisensory or motor deficiencies and developmental lags in the cognitive affective, or psychomotor areas, the combination of which cause educational problems that can not be accommodated in a special education program due solely to one of the impairments.

Neurological Evaluation: Specialized assessment conducted to determine if the student exhibits signs of a brain dysfunction that may affect learning.

Notice of Referral: A letter sent to parents in their preferred language, if known, no more than five days after the CSE receives a referral that explains the evaluation and parents' due-process rights.

Occupational Therapy (OT): A related service provided to develop, improve or maintain a students's physical, perceptual and/or cognitive skills in educationally-related services.

Orthopedically Impaired: A student who is physically disabled and who has severe orthopedic impairment which adversely affects the student's educational performance. The term includes impairments caused by congenital anomalies (eg. Clubfoot,

absence of some member, etc.), and impairments from other causes (eg. cerebral palsy, amputation and fractures or burns which cause contractures).

Other Health-Impaired: A student who is physically disabled and/or who has limited strength, vitality of alertness due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell, anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or tourette syndrome, which adversely affects the student's educational performance.

Other Support Services: related services provided to students who require developmental or corrective assistance to be maintained in their current educational program.

Paraprofessional: A person who provides extra assistance either to the entire class or an individual student, eg. Behavioral management, health services, transportation or toileting, awaiting placement, crisis management, travel training, alternate placement, or sign-language⁰ interpreter.

Parent: A student's birth parent, adoptive parent, legal guardian or person in parental relationship who provides food, clothing and shelter for the student. These are the parental relationships recognized by the CSE for the purposes of special education referral, evaluation and placement decisions.

Parent Member: A parent of a child with a disability who participates in CSE review meetings and assists the parent of a child with a known or suspected disability in making educational decisions for his/ her child.

Pendency: The parents' right to keep a child in the current program during due-process proceedings.

Physical Therapy (PT): A related service provided to develop, improve or maintain a student's physical functioning in educationally-related activities.

Placement: The program where the student will receive the recommended special education services.

Placement Meetings: a meeting held with the parent and district Placement Officer after the CSE review to determine the student's school placement.

Planning Conference: The meeting held with the student's teacher and parent to decide on IEP short-term goals and objectives for the year.

Preferred Language: The language that a parent feels most comfortable speaking. This may or may not be the language regularly spoken at home.

Private Evaluation: An assessment by a person not employed by or under contract with the Board of Education of the City of New York that is paid for by the school system. This evaluation is arranged by the parents when the CSE has been unable to complete the evaluation in a timely manner, or when the CSE's evaluation is determined to be inappropriate by the CSE or by an Impartial Hearing Officer.

Private School: A school that provides a publicly funded special education program and that is not part of the Board of Education of the City of New York but is a private-day and/or residential program approved by the State Education Department.

Private School Eligibility Notice: A letter to parents giving them the right to place their child in a private school approved by the State Education Department for the remainder of the current school year.

This letter is sent if the CSE has not made a placement within the required timelines.

Psychiatric Evaluation: Specialized assessment conducted by a psychiatrist to determine a student's ability to relate to the environment and the level to which emotional problems interfere with learning.

Psychological evaluation: Assessment conducted by a licensed psychologist to measure a student's strengths and weaknesses in overall learning abilities and how s/he relates to other children and adults.

Recommendation: A determination of the provision of special education services made at an Educational Planning Conference or CSE Review.

Referral: A request for an evaluation to determine if a student requires special education. A referral may be made by you, a doctor, a school staff member or by an outside agency. A referral begins the evaluation and placement process.

Regular Education: See General Education.

Related Services: Services that may be given to special education students to help support and assist their participation in the school program.

These services must be recommended on an IEP and are provided either individually or in groups of no more than five. Services include: counseling, health services, hearing education services, occupational therapy, physical therapy, speech/language therapy, vision education services and other support services.

Related Service Authorization (RSA): Procedure that authorizes parents to obtain the services of a non-Board of Education independent provider of specific related services at public expense when the school system has been unable to provide these required services for the student within the required timelines.

Requested Review: A review of the child's IEP to determine if it continues to meet his/her needs. This review may be requested at any time by a parent, a teacher, or other school staff member.

Resource Room: See Supplemental Instructional Services (SIS).

School Based Support Team (SBST): A multidisciplinary evaluation team comprised of a school social worker, a psychologist and an educational evaluator. This is the team that evaluates a student who has been

referred for special education placement.

Self-Contained Class: A special education class that functions together throughout the day and consists of special education students with one teacher and in some programs a paraprofessional. In junior and senior high schools, the programming allows students to be educated by more than one teacher.

Service Category: The student's special education program as defined on the IEP.

Short-Term Goals: Educational objectives on the IEP that indicate the specific areas of learning that will take place in the classroom. These goals are written by the evaluation team, the teacher, service providers and the student's parents.

Social History: An interview with parents concerning a student's health, family, and school background, including social relationships, that is used as part of a student's evaluation.

