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Special Education Services

**As Part of A Unified Service Delivery System
(The Continuum of Services for Students with
Disabilities)**

Office of Special Education Initiatives

**Special Education Services As Part of
A Unified Service Delivery System**

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Special Education Services As Part Of A Unified Service Delivery System

Executive Summary

A review of the literature on the subject since the inception of the Individuals with Disabilities Education Act (IDEA) in 1975 indicates that--despite the law's least restrictive environment mandate--students with disabilities nationwide continue to be segregated from and demonstrate lower success rates than their non-disabled peers. This lag in student outcomes is measured by student learning levels, graduation rates, drop-out rates and participation levels in post-secondary opportunities.

Current best practices in education center upon the development of "whole school" or "neighborhood school" approaches which create a single, unified and efficient service delivery system for all students, disabled and non-disabled, living in a single community. These models provide for predictable feeder patterns, natural proportions of students with disabilities in schools throughout the system, and building-level ownership by all constituencies. They are predicated upon the belief that students are more alike than different and that integrating programs and resources result in improved student outcomes for all. This belief is consistent with the reauthorized IDEA, which emphasizes that students with disabilities should be held to similar standards as, and be educated with, their non-disabled peers to the maximum extent appropriate.

The Board of Education has embraced these principles in our own reform initiatives. The alignment of the instructional and clinical/evaluative aspects of special education under the jurisdiction of local superintendents, the promulgation of a new Individualized Education Program (IEP), promotional criteria for all students, the Least Restrictive Environment Initiative, and now, a new description of *Special Education Services as Part of a Unified Service Delivery System* are crucial to reform and to the ultimate goal of improved student outcomes.

Based upon these beliefs, the new continuum begins with the provision of an array of general education interventions and supports the development of a unified, whole school approach to service delivery. Among the recommended features are a flexible curriculum within the context of system standards, a trained and diverse teacher and support staff population, a school-wide approach to behavioral issues, a collaborative effort to serve all students in the school and an end to labeling students (i.e. MIS and SIE) as a way of removing them from general education classrooms in order to receive services.

Services provided in general education with special education supplementary aids and services should be the first option considered for any disabled student determined to require special education services and should be provided, to the greatest extent possible, in the neighborhood/district school. The focus of special education reform must be on improvement of outcomes for all students with disabilities, including students with severe disabilities. The continuum describes a broad range of special education services that will be offered by the New York City Public Schools, provides a basis for IEP Teams to develop service recommendations and informs parents of options available for students with disabilities.

The continuum's intended flexibility is supportive of various combinations of special education supplementary aids, services and supports available across the entire spectrum of instructional settings. This encourages the creation of innovative instructional models which maintain the least restrictive environment and more closely address student needs. These special education services include:

- general education class services with supplementary aids and services including:
 - Related Services
 - Special Education Teacher Support Services
 - Collaborative Team Teaching
- special class services - part-time and full-time in community school district/high school or full-time in specialized schools
- state supported/operated and SED approved non-public schools
- home and hospital instruction

Our vision for a single, seamless and unified service delivery system for all students embraces the firm legal mandate to educate students with disabilities alongside their non-disabled peers to the maximum extent appropriate. It establishes the requirement that all students be held to high academic and behavioral standards. Finally, it provides for far greater flexibility in creating high-quality and innovative instructional designs for students with disabilities who require special education services.

INTRODUCTION

A. Underlying Principles

This description of Special Education Services as Part of a Unified Service Delivery System has been developed by the New York City Board of Education in compliance with the regulations of the New York State Commissioner of Education and the regulations implementing the Individuals with Disabilities Education Act (IDEA)*. This system of services is designed to ensure that each student with a disability from the age of 4.9 years through 21 years receives an appropriate individualized education program in the least restrictive environment consistent with that student's needs.

This document has two fundamental points of origin: the goals and philosophy of the New York City Public Schools and the principles of the IDEA.

Achieving high levels of performance for all students, including those with disabilities, is a key goal of the New York City Public Schools. Education of its students with disabilities can be made more effective by having high expectations for students and ensuring their success in the general education curriculum, ensuring the provision of high quality special education services and providing incentives for whole school approaches.

The implementation of these principles ensures that students with disabilities have access to the general education curriculum and regular assessment of their progress. It presumes that they will be educated with non-disabled peers (with supports and services as needed), and that the school will take responsibility for their goals-directed learning.

The principles of IDEA are fully compatible with this approach.

Some Principles of IDEA

- assuring all students with disabilities access to the general education curriculum;
- recognizing that special education is a service, not a place;
- providing a broad range of services addressing the needs of all students with disabilities;
- presuming that IEP teams will first consider providing each student services in the general education classroom, with supplementary aids and services appropriate to that student's needs;
- providing a continuum of options that vary in the extent to which they provide education for a student with a disability alongside his/her non-disabled peers; and
- assuring parents full access to a system of procedural and substantive rights and ensuring that they are informed participants in educational decision-making--concerning both the services provided and the setting they are provided in--for their children.

The goals of the New York City Public Schools and the principles of the IDEA are fulfilled through a system of high quality educational opportunities for students with disabilities that is built upon excellence and flexibility in general education. Thus, the range of services for all students begins with an array of non-special education supports and interventions to maintain students in the general education classroom. Strengthening general education to support all students requires the development of a unified "whole school" approach to service delivery. In a unified system, general education interventions and supports--as well as special education adaptations, interventions and supports--are provided in the general education setting. Special classes in a variety of locations are also available to the extent that a student requires a more restrictive setting.

Providing special education services as part of a unified service delivery system requires maximizing the ability of teachers to provide high quality education in response to a variety of needs. Advances in what is known about teaching and learning are now allowing teachers to serve a wider range of students in general education settings; as such advances continue, this ability will continue to grow. Successes in general education settings that were not feasible yesterday are feasible today. Similarly, successes in general education settings that are not feasible today will be possible in the future. Thus, while the New York City Public Schools keeps a constant eye on what students need to succeed, the places in which they succeed will change over time as the education profession progresses and its most effective practices are disseminated and applied.

* Although written in compliance with Regulations of the Commissioner of Education and IDEA it does not comprehensively describe or refer to all applicable laws and regulations.

B. Recommended Features Recommended features of special education services as part of a unified service delivery system are:

**Recommended Features of Special Education Services
As Part Of A Unified Service Delivery System**

- an instructional program that incorporates a range of curricula offerings and a variety of instructional strategies, both within a context of system standards and assessments;
- a trained and culturally/linguistically diverse teacher and support staff population for whom needed professional development and supports are provided;
- student empowerment programs, including peer learning programs, active learning opportunities for students and student-to-student support activities;
- collaboration among school staff and with community members to serve all students in the school;
- family and community involvement;
- supports that are portable across school settings;
- effective access to community and agency services, both to serve students and to support school staff;
- a school-wide approach to behavioral issues;
- a regular system of assessment with accountability that defines success by the learning of each and every student within each building;
- a system of transitional services to support students as they move to new settings within the school; and
- a system of supports based on functional assessment/intervention that addresses student needs in the general education and special education setting.

For those students who are unlikely to succeed even with the help of well-designed, carefully implemented and rigorously assessed general education interventions, special education services can often be delivered in the general

education classroom. Where services delivered in the general education classroom are not likely to result in student success, a continuum of alternative options will continue in the form of special classes

(either full or part-time) in community school district schools and high schools; special classes full-time in specialized school settings; State supported/operated and SED approved non-public schools and services provided at home or in a hospital. Appropriate services must be provided for all students with disabilities, regardless of setting.

C. Basic Operational Elements

The course of instruction for the vast majority of students with disabilities should be the general education curriculum unless otherwise stated on the student's IEP. "General education curriculum" for school aged students refers to the content of the curriculum and not the language of instruction or the setting in which it is provided. The general education curriculum can be delivered in a language other than English, at different instructional levels to meet the needs of individual students and in different settings to meet the student's individual needs including the general education environment, a special class environment, at home or in a hospital.

Students with disabilities will be included in state and district-wide assessment programs, with appropriate accommodations as necessary. Alternate assessments are to be provided for those students whose IEPs indicate they cannot participate in the general assessment activities. The results of assessments must be provided to the parents of students with disabilities with the same frequency and in the same detail as assessment results are reported to parents of non-disabled students.

Students with disabilities are to be educated in the Least Restrictive Environment (LRE) in which their needs can be met. The least restrictive environment (LRE) placement rules require that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the student's needs are such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

To this end, the IEP Team (which includes the parent) will consider the first option to be the general education setting in the school which the child would attend if not disabled, with the supplementary aids and services necessary for the student to benefit from such placement. Thus, before a student with a disability can be recommended to receive services outside of the general education classroom, the full range of supplementary aids and services that would facilitate the student's progress in the general education classroom must be considered. The IEP Team must determine whether the student can achieve his or her IEP goals within the general education classroom with the use of supplementary aids and services. Consideration of the appropriateness of the general education classroom with supplementary aids and services should be addressed as an option each time an IEP is developed for the student.

Any decision for a student with disabilities not to participate with non-disabled students in academic or nonacademic activities must be educationally justified on the student's IEP. A decision for a student with a disability not to participate in the general education setting must be based on the individual needs of the student and may not be based upon the nature of the student's disability.

To the greatest extent possible, the goal is for students with disabilities to attend the schools they would normally attend if they did not require special education services to address their learning needs. It is at the neighborhood school or the "home zoned school", surrounded by siblings and friends, that services to meet the full range of the student's needs are to be provided whenever possible.

