

Documents as they relate to the January 9, 2013 Board of Education meeting.

Policies for Second Read

Second Reading

- Policy 1330 Appointments by the Board of Education
- Policy 8506 Districtwide and Statewide Assessments in School District Programs (NEW)
- Policy 8520 Committee on Special Education/Committee on Preschool Special Education
- Policy 8560 Impartial Hearing

<h1>POLICY</h1>	2012	1330
	By-Laws	

Subject: Appointments by the Board of Education

The Board is authorized to appoint individuals to positions which will facilitate the meeting of its responsibilities to the State, the school system, and the community. These appointments usually take place at the Annual Organizational Meeting.

Board appointments may include the following:

- (a) District Clerk
- (b) Clerk of the Board
- (c) Census Enumerator and assistants
- (d) District Treasurer
- (e) Deputy Treasurer
- (f) Tax Collector and Deputies
- (g) District Physician
- (h) District Auditors (internal and independent)
- (i) District Attorney
- (j) Comptroller, Extra-Classroom Activities Account
- (k) Treasurer, Extra-Classroom Activities Account
- (l) Purchasing Agent
- (m) Attendance Officer
- (n) Insurance Advisor
- (o) Committee on Special Education and Preschool Special Education

<h1>POLICY</h1>	2012	1330
	By-Laws	

Subject: Appointments by the Board of Education (Continued)

- (p) Records Access/Management Officer
- (q) Petty Cash Custodian
- (r) Title IX/Section 504/American with Disabilities Act Compliance Officer
- (s) Liaison for Homeless Children and Youth
- (t) Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal/juvenile cases.
- (u) Adult Education Director
- (v) Dignity for All Students Coordinators (1 per building)
- (w) **Certify Lead Evaluators of Administrators and Teachers**

Educational Law Section 1790 & 305(31)
 McKinney-Vento Homeless Assistance Act
 No Child Left Behind Act of 2001

Approved: Board of Education
 April 23, 2003

Approved: Board of Education
 June 22, 2005

Approved: Board of Education
 January 14, 2009

Approved: Board of Education
 September 12, 2012

<h1>POLICY</h1>	2012	8506
	Instruction	

SUBJECT: Districtwide and Statewide Assessments in School District Programs

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their non-disabled peers. Testing accommodations provide an opportunity for students with disabilities to:

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

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

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Plan. If it is determined that a student should participate in alternative assessments instead of the standard statewide or districtwide tests, the CSE must indicate the reasons for doing so on the IEP. The 504 Committee will include the appropriate test accommodations as part of the 504 plan.

The recommendations for testing accommodations will be reviewed annually by the CSE, CSE Subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

POLICY	2012	8506
	Instruction	

SUBJECT: Districtwide and Statewide Assessments in School District Programs (Continued)

In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. For New York State assessments, the principal should follow the procedures outlined in the School Administrator's Manual for New York State assessments and should file the appropriate report with the New York State Education Department.

Individuals with Disabilities Education Act (IDEA), 8 NYCRR §200.2(b)(13), (14)

Approved: Board of Education
(Date)

POLICY	2008	8520
	Instruction	

Subject: Committee on Special Education/Committee on Preschool Special Education

The Board of Education shall appoint a Committee on Special Education and a Committee on Preschool Special Education. The Committee on Special Education shall be comprised of a teacher or administrator of special education, at least one general education teacher of the child, and a school psychologist. The school physician and/or a parent of a student with a disability residing in the District must also be part of the committee if requested in writing within 72 hours of the meeting by the parent.

The Committee on Preschool Special Education shall be comprised of a teacher or administrator of special education, at least one general education teacher of the child, a school psychologist, a parent of a student with a disability residing in the District is also required, unless the parent of the student declines the participation of the additional parent member. The school physician must also be a part of the committee if requested in writing within 72 hours of the meeting by the parent.

At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student may be included. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee.

Pursuant to Chapter 276 of the Laws of 2012, the additional parent member would be a required member of the CSE meeting only if requested by the parent, student or district in writing at least 72 hours prior to the meeting. The parents must receive proper written notice of their right to have an additional parent member attend any meeting of the CSE along with a statement, prepared by the New York State Education Department (NYSED), explaining the role of having the additional parent attend the meeting. NYSED has revised the State's required meeting notice form to include this statement.