Special Class: A self-contained special education class recommended for a student that is usually provided in the community school district or high school.

Special School: A self-contained special education program provided in a school for special education students.

Specialized Equipment and Adaptive Devices: Special equipment for special education students that the Board of Education of the City of New York must provide to meet a student's educational needs, eg., an adaptive classroom chair, lap board, etc. that may be included in the child's program or recommended on the child's Individualized Education Program (IEP).

Specialized Instructional Environment (SIE): Full-time special education classes where the students are taught in small groups in a special education school or a special center of a community school or high school. Students in these programs have limited access to mainstreaming and inclusive settings.

Specialized Placement: Assistance provided by the Citywide Program (District 75) placement office for students with particular identified needs.

Speech and Language Therapy: A related service provided to student whose difficulty in speaking, understanding, or using language affects their

educational performance.

Speech-Impaired: A student with a communication disorder such as stuttering, an inability to correctly pronounce sounds, a language impairment, or a voice disorder, which adversely affects a child's educational performance.

State Review Officer's Decision: Determination made by the State review Officer as a result of a review of a decision made by an Impartial Hearing Officer. The determination may agree or disagree with the Impartial Hearing decision. The parent of the Board of Education of the City of New York may appeal State Review Officer's Decision's in the courts.

Supplemental Instructional Services (SIS): Special education that provides extra instruction to students for part of the day. Students remain in their general education class for most of the day but go to their SIS class to receive small-group instruction in school subjects in which they experience difficulty, (This is also known as Resource Room.)

Testing Modifications: Changes in the way students in special education take formal tests, eg. giving tests in a smaller group or allowing extra time to complete the test. If a student requires a test modification, it must be written on his/her IEP.

Transition Services: A coordinated set of activities for a student, to help move from school to post-school activities. These activities may include college, vocational training, employment, continuing adult education, adult services, independent living or community participation. The coordination of activities shall be based upon the individual student's needs and will take into consideration the student's preferences and interests. He activities can include instruction, community experiences, the development of employment and other post-school adult living objectives and when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transitional Support Services: Transitional support services, such as consultation and/or training, may be provided to staff who work with children with disabilities as they move into less restrictive settings.

Although transitional support services are provided to teachers, the benefit extends to the disabled child.

Triennial Evaluation: An evaluation of a special education student's progress that is completed at least once every three years by the SBST/CSE. This evaluation may or may not result in program changes.

Twelve-Month School Year: Summer-school services provided to severely disabled students who require the continuity of education in order to maintain their developmental levels. This must be recommended by the CSE and indicated on the IEP. Students shall be considered for 12-month services if they require such services to prevent substantial regression.

Vision Education Services: Include related services, resource rooms and self-contained classes for children who are visually impaired and/or blind.

Visually Impaired: A student may be partially sighted or blind. The visual disability, even with correction, adversely affects the student's educational performance.

Vocational Assessment: Tests for junior and senior high school students to measure their interest and abilities in job-related areas. This assessment helps the SBST, the parent and the student to plan for the student's future career and job possibilities.

Work-Study: Opportunities for secondary students to participate in educational, vocational and work-related experiences in preparation for the adult world.

Excerpt from: Strategies for Parents:10 Steps to Full Inclusion
by Mark Patin, TASH Newsletter, March 1997 Vol. 20, Issue 5

1. **Requests for evaluation and review.** Make your requests for a referral or for a review in writing and state that you want an inclusive setting so that the committee will start with the assumption that your child will attend his/her neighborhood school. You may also request that the IEP meeting take place there and that instructional and administrative staff from that school should attend.

2. **Gather Reports and Notes.** Keep copies of the paper trail. A different folder for each year or IEP will help keep you organized. Keep progress reports from other people who come in contact with your child (eg. Doctor's records, a coach, a Sunday school teacher). Letters of evaluation from others who deal with you child in settings involving children without disabilities are helpful.

The two skill areas that are perhaps most crucial in making a decision about inclusion are behavior and communication. Your documenting how your child performs outside the school can be helpful in making your argument for an inclusive setting. You may wish to write down your observations at home eg. length of attention span performing a task, participation in household chores, how s/he gets along with other children, and any other information that may give the Committee an idea of your child's social skills. Frequently, a Committee will justify exclusion because a child has communication problems. Document your child's gestures and the signs they use to communicate with you.

3. Meet with the Teachers

Meet with your child's current teacher to find out which instructional and behavioral techniques are successful for your child. A written statement from the teacher would be best. It can help demonstrate modifications that could be provided in the current general education class s/he is in.

4. Take the Whole Day Off from Work

The meeting will take time especially if you are asking them to justify an assessment of your child you do not agree with. You know your child better than the evaluators. Do not assume their assessments are correct because they were done by professionals.