Benefits of Home Zoned School Placement

- membership in one's community;
- predictability of feeder patterns;
- development of long-term relationships with peers;
- reinforcement of building-level "ownership" of the student;
- promotion of "natural proportions" of students with disabilities in each school; and
- enhanced opportunities for parent involvement.

D. Continuum of Services

In an effort to enable all students to meet New York City Performance Standards, the New York City Public Schools provides a full continuum of services.

The Continuum of Services of the New York City Public Schools

(See Figure 1)

- describes the broad array of special education services that will be offered by the New York City Public Schools for students with disabilities who are in need of special education services;
- provides the basis for the IEP Teams to develop service recommendations based on common standards across the City for all eligible students;
- informs parents of options available for their children with disabilities; and
- provides a basis for schools to assess their progress toward the most effective implementation of the Individuals with Disabilities Education Act (IDEA).

Individual sections of this document describe in detail the array of special education services summarized below.

Special Education Services

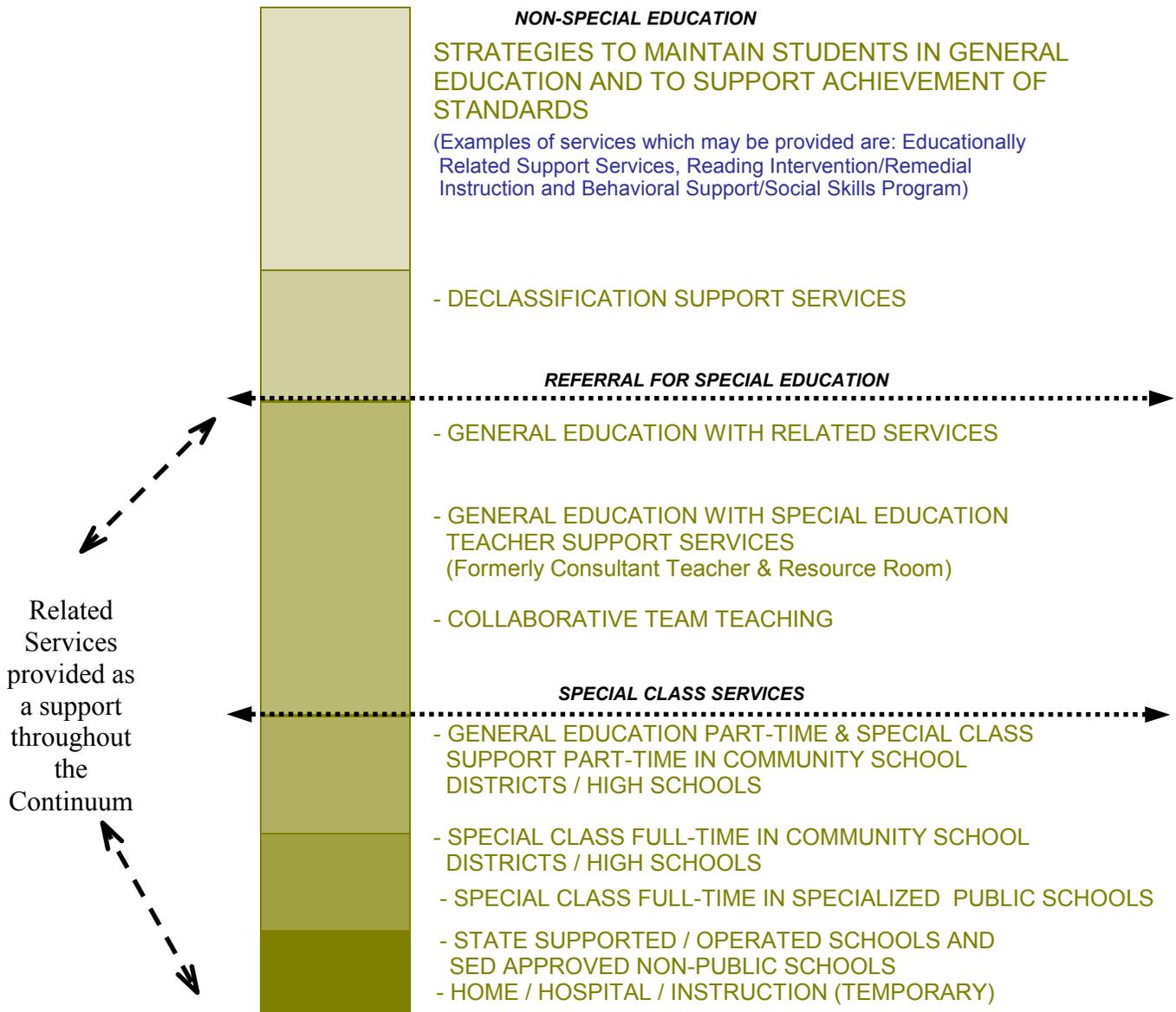
- General education class services with supplementary aids and services
 - Related Services
 - Special Education Teacher Support Services
 - Collaborative Team Teaching
- Special class services part-time and full-time in community school district/high school and full-time in specialized schools;
- State supported/operated and SED approved non-public schools; and
- Home and hospital instruction.

The range of services is broad but it is not static for any individual student. As student progress is assessed, attention must be paid to the needed services, ensuring provision of services in the least restrictive environment. Each time an IEP is developed for a student (e.g., as part of the initial evaluation, at annual reviews, and/or at other re-evaluations), general education with needed supplementary aids and services must be considered as an option. Decertification of students no longer in need of special education services must also be considered.

Figure 1

UNIFIED SERVICE DELIVERY SYSTEM

This chart represents the types of special education services included in the new Continuum.



I. NON-SPECIAL EDUCATION SERVICES

Not every service that addresses a student's particular situation is a "special education" service. Thus, for students who do not need special education services, general education supports and intervention services that address student needs should be provided.

PART I

Section 1 **Non-Special Education Services**

Maintaining Students in General Education:

The Pupil Personnel Team Intervention Process

A Pupil Personnel Team is a standing committee within each school that uses a non-judgmental, confidential approach to review and evaluate the needs of specific students who are not demonstrating success in their current educational program. As a result of this process, the Pupil Personnel Team is in a unique position to identify issues that either positively or adversely effect student success. This information can play an important role in the development of the school comprehensive educational plan and subsequent allocation of resources when the efforts of the Pupil Personnel Team are firmly linked with those of the School Leadership Team.

The Pupil Personnel Team uses a multidisciplinary approach in examining why an individual student is demonstrating significant academic, social or physical needs and then develops supportive strategies and services. Despite the Pupil Personnel Team process, a parent may refer a student for a special education evaluation by the Committee on Special Education at any time. In addition, Pupil Personnel Teams cannot be used as a precondition for referral of students who are suspected of having a disability. When documented interventions prove insufficient to enable a student to progress academically and/or behaviorally in the general education classroom and a disability is suspected, professional staff members including administrators, teachers, related service providers and clinicians have the right and responsibility to refer that student for a special education evaluation. The official Board of Education referral form should be used for this purpose.

A. Creating a Team

Participation on the Pupil Personnel Team is voluntary. Members should be experienced and credible. UFT members are to be mutually agreed upon by the Principal and the UFT Chapter Leader. The Team should include the principal or designee and the guidance counselor. The referring teacher is an ad hoc member of the Team and the parents of the child under discussion should be included whenever possible. Additional members may include classroom teachers, assistant principals, and members of the school based support team such as the educational evaluator, school psychologist and

social worker, deans, attendance teachers and SAPIS workers. Related service providers such as teachers of speech improvement, and occupational and physical therapists may also be included.

B. Team Meetings

It is suggested that the Pupil Personnel Team meet as often as necessary to address concerns about student progress. Principals are encouraged to arrange a mutually agreed upon meeting time for Pupil Personnel Team members. One meeting per month, at a regularly scheduled time, is a recommended minimum. At times, schedules may need to be adjusted so that referring staff can participate on an ad hoc basis.

C. Request for Consultation

The classroom teacher may request intervention from the Pupil Personnel Team based upon his/her experience with the student and observation of academic/behavioral performance, health needs, attendance/lateness patterns or knowledge of family issues. This request is usually made, by completing a one page referral form to a permanent member of the Team who functions as a case manager. The case manager or referring teacher as appropriate discusses the student's progress and the teacher's request for intervention with the parent/guardian. The case manager schedules Pupil Personnel Team meetings, gathers records and facilitates the meeting. The Pupil Personnel Team may discuss the issues and plan strategies for intervention ranging from classroom interventions to additional support services.

D. Essential Elements of the Pupil Personnel Team Process

Data Collection: Meaningful, relevant information to identify areas of concern should be gathered and collated. Data collection activities are multi-dimensional. Data are collected from multiple settings (small group and large group activities, classroom and playground), multiple sources of information (parent, teacher, and student) using multiple methods (classroom observation, anecdotal records, review of work samples, record review, curriculum assessments, interviews and standardized testing).

Problem Analysis: There should be a clear, objective statement defining the discrepancy between a student's current and desired performance. Goals should include measurable, observable, alterable, and attainable expectations.

Interventions: An intervention describes the individual course of action selected for a specific problem. Intervention strategies focus on modifying aspects of the educational setting to improve performance. They are selected based upon the nature of the problem that has been defined, Pupil Personnel Team input and professional judgments about the strategy's potential effectiveness. The strategies chosen should be the ones most likely to succeed, the least intrusive and the most acceptable to the people responsible for their implementation.