Education Law Section 4402
 Commissioner's Regulation 200.2, 200.3, 200.5
 Code of Federal Regulations (C.F.R.)
 Sections 300, 324-344

POLICY	2008	8520
	Instruction	

Subject: Committee on Special Education/Committee on Preschool Special Education (Continued)

Approved: Board of Education
September 9, 1998

Approved: Board of Education
April 23, 2003

Approved: Board of Education
June 11, 2008

<h1>POLICY</h1>	2008	8560
	Instruction	

Subject: Impartial Hearing

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Prior to the Impartial Hearing Process

- (i) **Resolution meeting. Prior to the opportunity for an impartial due process hearing, the school district shall, within 15 days of receiving the due process complaint notice from the parent, convene a meeting with the parents and the relevant member or members of the Committee on Special Education, as determined by the school district and the parent, who have specific knowledge of the facts identified in the complaint, which shall include a representative of the school district who has decision-making authority on behalf of the school district and may not include an attorney of the school district unless the parent is accompanied by an attorney, where the parents of the student discuss their complaint and the facts that form the basis of the complaint, and the school district has the opportunity to resolve the complaint. The school district shall take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.**
- (ii) **When conducting meetings and carrying out administrative matters (such as scheduling) under this paragraph, the parent and the school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.**
- (iii) **Waiver of resolution process. The parent and the school district may agree, in writing, to waive the resolution process to resolve the dispute.**
- (iv) **Written settlement agreement. If, during the resolution process, the parent and school district reach an agreement to resolve the complaint, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the school district who has the**

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	Instruction	

Subject: Impartial Hearing Officer (Continued)

authority to bind the school district. Such agreement shall be enforceable in any State court of competent jurisdiction or in a district court of the United States. A party may void such agreement within three business days of the agreement's execution.

- (v) **Resolution period. If the school district has not resolved the due process complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint notice, the impartial due process hearing may occur consistent with the time period provided in section 200.5(j)(3)(iii) of this Part.**
- (vi) **Failure to convene or participate. Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held.**
- (vii) **If the school district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the school district may, at the conclusion of the 30-day period, request that an impartial hearing officer dismiss the parents' due process complaint.**
- (viii) **If the school district fails to hold the resolution meeting within 15 days of the receipt of the parents' due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the impartial hearing officer to begin the due process hearing timeline.**

Impartial Hearing Process/Prehearing Conference

The following is an overview of the impartial hearing process/prehearing conference:

a) Either the parent or the School District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board of Education describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.

b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide the parent with a copy of the District's Procedural Safeguards Notice.

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Subject: Impartial Hearing Officer (Continued)

c) The District must immediately [but not later than two (2) business days after receipt of the written request for the hearing] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The **CSE Administrative Assistant** will be responsible for contacting IHOs and maintaining appropriate records.

d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

e) The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.

f) The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO's appointment, unless an extension is granted pursuant to Commissioner's Regulations.

g) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.

h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

i) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.

j) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.

k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Recordkeeping and Reporting

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHO's and the conduct of impartial hearings according to the manner and schedule

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Subject: Impartial Hearing Officer (Continued)

specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment. A guardian ad litem represents the student's interests for the duration of the hearing and has the right to fully participate in the hearing to the extent indicated in Commissioner's Regulations. However, the guardian ad litem may not initiate an appeal to the State Review Officer but may join an appeal initiated by the parent or the Board of Education.

The Impartial Hearing Officer must ensure that the procedural due process rights of the child's parents are fully preserved and protected throughout the hearing whenever a guardian ad litem is appointed.

Confidentiality

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

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	Instruction	

Subject: Impartial Hearing Officer (Continued)

Individuals with Disabilities Education Act (IDEA)
 20 United States Code (USC) Sections 1400-1485
 34 Code of Federal Regulations (CFR) Part 300
 Education Law Sections 4404(1) and 4410(7)
 8 New York Code of Rules and Regulations (NYCRR)
 Sections 200.1, 200.2, 200.5, 200.16, 200.21, and 201.11

Approved: Board of Education
 September 11, 2002

Approved: Board of Education
 September 24, 2003

Approved: Board of Education
 June 11, 2008