5. Take What and Who you Need to the Meeting

Take along someone whose judgement you trust. Discuss beforehand your goals for your child so that you and your companion do not disagree between yourselves in the meeting. Present a united front. If both parents are attending decide ahead of time who will take the lead in discussing and interacting in the meeting. This is not to say that both parents should not give input, but it makes your case stronger if demonstrate that you are a team.

Take notes. Bring extra copies of reports or information you want the committee to use in their decision. If you plan on recording the meeting bring batteries and extra cassettes.

6. Get to the Meeting Early

Do not arrive flustered. Instead, get there with time to set up and prepare mentally for what you hope to accomplish and what you want to say. If you are recording the meeting getting there early

will enable you to set up the recorder to catch the beginning of the meeting where each party introduces themselves.

7. Write Down Everyone's Name and Title

If the Committee begins the discussion without introductions ask each member to introduce him/herself. The signatures on a sign-in-sheet may illegible, write down the names yourself.

8. Ask Lots of Questions/ Get Lots of Answers

The next step is to review all the formal and informal assessment material that has to do with your child's current placement. They will also ask for your input as to how s/he acts at home. This is your chance to emphasize his social and living skills particularly if your child is more independent at home than at school. It is not unusual for a child with a disability to act very different in school than at home. If s/he has been in a highly segregated environment s/he may not have had many opportunities to demonstrate what s/he can do and may regress.

When the Committee begins to discuss your child's educational plan you should ask how each part can be implemented in a less restrictive setting, like a regular class.

When they discuss different subjects such as Physical Education, Music, Language Arts, Math, be sure as many subjects as possible are being offered in an inclusive setting, where appropriate.

9. Signing the IEP

When signing the IEP be sure you know what you are signing. Write all the major points written down. If they are not, request that it be done. Do not rely on tapes, they are often too unclear

to be helpful.

If you do not agree with the Committees findings or recommendation then write out a statement on a separate piece of paper with your points of disagreement to be included with the minutes. When you sign the IEP be sure to indicate that you are in disagreement with the findings. **Read your statement of disagreement out loud so that any recording of the meeting will note it.**

10. Get a Copy of the Report

Be sure to get a copy of the report that is legible so that you can make future copies as needed. This is especially important if you disagree with the findings or recommendation. If you are appealing the decision through an impartial hearing or will seek a second evaluation others will ask for copies of the IEP.

Excerpt from: RESPONDING TO OBJECTIONS ABOUT INCLUSION

(TASH Newsletter, March 1997 -Inclusive Education-May 1994, Vol 20,
Issue 5

-Comment: "S/he is not on the same behavioral or academic level as his/her same age peers."

-Your response: "What modifications, including reasonable modifications of the curriculum would be necessary to successfully include my child?" and " Can the addition of a teacher's aide or consultant teacher make it possible to include my child?"

-Their answer: Are they willing to make any modifications at all? Are they suggestion mere token gestures or really bonafide efforts to adapt the regular classroom to accommodate your child's unique needs.

-Comment: "Modifications would be too extensive and would distract from the regular education class."

-Your response: " I am not asking that the regular education goals be modified beyond recognition or that the teacher spend all her time with my child I just want to explore all possibilities so that if appropriate my child can remain in his class." OR " Are there some subjects alone that require a different placement while he remains with a regular education class for the bulk of the school day." OR " If its not possible what goals and services can we place in the IEP so that his/her behavior and academic level will be brought to a sufficient level for him/her to participate with age-appropriate peers.

-Comment: "Modifications would be too expensive." (This is usually the argument when an extra staff person is needed in the classroom to facilitate inclusion for your child.)

-Your response: "Wouldn't other children benefit by having more staff in the classroom, a teacher's aide could be used by the entire class." "Can't these services be shared by other children with special needs?" This approach shows them that the cost would be spread over many children and does not entail a one-on-one expense for your child.

-Comment: " A regular classroom might be more harmful than beneficial."

-Your response: " Can't the provision of appropriate support services and supplemental aids reduce these effects." Remind them of the benefits of inclusion and why you believe this would be the best placement for your child in particular.

-Comment: " The only school where this program is offered is in another school"

-Your response: " Why can't this class be made available for my child and other children in your school's area who need this type of placement." Ask how many children in the area are being transported to another school to receive this type of service.

Excerpt from: SCHOOL BUS SAFETY TIPS

Source: Academy of Pediatrics, as reprinted in The Special Educator,
Vol. 9 Iss 15. March 22, 1994 p. 218.

* If a child who uses a wheelchair can be "reasonably" moved to a regular seat or child car seat, don't transport the child in the wheelchair.

*Empty wheelchairs should be secured to avoid harming the passengers in a sudden stop or crash.

*Occupied wheelchairs should be secured with the child facing forward.

*Wheelchairs should be secured with four-point-tie-down systems attached to the floor.

*Lapboards or trays attached to the wheelchair should be removed and secured separately during transport.

*Liquid oxygen transported on a school bus must be securely fastened to prevent damage and exposure to intense heat.