The intervention plan should be a collaborative process that specifies actions, responsible parties, timelines, monitoring, data collection and evaluation. The referring teacher or another team member will be identified to communicate with the parent and involve them in support of the identified interventions.

Decision Making: At the end of a pre-determined period of time, the intervention plan and student performance data are analyzed to determine the effectiveness of the plan. Discussions address whether to continue the strategies of the plan and/or increase or decrease services to meet intervention goals.

E. The Goal

The Pupil Personnel Team intervention and support process benefits students, parents and the school. Early identification of students in need of support allows for the development of a comprehensive, multidisciplinary intervention plan. A scheduled review of student progress provides periodic assessment and an opportunity to design other interventions as necessary. Parents may be able to draw on school and community resources to assist their children. Teachers are supported in their effort to educate students at higher standards while participating in a professional process of shared experience, consultation and collaboration.

PART I

Section 2 Non-Special Education Services

Declassification Support Services

During annual, requested and triennial reviews of a student's IEP, the IEP Team should determine if that student no longer requires special education services because his or her needs can be met in the general education setting without special education supports.

Upon review, the IEP Team may recommend the decertification of a student from special education with the provision of appropriate support services for up to one year following the student's declassification. Students who continue to require ongoing special education services for more than a year are not appropriate for declassification support services.

Declassification Support Services are direct or indirect services intended to support the decertified student while he or she makes the transition from a special program to a general education program with no other special education services. Declassification services include, but are not limited to, the following:

Declassification Support Services

- Services that provide instructional support or remediation
- Instructional modifications
- Individual and/or group speech/language services
- Individual and/or group counseling

The declassification support services to be provided must be indicated on the student's exiting IEP which recommends decertification. Their frequency and duration must be specified and appropriate school staff to implement the services must be assigned.

A Process Overview: Special Education Evaluation Through IEP Development

A. Special Education Evaluation

When a student is not meeting expected educational outcomes (academic, social, and/or behavioral), timely and effective attention must be given to the causes of the problems. Alternate interventions and strategies (for the student and/or the teacher) that will enable the student and staff to succeed must be considered. (See the section entitled "Non-Special Education Services", page 6). All school referrals for a special education evaluation must include documentation of general education supports/interventions implemented for the student in the general education class or the reason why no such interventions were attempted. Professional staff members are to use the Board of Education official referral form.

Even while general education support services are being provided or contemplated, a parent or teacher may make a referral and/or seek an evaluation of a student. Similarly, school personnel may, at any time, present information to the parents as to possible alternative services or provide the IEP Team reasons to recommend needed services to the student in the general education classroom, whether or not the student is identified as having a disability.

Before a student can receive special education and related services for the first time, the student must be referred to the Committee on Special Education to receive an individual initial evaluation. The purpose of the evaluation is primarily instructional. Information gathered during the assessment process is used to determine the student's educational needs and to guide decision making about his or her eligibility for special education services. There are a number of requirements for evaluating a student. A summary of these requirements is provided. For a full description of the requirements, please refer to 200.4 of the Regulations of the Commissioner of Education.

Summary of Requirements For Student Evaluation

- obtaining parental consent for the initial evaluation;
- using non-discriminatory evaluation (that is, tests and other evaluation materials may not be racially or culturally biased against the student);
- using a Team to evaluate the student's status and needs;
- evaluating the student in all areas of suspected disability;
- using more than one procedure to determine the student's educational program; and
- testing in the native language or mode of communication of the student, unless it is clearly not feasible to do so.

Goals Of Student Evaluation

- to measure a student's current levels of academic performance/learning characteristics, social/emotional performance, health and physical development;
- to identify a student's strengths and weaknesses in each of these areas in order to formulate realistic expectations for achievement;
- to identify a student's strengths and weaknesses in each of these areas in order to facilitate enhanced student outcomes through effective teaching;
- to identify the language needed for instruction and special education services; and
- to collect and organize information that the IEP team can use to determine a student's need and eligibility for special education services.

The evaluation process for English language learners (ELLs) must account for the student's identified disabilities as well as his/her cultural and linguistic differences. Special consideration must be given to the overall context of how, where and who will provide special education services to ELLs. During the evaluation process, ELLs language proficiency must be assessed in both the native language and English and consideration should be given to the ELL's language proficiency, educational/experiential background, cultural experiences and learning characteristics.

Students who have home languages other than English as determined by the Home Language Identification Survey (HLIS) and who score at or below the 40th percentile (if not excluded from testing) on the Language Assessment Battery (LAB), must be assessed:

- in both their native language and English by a bilingual assessment team;
- using culturally non-biased assessments (refer to the New York City Board of Education's Test Resource Guide(s) for guidance on the limitations and appropriate use of standardized tests);
- using information--from parents, bilingual/ESL teachers, bilingual clinicians and others--which includes observational data, social emotional behavior data, sociocultural information, and academic/educational test data; and
- using language assessments in both the native language and English, where possible, to determine the student's development in all areas including listening, speaking, reading and writing.

B. Determining Eligibility

After a student's evaluation, the IEP Team must make a determination of that student's eligibility for special education services. The parent, as a member of the IEP Team, participates in making the eligibility determination.

In making this determination, the IEP Team must find that the student has an identified disability based on New York State regulations (see classifications on page 11) and, by reason of the disability, needs special education services. A student may not be determined to be a student with a disability if the determining factor for the decision is limited English proficiency or the lack of instruction in reading or math. Accordingly, when evaluating students who are referred because of demonstrated weaknesses in the areas of reading or math, the IEP Team should review and consider the non-special education instructional interventions that have been and that can be provided to the student in general education in his/her home zoned school.

Elements of the Special Education Eligibility Determination

When making this determination, the IEP Team will:

- rely on the results of the evaluation;
- consider any independent evaluations;
- consider the strengths and needs of the student;
- use more than a single procedure as the basis for determining eligibility; and
- discuss evaluation data with regard to instructional implications and assistance to the teacher.

Eligibility Criteria

A school-age student is eligible for special education services if:

- the student meets the criteria for one or more of the disability classifications indicated below; and
- the student requires special education services to benefit from instruction; and
- the determining factor in making the eligibility determination is not limited English proficiency or lack of instruction in reading or math.

A school-age student is not eligible for special education services if:

- the student does not meet the criteria for one or more of the disability classifications; or
- the student meets the criteria but does not require special education services to benefit from instruction; or
- the IEP Team has concluded that limited English proficiency or the lack of instruction in reading or math is the determining factor in making the eligibility determination.

School principals should be notified in instances where a student is found ineligible for special education services. The school principal must then collaborate with the Pupil Personnel Team and the parent to identify general education interventions and supports available to assist the student.

C. Eligibility and Classifications

New York State Regulations include thirteen (13) categories of disabilities. They include autism; deaf-blindness; deafness; hearing impairment; emotional disturbance; learning disability; mental retardation; multiple disabilities; orthopedic impairment; other health-impairment; speech or language impairment; traumatic brain injury and visual impairment including blindness. Each of these has a specific definition and criteria that the student must meet in order to be classified as having that disability. These disability classifications are described in Appendix A.

Eligibility for special education and related services is determined by documenting the existence of one or more of the disabilities listed above, its adverse effect on educational performance and the consequent need for special education services. If the IEP Team determines that one or more of these elements does not apply to a particular student, that student is not eligible for special education services.

D. IEP Development

When a decision is made through the evaluation process that a student has a disability and requires special education services, the next steps are to review the student's present levels of performance, establish the goals for the student and design a set of services calculated to meet those goals. It is assumed that the goals for each student will address the disability related educational needs that impact on the student's involvement and progress in the general education curriculum as well as the other educational needs (e.g. need for a set of alternative curricular expectations) that result from the student's disability. Regardless of the setting in which the student receives services, the IEP development process must document the ways in which the services identified will accomplish a number of objectives.

The Services Identified During IEP Development Must:

- continue to provide the student with access to the general education curriculum;
- meet the student's other educational needs that result from the student's disability including the need for alternative curricular expectations, as appropriate;
- incorporate ongoing and regular assessment and review of service effectiveness;
- offer maximum appropriate opportunities for the student to be involved with non-disabled peers; and
- be driven by those interventions and services necessary for the student to derive reasonable benefit from his/her program and, as appropriate, return to the general education setting.

The result should be an IEP with clear connections between the student's present levels of performance (academic, social/emotional and health/physical development), the goals (the expected outcomes), the special education services designed to accomplish these goals, the degree of participation in the general curriculum, the removal, if any, from the general education classroom, and the student's retention in (or eventual return to) the general education setting.

Special education services include special education teacher services, related services, paraprofessional services, assistive technology and other support services. These are increasingly "portable" and "placement neutral" services. That is, they can be provided across an increasingly broad range of the continuum settings: in general education classrooms, in special classes within a regular or specialized public school, in SED approved non-public schools, in home or hospital settings.

As part of the IEP meeting following a special education evaluation, the IEP Team must make several determinations.

Special Education Service Determinations

- If the student has a disability and requires special education services; If so:
- The type and intensity of special education services needed. And then,
- The environment in which special education services should be delivered to enable the student to meet the goals and objectives that have been developed.
- Only for English language learners (ELLs) determined to have a disability who scored at or below the 40th percentile on the LAB, what is the appropriate service language?
- The need for an "extended school year".
- Only for students with disabilities, who have reached 14 years of age, the required transition services.

