

## **PROGRAMS FOR STUDENTS WITH DISABILITIES**

The Board of Education shall provide appropriate programs and maintain records for each child residing in the District who is identified by the Committee on Special Education (CSE) as having a disability. The following outlines the Berlin Central School District's plan, program, and CSE guidelines.

### **I. District Plans for Special Education Programs and Services**

The District shall prepare biennial plans that describe the full range of its special education programs and services. Such description shall include the number and age span of children served by the programs, the methods of evaluation used to assess the effectiveness of these programs, and the program's estimated budget, including the date of its adoption.

### **II. Access to School Programs by Students with Disabilities**

Each student with a disability shall have access to the full range of services, programs, and activities that are offered by this school district to all other students enrolled in District schools, including those that are extracurricular. Such programs and services include, but are not limited by this policy to, the following:

- A. all courses that are required for a high school diploma;
- B. required state achievement and competency tests;
- C. Regents and accelerated courses;
- D. remedial instruction;
- E. second language instruction;
- F. computer instruction and use;
- G. occupational education;
- H. high school equivalency programs; and
- I. guidance and career education.

The Board of Education shall also ensure that instructional techniques and materials used in its programs of instruction are modified to the extent appropriate to provide the opportunity for students with disabilities to meet diploma requirements.

### III. Committee on Special Education Members and Program Staff

The members of the Committee on Special Education (CSE) shall include, at least, the child's teacher, as defined by applicable federal regulations; a school psychologist; a representative of the District who is qualified to provide, administer, or supervise a program of special education; a school physician; a parent of a child with a disability who resides in the district, provided that said parent may not be employed by or be under contract with the District.

The CSE may create and utilize subcommittees to perform the same functions as the CSE. The CSE must oversee and monitor such subcommittees to assure compliance with applicable law and regulation. The CSE remains responsible for deciding cases concerning the initial placement of a student in a special class, in a special class outside of a student's school of attendance or in a school primarily serving children with disabilities or a school outside of the student's district.

A CSE subcommittee shall be comprised of: the parent of the student with a disability; one regular education teacher of the student; one special education teacher or provider of the student; a school psychologist, whenever a psychological evaluation is required or a change to a program option with more intensive student - to - staff ratio is considered; a representative of the school district who is 1) qualified to provide, administer or supervise special education, 2) knowledgeable about the general curriculum, and 3) knowledgeable about the availability of school district resources; at the discretion of the parents, others who have special expertise regarding the student; an individual who can interpret the instructional implications of evaluation results; where appropriate, the student with the disability.

A CSE subcommittee must report to the CSE annually on the status of each student with a disability under its jurisdiction. Upon written parental request, the CSE subcommittee must refer to the CSE for review any of its recommendations not acceptable to the parent.

CSE members and other personnel charged with the education of children with disabilities shall be appropriately appointed and trained.

The Board shall consider prospective members of the CSE and other personnel with regard to their specific educational and personal qualifications, their working knowledge of students with disabilities, their objectivity, and their dedication. After discussion of the above qualifications, the Board shall appoint CSE members and other personnel based on its best judgment.

The Board shall make local, county, and state-sponsored training sessions available to present and future CSE members and other appointed personnel. The Board intends to promote the training of District officials and personnel regarding the roles and responsibilities of the Board of Education, the CSE, administrators, and other staff members. Personnel shall be encouraged to participate in training sessions and to provide in-service workshops, so that others can be made more knowledgeable of disabilities, students' needs, and law and regulations in this area.

#### IV. Operation of Educational Programs for Students with Disabilities

The District's special education programs shall be operated in accordance with the regulations of the Commissioner of Education of the State of New York. An Individualized Education Program (IEP) shall be developed for each student who is determined to be eligible for special education services. Consistent with the Commissioner's Regulations, the IEP shall indicate: the special educational programs and services to be provided to meet the unique educational needs of the individual student; annual goals consistent with the individual's needs and abilities; and, for students first entering special education, instructional objectives and evaluative criteria.

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

In order to ensure students' access to such programs the CSE shall review annually each eligible student's program. The CSE review shall comprise the following areas:

- A. progress toward a high school diploma;
- B. the extent to which the student can benefit from participation in regular education programs and services, i.e., in the least restrictive educational environment; and
- C. the extent to which credit toward a high school diploma can be granted through participation in special education programs.

At each annual review of a student's Individual Educational Program (IEP), the CSE shall consider the appropriateness of modifications, which may include:

- A. testing modifications and accommodations;
- B. equipment modifications; and
- C. modifications of instructional techniques (e.g., the use of tape recorders).

Appropriate modifications to instructional techniques and materials shall be prescribed on the student's Phase I IEP, to be followed by all personnel providing programs and services to that student.

V. Participation of Students with Disabilities in Extracurricular Programs and Activities

Students residing in the District shall have the opportunity to participate in all Berlin Central School's programs, including extracurricular programs and activities that are available to other students enrolled in the public schools of the District.

The following procedures shall be followed to ensure enforcement of this policy:

- A. Each student with a disability shall be informed by a teacher, a guidance counselor, or an administrator of the availability of extracurricular activities and programs and of her/his eligibility to participate in them.
- B. Each student's parent or guardian shall be advised of this Board of Education policy at the initial placement meeting or the annual review by the CSE.
- C. The District shall ensure that extracurricular programs and activities are accessible to students with disabilities and shall make appropriate individual modifications, including physical facilities, scheduling, and transportation arrangements so that a student will not be excluded from such activities and programs because of a disability.

References

Education Law Secs. 3602(19); 4402  
20 USC 1400 et seq. (IDEA)  
20 USC 1232g (FERPA)  
34 CFR 300.12; 300.503  
8 NYCRR Part 200