1. Determining the type and intensity of services

Based on individual needs, students frequently require different levels of assistance. In determining the type and intensity of the special education services that are needed by a given student, the IEP Team must consider what services (e.g. special education teacher services, related service, etc.) are required to (a) address the student's needs that result from the student's disability to enable the student to be involved and progress in the general education curriculum and (b) to meet the other education needs that result from the student's disability. The extent of the students need for specially designed instruction by a special education teacher must be considered.

Specially designed instruction includes adapting the content, methodology or delivery of instruction to address the student's needs that result from the disability so that the student can meet the standards that apply to all students. The extent of the student's need for special education services other than specially designed instruction to assist the student in meeting his/her IEP goals, such as related services and assistive technology must also be considered. To make that determination, a number of criteria must be considered.

Considerations for Determining Type and Intensity of Services

- Will the services contribute to the student's involvement and progress in the general education curriculum?
- Will the services be relevant to the student's broader learning program?
- Will services assist the student in meeting his/her IEP goals?
- Will the services of a special education teacher be required to provide specially designed instruction? What will the nature of the services (e.g. direct, indirect) be and for what percentage of the school day (e.g. part-time, full time)?
- Will the services of other special education providers, (e.g. related service providers) be required, alone or in combination with the special education teacher services and the frequency, duration and group size of these services?
- Will bilingual special education or related services be needed?
- Will the services of a paraprofessional be required as an "other support service" or in combination with special education teacher services?
- Will other supplementary aids and services (e.g. assistive technology, behavior intervention plan) be required?
- Will the services be non intrusive (i.e., most in keeping with the general practices of the classroom)?
- Will the services provide the student who is deaf or hard of hearing opportunities for direct interaction with peers and educational personnel in the student's own language or communication mode?
- Will the services maximize student participation with non-disabled peers?
- Will the services be culturally appropriate?
- Will the services maximize opportunities in the general education curriculum as a result of the special education service delivery (i.e., consideration of what the student would miss when receiving this service)?
- Will school personnel require modification or supports in order for the student to progress in the general education curriculum?

2. Determining the environment for services

After goals are established and services prescribed (e.g. the need for special education teacher services, Related Services) for that student, the environment (i.e. setting) in which they will be provided must be determined. In the past, many special education services, such as specially designed instruction, were not considered portable; instead, it was believed that these services could only be provided in a self-contained special class setting. Today, however, this belief is decreasingly accepted.

The need for a student with a disability to receive individual specialized/specially designed instruction has traditionally led to the student being recommended to receive services in a special class setting. Modifying or adapting instruction to meet the individual needs of a student with a disability may be accomplished by the provision of specially designed instruction in the general education classroom.

Among the intents of this description of Special Education Services as Part of a Unified Service Delivery System, therefore, is to ensure that special education services are made available in the least restrictive setting in which services can be useful in allowing a student to succeed. This document, therefore, focuses primarily on the nature of the services that are available to students with disabilities and only secondarily on any traditional links between those services and the settings in which they are provided.

The least restrictive environment (LRE) principle guides the determination of the environment in which the recommended special education services are to be provided for each student. The IEP Team must consider the provision of special education services in the general education classroom before recommending the student's removal (on either a full or part-time basis) from the general education environment.

A student's LRE is the environment where that student can receive an education designed to meet his or her special educational needs while still being educated with non-disabled peers to the maximum extent appropriate. Depending on the student's individual needs, the LRE could be:

- the general education classroom, with supplementary aids and services (such as special education teacher support);
- a self-contained special class, for part of the day, within the neighborhood school with the student spending the remainder of the day in the general education classroom or in activities with students who do not have disabilities;
- a self-contained special class full-time, within the neighborhood school;
- a self-contained special class full-time in a separate, specialized school; or even
- State supported/operated and SED approved non-public schools;
- home and hospital instruction.

Thus, the least restrictive environment may be very different for each student. However, the determining factor is always the student's individual needs.

When determining the environment in which special education services are to be provided, the IEP Team should address several questions to ensure that the student will be educated with non-disabled peers to the maximum extent appropriate.

Considerations For Determining The Primary Environment For The Delivery Of Special Education Services

- Is it possible for the student to receive his/her individually determined services in a general education class?
- Can supplementary aids and services accommodate the student's needs in the general education class?
- Is it possible for the student to access the general education curriculum and meet his/her annual goals in the general education class for some, even if not a significant portion, of the day?
- What are the non-academic benefits to the student from interacting with non-disabled peers?
- Would the student require so much of the general education teacher's time that the teacher cannot give adequate attention to the needs of other students in the classroom?
- Is the student so disruptive in the general education classroom that the education of the student or other students is significantly impaired? and/or
- Does the student require the curriculum to be modified so significantly that it bears little relation to the instruction in the classroom?

The Continuum for school-age students includes four "service recommendations." Each "service" reflects the environment in which the student receives his or her special education services. In each of the settings, and according to their IEPs, all students are eligible for ESL or bilingual services as well as related services and other services such as toilet training, adapted physical education, travel training, and extended school year (twelve month instruction).

Potential Service Recommendations

- General Education with Supplementary Aids and Services
 - Related Services
 - Special Education Teacher Support Services
 - Collaborative Team Teaching
- Special Class Services (part or full-time) in community school districts/high schools/ or (full-time) in specialized schools.
- State supported/operated and SED Approved Non-public Schools
- Home and Hospital Instruction

In each of the settings, the student's progress in meeting his or her IEP Annual Goals must be reviewed and evaluated, and the parent(s) informed, on a regular basis. The review process involves several components:

Review Components

- determining continuing eligibility for special education services;
- determining, if the student continues to be eligible for special education services, whether the type, intensity of services or the environment in which they are provided should be modified;
- determining whether the student has made progress in meeting his/her annual goals; and
- in cases where the student is not making progress, considering changes to the goals and/or the services, including such elements as instructional procedures, materials, settings and supports.

Determining the language for services

The IEP Team (with appropriate bilingual membership as described in the New York City Board of Education's Standard Operating Procedures Manual) must determine the appropriate service language for students who have a disability, require special education services, and score at or below the 40th percentile on the LAB. Determinations may include bilingual services; monolingual services with ESL; or monolingual services without ESL.

The IEP Team must consider a number of factors when determining the appropriate language of service.

Considerations For Determining Service Language of Special Education Services

- student home language use, based on the HLIS responses and follow-up interviews with the parents and student;
- student levels of proficiency, both expressive and receptive, in the native language and English;
- student scores on the LAB, including, where appropriate, scores on the Spanish LAB and other available native language reading test scores (e.g., Spanish reading Test-ELE, Chinese Reading Test, etc.);
- teacher observations of student work over an extended period of time;
- portfolios and other samples of verbal and written student work, both native language and English;
- informal student assessment information, including language samples and interviews in the native language and English; and
- student school history, including such issues as whether previous schooling has been interrupted and the number of years a student has received bilingual/ESL services, as well as a review of report cards and cumulative records.

Based on analysis and review of factors outlined above, the IEP Team will reach one of three determinations.

Potential Service Language Evaluation Results

- The student requires bilingual instructional services. OR:
- The student does not require bilingual instructional services but does require ESL instructional services to enable him or her to continue to progress toward acquiring the English language and further develop his or her English linguistic competence. OR:
- The student requires neither bilingual nor ESL instructional services, since the social history and other information reveal either that there is no other language that impacts the student's language development or that the student has the language skills required to ensure academic and social success in an English language setting.

The language service option chosen must reflect the needs of the individual student. It may not be selected on the basis of availability of personnel, programs or financial resources, which are never appropriate criteria for determining instructional services.

The language service option chosen for a student determines the language for that student's reassessments. Students recommended for bilingual or ESL-only services must receive a bilingual assessment during any re-evaluation. Students who are recommended for an English monolingual program, without ESL, receive future assessments conducted solely in English.

4. Duration of Special Education Services: Twelve Month School Year Services

Some students need an "extended school year" or a "twelve month school year" in order to prevent substantial regression during the summer. Students at risk of substantial regression may not be able to maintain developmental levels due to a loss of skill or knowledge during the months of July and August. This loss may be so severe as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year.

Candidates For Consideration For Twelve Month School Year Service

- Students with severe multiple disabilities whose programs consist primarily of habilitation and treatment;
- Students who are recommended for home and hospital instruction, whose special education needs are determined to be highly intensive, and who require a high degree of individualized attention and intervention;
- Students whose needs are so severe that they can be met only in a seven-day residential program;
- Students whose management needs are deemed highly intensive, who require a high degree of individualized attention/intervention; or
- Students receiving other special education services who, because of their disabilities, exhibit the need for a twelve-month special service and/or a program provided in a structured learning environment of up to 12 months duration in order to prevent substantial regression.

If twelve month services are determined to be necessary for a student, that need must be specified in the student's IEP.

5. Transition Services

For students at age 14 and updated annually, the IEP Team must develop a statement of the transition service needs that focus on the student's course of study including long term adult outcomes and diploma objective.

By age 15, (and at a younger age, if determined appropriate) the IEP Team must indicate the required transition services. Transition services are a coordinated set of activities for a student with a disability, designed to promote movement from school to post-school activities, including but not limited to post-secondary education, vocational training, competitive employment (including supported employment), continuing or adult education, adult services, independent living or community participation. The coordinated set of activities must be based upon the individual student's needs taking into consideration the student's preferences and interests. It may include instructional activities, community integration, post high school, independent living and, when appropriate, the acquisition of daily living skills and functional vocational assessment.

Areas to be Addressed in Developing Transition Services

- **Instructional Activities** - Educational instruction that will be provided to the student to achieve the stated outcome(s) (e.g., special education course instruction, occupational education and advanced placement courses).
- **Community Integration** - Community-based experiences that will be offered or community resources utilized as part of the student's school program, whether utilized during school hours or after school hours, to achieve the stated outcome(s) (e.g., local employers, public library, local stores).
- **Post High School** - educational services that will be provided to the student to prepare for employment or other post school activity.
- **Independent Living** - Post school activities that will determine what other skills or supports will be necessary for the student to succeed as independently as possible. Examples include participation in a work experience program, information about colleges in which the student has an interest and travel training.
- **Acquisition of Daily Living Skills/Functional Vocational Assessment** - Activities of daily living skills necessary to achieve the stated outcome(s) (e.g., dressing, hygiene, self-care skills, self-medication). If the vocational assessment has not provided enough information to make a vocational program decision, additional assessment activities can be performed to obtain more information about the student's needs, preferences and interests.

General Education with Supplementary Aids & Services

Before recommending special class services, the IEP Team must first consider the full range of special education supplementary aids and services that can be provided to the student in the general education classroom.

Supplementary aids and services are supports that enable a student with a disability to be educated within the general education class alongside non-disabled peers to the maximum extent appropriate. Supplementary aids and services may include services of various special education providers and other materials, devices and instructional adaptations. For students whose needs can not be met in general education with supplementary aids and services, special class services part-time or full-time may be required. Special class services are described in detail on page 32.

Supplementary aids and services may include, but are not limited to the services of various personnel that provide direct instruction, indirect consultation, and related supportive services. Supplementary aids and services permit different instructional designs to enable the disabled student to receive special education services in the general education classroom. They may be combined in various ways and tailored to the individual student. For example, a student may receive the supplementary aids and services of Special Education Teacher Support Services, Related Services and Assistive Technology. Similarly, a student may receive Special Education Teacher Support Services for part of their day in the general education classroom and special class services for part of their day with Related Services.

Services of special education providers include related services; special education teacher support services; collaborative team teaching and paraprofessional support.

Some students may require the "other support services" of a paraprofessional either in the general education classroom or in a special class as described in the Related Services Section on pages 27-28 to address specific management needs related to behavior, health, communication or vision needs. Unlike the "other support services" provided by a paraprofessional as a Related Service, support from a paraprofessional assigned to the classroom may be necessary for a student with a disability as a supplementary aid and service in the general education classroom to provide assistance to the student in specific instructional areas. The same level of support may not be necessary in all situations for a student. A student may need support in math class but no additional support during the rest of the day. Paraprofessional support as a supplementary aid and service must be indicated in the IEP in the section on supplementary aids and services and the IEP must specify during what instructional areas paraprofessional support is necessary. Paraprofessional support as a supplementary aid and service is provided by a paraprofessional assigned to the classroom. The paraprofessional provides assistance and support to the student during the instructional period(s) as described in the IEP and as directed by teachers, including but not limited to, adapting tasks and assignments, reinforcing previously instructed concepts and providing small group reinforcement and instruction.

Other supplementary aids and services include materials, devices and instructional adaptations such as:

- Assistive technology devices;
- Instructional practices such as cross-age tutoring, heterogeneous grouping, and/or peer partnerships;
- Behavior intervention/support plans to address behavior that impedes learning;
- Instructional adaptations, including adaptations to the manner in which information is presented, paced, or sequenced;
- Curriculum accommodations which change how a student accesses information and demonstrates learning. Accommodations do not substantially change the instructional level, content or the performance criteria. Accommodations may include the use of audio tapes instead of books, large print books, Braille materials, method of performance (use of a calculator for math processes, use of a word processor instead of handwriting);
- Curriculum modifications which change what a student is expected to learn and demonstrate when participating in the general education curriculum. Modifications do change the instructional level, the content and the performance criteria. While the student works on a modified course content, the subject area remains the same as the rest of the class. Modifications may include redesigning the size, breadth or focus of the assignment.
- Individualized supports, such as the rephrasing of questions and instructions; allowance for additional time to move between classes; special seating arrangements; testing modifications and curricular aids such as highlighted reading materials, main idea summaries, organizational aids, pre-written notes, and/or study guides.

In addition, other services may be provided as supplementary aids and services in general education or supports in special education including, but not limited to, adapted physical education, toilet training and travel training as described in Appendix B.

Related Services

Based upon a student's needs and the extent to which those needs affect educational performance, the IEP Team may recommend that related services be provided. Related Services are defined as "developmental, corrective and other support services" required to assist a student with a disability to benefit from instruction. They are intended to assist the student in meeting the objectives of his or her instructional program, to be involved in the general education curriculum, to experience success in his or her classroom setting and to be educated with non-disabled peers. When Related Services are provided to students whose primary program is general education they are considered a supplementary aid and service. Related Services may also be a support for students in special classes.

Related Services may include counseling; hearing education services; occupational therapy (OT); orientation and mobility services; physical therapy (PT); school health services; speech/language therapy; vision education services and other support services. Each related service is described in detail on the following pages.

1. Determining Eligibility for Related Services

Students are eligible for related services only when it is clear that:

- The student's needs are greater than can be addressed in their primary educational setting,
- The services are necessary to benefit from the primary educational setting, and
- The elimination and/or absence of these supports would adversely affect educational performance to the point that appropriate learning would not occur.

A physician's referral must be considered within the context of educational relevance and whether related services will address student function within the school environment. A physician's referral (or prescription) alone is not sufficient to recommend the provision of a Related Service. The IEP Team must consider the student's needs within the educational setting and whether the services are necessary for the student to benefit from his/her primary educational setting and not simply medically necessary.

Any related services recommended are indicated on the Individualized Education Program (IEP). The recommendation includes the frequency (number of times per week that the student should receive the designated service), duration (the length of a session), the maximum group size, if services are provided on a group basis, the language each service is provided in and the location of the services.

2. Determining Frequency and Duration of Related Services

A student with a disability may receive one or more periods a week of Related Services. Frequency of services will depend on a student's individual needs, but may range from daily, individual or group sessions to less frequent provision of services.

The IEP Team must indicate the number of sessions per week and the number of minutes per session for each related service session. The IEP Team's goal in determining frequency and duration is to provide the service while minimizing disruption to the student's school program. In doing so, the IEP Team must also consider the number of

different Related Services that a student is recommended to receive and the overlap, if any, of the goals.

Frequency of related services is determined by the IEP Team and with the exception of Speech/Language Services may be scheduled on a weekly, bimonthly or monthly basis. Bimonthly or monthly services may be indicated for students who require maintenance or are moving toward decertification. 200.6(e) of the Regulations of the Commissioner of Education require that for students with disabilities determined to need speech and language services, such services must be provided for a minimum of two thirty minute sessions per week.

Students who require only the related service of Counseling and/or Speech/Language Therapy for less than 180 minutes (combined or alone) per week should be considered for service within the general education program rather than considered for special education Related Services.

3. Determining Group or Individual Services and Maximum Group Size

The IEP Team must determine whether Related Services will be provided to a student individually or in a group.

Group Related Services May Be Recommended When

- Peer relationships support or aid the attainment of IEP goals.
- Common interests, values or skills create an optimal context for learning.
- Skills can be practiced most effectively in the presence of others.
- Students demonstrate the ability to function in a group.

If services are provided in a group, the IEP Team must also determine the maximum group size. Related Services may be provided to a group of two or more students, with the maximum group size not to exceed eight students. Where services are provided to a mixed group that consists of both students with disabilities and non-disabled students, the combined group size may not exceed the group size maximum for any individual student with a disability in the group.

Individual Related Services May Be Recommended When

- Specialized techniques that cannot be provided in a group are needed.
- The desired skills and their practice require privacy.
- Intensive treatment, with maximum opportunities for repetition and learning new skills, is needed.
- The student's behavior, attention, and/or other factors are managed most appropriately on an individual basis.
- The student has complex conditions that cannot be addressed in a group setting.

4. Determining the Language of Service

The IEP Team must determine the language of service, indicating the language separately for each related service. Occupational Therapy, Physical Therapy and/or School Health Services for a student otherwise entitled to bilingual instructional services may be provided by a monolingual professional if it is determined that the services can meaningfully be provided by such a professional and that the student will be able to benefit from receiving such services from a monolingual professional.

5. Determining the Location of Services

The IEP Team must determine whether the related service will be provided in the general education classroom or in a separate location or whether services may be provided within both the general education classroom and a separate location. Location of services should be based on the optimal environment for skill acquisition and may change over time in response to student performance and educational program.

This decision should be made in collaboration between the school-based service provider and the classroom teacher or, for initial referrals, between the evaluator (e.g., Speech and Language Evaluator) and the classroom teacher.

Classroom-based services facilitate the generalization of skills and the application of skills or strategies in the classroom. Classroom-based services should be considered for students who do not generalize skills easily from one setting to another. Classroom-based services may also provide an opportunity to integrate related service goals with the curriculum.

6. Determining Continuation, Modification or Termination of Services

The continuation of related services and the frequency, duration, group size and location should change as the needs of the student change. The IEP Team must determine whether a change is required.

- Continuation of related services occurs when the student's needs are met by the current frequency, duration, location, etc. of service delivery.
- Modification of Related Services may occur in a variety of situations.

Situations That May Require Modification of Related Services

Related Services may need to be modified:

- when a change in frequency, duration or group size (i.e. increase or decrease) is necessary to meet the student's needs;
- in response to significant changes in the student's health or functional status, for example, in the aftermath of surgery or prolonged illness; and
- as part of a transition plan leading to termination from related services.

Termination from related services may also occur in response to several different situations.

Situations That May Require Termination from Related Services

Termination from Related Services may be appropriate:

- when a student can integrate his or her acquired skills into the everyday environment and successfully participate in his or her primary program without services or with declassification services for up to twelve months;
- when a student's skills have reached a plateau and little or no change is expected and the student can successfully participate in his or her primary program without services or with declassification services for up to twelve months;
- when a student has maximized his or her function in the educational setting in keeping with his or her abilities; and
- when a student is able to function independently at a work-site.

Types of Related Services

A. Counseling

The purpose and focus of the counseling provided is determined by an evaluation of the student's needs and the extent to which they interfere with educational performance.

The purpose of counseling is to help students with disabilities recognize and modify behaviors that interfere with learning. The type of counseling (individual and/or group) along with the IEP goals and objectives, frequency, and duration are determined by the IEP Team in collaboration with students, parents/guardians, and general and special education teachers.

Counseling is an interpersonal activity which addresses specific school related counseling goals in order to enable students to succeed in school. It is designed to improve students' social and emotional school functioning in the areas of appropriate school behavior and discipline, social skills, self-control, conflict resolution, problem solving skills, self-esteem, decision-making skills and vocational and transition planning. Counseling may be provided in combination with the development of an individual behavior intervention plan.

Counseling may be recommended for students who have chronic social emotional difficulties which significantly interfere with their learning. These problems can include difficulty interacting appropriately with adults or peers, withdrawal or acting-out, low self-esteem, or poor coping skills.

Counseling is provided by licensed and/or certified school guidance counselors, school social workers and/or school psychologists.

B. Hearing Education Services

Hearing Education Services are designed to provide intensive instruction in speech reading, auditory training and language development to enhance the growth of receptive/expressive communication skills.

Hearing Education Services are delivered to students with a history of chronic fluctuating hearing loss greater than 15 dBHL in the better ear or other hearing loss equal to or greater than 25 dBHL in the ear which adversely affects student performance.

This service is provided by teachers of the deaf and hard of hearing.

C. Occupational Therapy (OT)

An evaluation for Occupational Therapy is conducted by an Occupational Therapist using formal and informal assessment tools and techniques. Evaluations incorporate relevant data from family and school personnel to assess the student's current level of function and ability to participate in their educational program.

Occupational Therapy emphasizes independence in activities of daily living (e.g. dressing, feeding, money management), skill acquisition (e.g. self management skills, vocational skills) and school participation in various settings including the classroom, cafeteria, bathroom, and playground. Occupational Therapy is designed to maintain, improve or restore function of students in all educationally related activities including neuromusculoskeletal function (e.g. range of motion, muscle strength, endurance, postural control), motor function (e.g. fine motor skills, oral motor control, visual motor integration), sensory and perceptual function (e.g. integrating and processing of tactile, visual, auditory information), cognitive function (e.g. attention, memory) and psychosocial function (e.g. self-concept, interpersonal skills).

Occupational Therapy maintains and promotes function through the use of purposeful activities and development of compensatory strategies that enhance school performance. Occupational Therapy provides and maintains adaptive equipment and assistive technology (e.g. splints, word processors, toileting equipment).

Occupational Therapy may be recommended for a student whose physical needs and/or learning problems requires such services and/or impedes access to his/her educational program. These students may demonstrate skills that are below expectations commensurate with the student's total profile including cognitive development which adversely affects school performance. A physician's referral is required for a student to receive Occupational Therapy. The frequency and duration of services is determined by the IEP Team in collaboration with the evaluating therapist.

Occupational Therapy is provided by state licensed Occupational Therapists.

D. Orientation and Mobility Instruction

Orientation and Mobility Instruction is designed to improve the student's grasp of spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) for establishing, maintaining, and regaining orientation and line of travel (e.g. using sound at a traffic light to cross the street). It teaches the use of the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available vision. It enables students to understand and use remaining vision and distance low vision aids, as well as other techniques and tools for safe purposeful travel.

Orientation and mobility instruction is provided for students with visual impairments who require instruction to improve their ability to perceive and move safely in their environment.

This service is provided by teachers of the blind and visually impaired specially trained in Orientation and Mobility.

E. Physical Therapy

An evaluation for Physical Therapy is conducted by a Physical Therapist using formal and informal assessment tools and techniques. Evaluations incorporate relevant data from family and school personnel to assess the student's current level of function and ability to participate in his/her educational program. Recommendations for service are based on whether Physical Therapy is required to enable the student to benefit from instruction.

Physical Therapy emphasizes physical function and independence in various settings including the classroom, bathroom, gym, staircase, playground and transitions between settings. Physical therapy uses manual/handling techniques, exercise and sensory processing activities to maintain, improve or restore function including gross motor development (e.g. mobility, ambulation, posture), neuromotor status (e.g. muscle tone, strength, balance, coordination), motor planning and negotiating the environment.

Physical Therapy also promotes function by adapting the environment, providing and maintaining seating, positioning, assistive technology and mobility equipment and by monitoring and managing orthoses and prostheses.

Physical Therapy may be recommended for a student whose physical needs require such services and/or impede access to their educational program. These students may demonstrate skills that are below expectations commensurate with the student's total profile including cognitive development which adversely affects school performance. A physician's referral is required for a student to receive Physical Therapy services. The frequency and duration of services is determined by the IEP Team in collaboration with the evaluating therapist.

Physical Therapy is provided by state licensed Physical Therapists.

F. School Health Services

School Health Services are designed to address the specific health needs of the student and to ensure a safe educational environment that allows the student to benefit from his/her primary educational program. School Health Services are also designed to enhance the student's ability to access the least restrictive environment and participate to his/her full potential within it. School Health Services may be provided by a professional registered nurse or a paraprofessional. The nature of the health services determines whether they are provided by a nurse or a paraprofessional.

Those medically-related school health services that can only be provided by a professional registered nurse in a school setting and/or on the bus to and from school usually include, but are not limited to, tracheal suctioning; gastrostomy tube feeding; catheterization; administration of oxygen; blood glucose monitoring; administration of insulin and other injectable medication; nebulizer treatments; postural draining; and oro-nasal suctioning.

Those school health services that can be provided by a paraprofessional are designed to provide students with assistance in activities of daily living (ADL), and usually include, but are not limited to, transfers from wheelchair to adaptive equipment, ambulation assistance, diapering and toileting assistance, feeding, dressing, managing orthotics and use of assistive communication or writing devices.

Medical documentation by a licensed physician or nurse practitioner is necessary before School Health Services can be provided by either a professional registered nurse or paraprofessional.

The IEP for a student who requires school health services must indicate the need for school health services and the nature of the service to be provided. The designation of the provider (i.e. professional registered nurse vs. paraprofessional) should not be indicated in the IEP.

"Maximum group size" on the IEP refers to the number of students receiving health services at the same time; it does not refer to the caseload of the provider. School health services are generally provided to students in a group of one.

G. Speech/Language Therapy

Speech/Language Therapy is designed to address deficits in a student's auditory processing, articulation/phonological skills, comprehension and use of semantics, syntax, pragmatics, voice production and fluency.

Speech/Language Therapy may be recommended for a student with a communication problem, including problems of language comprehension and expressive language which adversely affect school performance. In addition, it may be recommended for students with speech production skills whose speech is unintelligible or not commensurate with the student's total profile, including cognitive development which adversely affect his or her educational performance. Students who function below a six month old cognitive level may not be ready for speech/language therapy as a related service but rather should receive sensory or language stimulation as part of their primary program.

The IEP Team must take care in differentiating for ELL students a language difference as opposed to a speech/language impairment. If an ELL student is encountering only language differences, ESL services not Speech/Language Therapy should be provided.

Speech/Language Therapy is provided by teachers of speech improvement.

Speech/Language Therapy must be provided for a minimum of two thirty-minute sessions per week.

H. Vision Education Services

Vision Education Services are designed to provide instruction in utilizing Braille, Nemeth Code, large print, optical and non-optical low vision devices and other skills that are necessary to attain academic, social, vocational and life adjustment skills, literacy and acquisition of information using tactile, visual, and auditory strategies.

This service is provided for students who are blind or have a visual impairment related to pathology of the eyes or visual pathways with a visual acuity no greater than 20/70 in the better eye with best correction or limitations in visual acuity and visual field which adversely affect student performance.

This service is provided by teachers of the blind and visually impaired.

I. Other Support Services

Most students with disabilities can be appropriately provided services through a broad array of special education and related services or various combinations of services which are tailored to the individual student. Other support services may include the service of a paraprofessional for some portion of the day to address the student's management needs. The circumstances for which a student is recommended to receive intervention of a constant nature by an individually assigned paraprofessional should be carefully considered.

Other Support Services are designed to provide other developmental, corrective or supportive services (e.g., those provided by a sign language interpreter, behavior management paraprofessional, awaiting-placement paraprofessional) that are required to allow a student with a disability to benefit from his/her primary education program or to enhance the student's ability to access a less restrictive environment.

The services recommended as Other Support Services must be different in nature and/or intensity than those provided within the array of services included in the primary educational program.

Prior to rendering a recommendation for the Related Services of an other support service paraprofessional to provide support for behavior management needs, the IEP Team must consider the following questions:

Consideration for Determining the Need for Paraprofessional Support for Behavior Management Needs

- Have alternative measures been considered?
- Have behavioral difficulties been observed and, if so, has a functional behavior assessment been conducted and a behavior intervention plan developed?
- Have all available behavior management techniques been exhausted so as to warrant constant paraprofessional intervention?
- Is the student's program appropriate?
- Are additional staff required to manage the student's behavior?

Paraprofessional support which, on an individual case-by-case basis, may be required to address the management needs of a student include:

Behavior Management Paraprofessional

The assignment of a Behavior Management Paraprofessional should be considered when a student's pattern of behavior is of an acute nature which is hazardous to himself and others, all behavioral interventions have been exhausted and the IEP Team has ensured that the student's service recommendation is, indeed, appropriate.

Awaiting Placement Paraprofessional

The assignment of an Awaiting Placement Paraprofessional should be considered when a student is recommended for a very restrictive service but there is no seat available in the recommended program, as an agreed upon interim placement or when the student has been recommended for a program and the parents exercise their due process rights via Impartial Hearing or a hearing by the State Commissioner of Education. Again, the pattern of behavior is of an acute nature which is hazardous to himself and others.

Special Transportation Paraprofessional

The assignment of a Special Transportation Paraprofessional should be considered for a student receiving transportation services by the Office of Pupil Transportation who exhibits a pattern of behavior that is hazardous and substantially beyond the norm of other students being transported. The behavior must be beyond the ability of transportation staff to manage and unable to resolve by adjusting current transportation service.

Students who are deaf and/or hard of hearing or visually impaired may require the Related Services of "other support services" personnel to ensure the student's participation in the primary educational program or to enhance the student's ability to access a less restrictive environment. These may include:

Sign Language Interpreter

The assignment of a Sign Language Interpreter should be considered for those deaf and/or hard of hearing students who use sign language as their primary mode of communication. In order for these students to benefit from their instructional program, the use of a sign language interpreter is necessary to transmit the spoken message into sign language and the signed message into spoken English.

Oral Interpreter

The assignment of an Oral Interpreter should be considered for those deaf and/or hard of hearing students whose mode of communication is oral and who rely on lip reading for language comprehension. In order for these students to benefit from their instructional program, the use of an oral interpreter is necessary to transmit the spoken message through clear, silent mouth movements.

Cued Speech Transliterater

The assignment of a Cued Speech Transliterater should be considered for those deaf and/or hard of hearing students who use Cued Speech as their mode of communication. In order for these students to benefit from their instructional program, the use of a Cued Speech Transliterater is necessary to transmit the spoken message into Cued Speech (a manual and spatial representation of English phonemes and lip movements).

Orientation and Mobility Paraprofessional

The assignment of an Orientation and Mobility Paraprofessional should be considered when a student who is blind or visually impaired requires a guide to move safely from place to place during school activities, and requires reinforcement of orientation and mobility skills for independent movement and safety.

Special Education Teacher Support Services (Direct and Indirect)

Special Education Teacher Support Services combines the services of Consultant Teacher and Resource Room and provides:

- Specially designed and/or supplemental instruction to support the participation of the student with a disability in the general education classroom.
- Consultation to the student's general education teacher.

These services are designed to be flexible, helping students to remain in the general education classroom and utilize the combined expertise of both the general and special education teacher. They may be provided within the general education classroom or in a separate location.

The Special Education Teacher Support Services provided may be all direct, or a combination of direct and indirect. The student's IEP must indicate the amount of time the student will receive Special Education Teacher Support Services, the distribution of the time between direct and indirect services and the location of services (i.e. the general education classroom or a separate location). Group size for the provision of Special Education Teacher Support Services provided in the general education classroom or in a separate location may not exceed a maximum of eight students.

Direct and Indirect Services

- Direct Services provide specially designed instruction and/or supplementary instruction delivered by a special education teacher through individual and/or small group instruction to provide the student with compensatory skill development and remediation activities. They address the areas of deficit that have been identified for that student and strengthen the student's cognitive skills. Direct Services are provided to address educational needs directly related to the student's disability and not to provide additional academic instruction.
- Indirect Services provide collaborative consultation between the special education teacher and the general education teacher which focuses on adjusting the learning environment and/or modifying and adapting instructional techniques and methods to meet the individual needs of the students in the general education classroom. Agreed upon strategies are delivered by the special education teacher and/or the general education teacher.

Special Education Teacher Support Services are provided for a minimum of two hours a week up to a maximum of fifty percent (50%) of the school day. If the intensity of the student's need warrants special education teacher support services for more than fifty percent (50%) of the school day other supplementary aids and services, provided in the general education setting, in addition to Special Education Teacher Support Services may be considered.

Academic support classes may be developed to provide special education teacher support services. Academic support classes offer individualized and small group instruction to supplement instruction or reinforce a concept or skill. A student's IEP must identify the number of periods to be spent in the academic support class and the academic areas in which the student needs support. The academic support class may include both students with disabilities and students without disabilities.

Collaborative Team Teaching Services

Collaborative Team Teaching is an integrated service through which students with disabilities are educated with age appropriate peers in the general education classroom. It provides students the opportunity to be educated alongside their non-disabled peers with the full-time support of a special education teacher throughout the day to assist in adapting and modifying instruction.

Collaborative Team Teaching ensures that students master specific skills and concepts in the general education curriculum, as well as ensuring that their special education needs are being met including meeting alternative curriculum goals.

The Collaborative Team Teaching classroom consists of one special education teacher and one general education teacher. When they team teach, the general education and special education teacher meet to co-plan and prepare lessons, activities and projects that incorporate all learning modalities. Together, the general education and special education teacher carry out instruction employing a range of methodologies.

The number of students with disabilities in a Collaborative Team Teaching class may not exceed forty percent of the total class register. Collaborative Team Teaching classes must adhere to general education class size limits. Under Collaborative Team Teaching, classes that normally have a class size limit of twenty students will increase to twenty-five students, with a maximum of ten students having disabilities.

While Collaborative Team Teaching is generally provided full time, Collaborative Team Teaching may be provided for less than the entire day or on an individual subject basis in a departmentalized school program.

Special Class Services

Special Class Services serve students with disabilities whose needs cannot be met within the general education class, even with the use of supplementary aids and services.

Before determining that a student requires special class services, the IEP Team must consider the benefits of serving the student in the general education classroom, whether the student can achieve his/her IEP goals in the general education classroom and the effect that the student will have on the general education environment, including the education of other students.

Special Class Services

- Are provided in community school district schools/high schools, specialized schools, State operated/supported and SED approved non-public schools.
- Are characterized by intensive and specialized instruction and/or behavioral support.
- May be provided on a part-time or full-time basis.
- Use modified materials, modified pacing of information, specialized instructional techniques and environmental adaptations as necessary to promote student success and achievement.
- May offer highly individualized instruction, additional adult supervision and/or individual intervention.

The special education teacher is responsible for designing and delivering instruction in special classes. Paraprofessionals may also help provide support in the classroom. Students receiving special class services may also require additional supports including but not limited to, related services, adapted physical education, assistive technology and travel training.

In order to allow students receiving special class services to have access to, and make progress in, the general education curriculum and, when appropriate, to afford them opportunities to be served in a less restrictive setting/or be decertified, students will participate in the general education curriculum, with needed accommodations and supports, unless otherwise specified in the student's IEP. Further, special class teachers will have support regarding the general education curriculum.

Support may be provided in areas such as modifying curricular content, identifying and selecting instructional materials and developing assessment materials. In addition to the support provided for special class teachers, students in special classes will have access to all the school's programs.

Students with disabilities are grouped for special class services based upon similarity of educational needs. These needs include, but are not limited to, levels of academic or educational achievement, learning characteristics and styles, social development, physical development, and the management needs of the students in the classroom. The chronological age range within special classes comprised of students who are less than

sixteen years of age shall not exceed thirty-six months. The chronological age range within special classes comprised of students who are sixteen years of age and older is not limited. Classes may be composed of students with the same disability or with different disabilities but with similar educational/functional needs.

Similarity of Educational Needs

- **Academic or educational achievement and learning characteristics** mean the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style. The range of academic and educational achievement of such students shall be limited to assure that instruction provides each student appropriate opportunities to achieve his or her annual goals. The learning characteristics of students in the group shall be sufficiently similar to assure that this range of academic or educational achievement is maintained.
- **Social development** means the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments. The social development of each student shall be considered prior to placement to assure that the social interaction with the group is beneficial to each student, contributes to each student's social growth and maturity and does not consistently interfere with instruction. The social needs of the student shall not be the sole determinant of such placement.
- **Physical development** means the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process. The levels of physical development of such students may vary, provided that each student is afforded opportunities to benefit from such instruction. Physical needs shall be considered prior to determining placement to assure access to appropriate programs. The physical needs of the student shall not be the sole basis for determining placement.
- **Management needs** mean the nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction. The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

1. Eligibility

The IEP Team must document why the general education classroom with supplementary aids and services would not meet the student's needs. These considerations must include the impact the student with a disability will have on the teacher's time, whether the potential for disruption will significantly impact the education of the student or other students and the degree to which curriculum must be modified.

The IEP Team should answer a number of questions prior to recommending special class services.

Questions To Be Considered By The IEP Team**Prior To Recommending Special Class Services**

- Have the full range of supplementary aids and services, including special education teacher support, to accommodate the student in the general education classroom been considered?

If so, then:

- Does the student require so much of a teacher's time that the teacher cannot give adequate attention to the needs of other students in the classroom? And/or
- Is the student so disruptive in the general education classroom that the education of the student or other students is significantly impaired? And/or
- Does the student require the curriculum to be modified so significantly that it bears little relation to the instruction in the classroom?

If the answers to any of the above questions are yes, the general education classroom may not be an appropriate setting and special class services may be considered. In order to ensure that such placements are appropriate, however, the IEP Team must certify that full consideration has been given to a less restrictive placement. The IEP Team must consider, what if anything, about a special class would enable the student to progress and meet his or her individual learning goals.

2. Staffing Ratios (Figure 2)

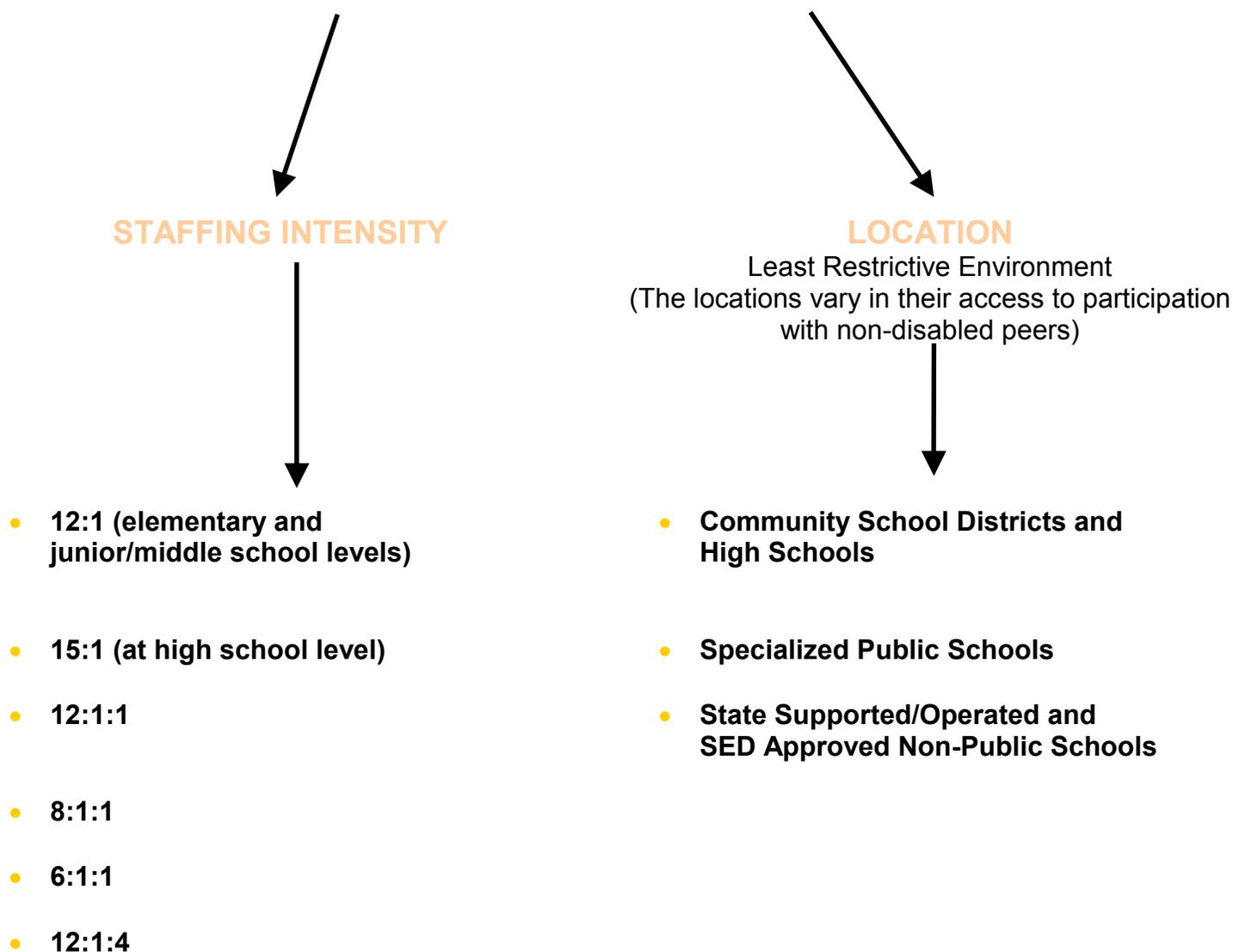
Special classes offer different levels of staffing intensity depending upon the intensity of a student's academic and/or management needs. Special class maximum sizes may range from six to fifteen. Staffing for classes will be one teacher and up to four paraprofessionals. Students recommended for a more intensive student to staff ratio require more intensive and constant adult supervision to engage in learning.

Figure 2

SPECIAL CLASS SERVICES

Special Class Services are designed for students requiring specialized/specially designed instruction that cannot be met in the general education classroom with supplementary aids and services.

Students are grouped for special class services based upon the similarity of educational needs. Classes may be composed of students with the same disability or with different disabilities but with similar education needs. The following lists student staff ratios for special classes and where the classes may be located.



Special Class Maximum Sizes and Staffing Ratios

Special Class Staffing Ratio 12:1 (elementary and junior/middle levels) 15:1 (high school)

- no more than twelve (12) or fifteen (15) students per class depending on level
- one full-time special education teacher

Serves students whose academic and/or behavioral needs require specialized/specially designed instruction which can best be accomplished in a self-contained setting.

Special Class Staffing Ratio 12:1:1

- no more than twelve (12) students per class
- one full-time special education teacher
- one full-time paraprofessional

Serves students whose academic and/or behavioral management needs interfere with the instructional process, to the extent that additional adult support is needed to engage in learning and who require specialized/specially designed instruction which can best be accomplished in a self-contained setting.

Special Class Staffing Ratio 8:1:1

- no more than eight (8) students per class
- one full-time special education teacher
- one full-time paraprofessional

Serves students whose management needs are severe and chronic requiring intensive constant supervision, a significant degree of individualized attention, intervention and intensive behavior management as well as additional adult support.

Special Class Staffing Ratio 6:1:1

- no more than six (6) students per class
- one full-time special education teacher
- one full-time paraprofessional

Serves students with very high needs in most or all need areas, including academic, social and/or interpersonal development, physical development and management. Student's behavior is characterized as aggressive, self-abusive or extremely withdrawn and with severe difficulties in the acquisition and generalization of language and social skill development. These students require very intense individual programming, continual adult supervision, (usually) a specific behavior management program, to engage in all tasks and a program of speech/language therapy (which may include augmentative/alternative communication).

Special Class Staffing Ratio 12:1:4

- no more than twelve (12) students per class
- one full-time special education teacher
- one additional staff person (paraprofessional) for every three students

Serves students with severe and multiple disabilities with limited language, academic and independent functioning. These students require a program primarily of habilitation and treatment, including training in daily living skills and the development of communication skills, sensory stimulation and therapeutic interventions.

Special Class Support Services Part Time

Special Class Support Services Part-Time provides students in community school districts and high schools with instruction in a special class setting for up to fifty percent of the day, with the remainder of the day spent in general education classes.

Any special class provided in community school districts and high schools, regardless of staffing ratio, can be provided on a part-time basis.

For Special Class Support Services Part-Time, the special education teacher provides direct/specialized instructional services in a special class setting for up to fifty percent (50%) of the instructional day. Students can also receive supplementary aids and services including special education teacher support services for the periods they spend in general education.

Each student's IEP must indicate the number of periods special class services will be provided and the instructional areas in which the student will receive special class services as well as the supplementary aids and services, if any, the student will require when participating in general education classes.

Students receiving special class services full-time should be "mainstreamed" in general education classrooms to the extent that the individual student can participate in the general education setting. Mainstreaming is the placement of a special class student with a disability in the general education classroom with age appropriate peers for those areas of instruction in which the student's academic and behavioral performance is within the range of his or her non-disabled peers and is not impacted by his or her disability. For these reasons, appropriate mainstream placement does not and should not require any additional supports. Individually assigned supports available to the student in the special class (e.g. assistive technology, school health services), however, are to be available to the student during mainstreamed classes, as appropriate. At a minimum, students with disabilities should be able to participate with non-disabled students in non-academic activities, unless their IEP indicates otherwise.

Parent Counseling and Training is a programmatic supportive service that assists parents in understanding the special needs of their child, provides parents with information about child development and helps parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP. Parent Counseling and Training is typically provided to parents of students in special classes with the staffing ratios of 8:1:1, 6:1:1 and 12:1:4 as an integral part of the program. Parent Counseling and Training is not an adult counseling service and is not intended to meet the personal counseling or educational needs of the parents.

3. Location

The IEP Team, when recommending special class services, must also recommend the appropriate location. Special class services may be provided in several settings including community school district/high schools, specialized public schools, state supported/operated and SED approved non-public schools. These different settings vary in the extent to which they provide access for a student with a disability to his/her non-disabled peers. Community school district/high schools provide the most access to non-disabled peers. Specialized public schools, which provide highly specialized environments for students with severe disabilities, provide fewer opportunities than community school districts and high schools for access to non-disabled peers. SED non-public schools are highly restrictive and segregated in nature, providing little or no opportunity for participation with non-disabled peers.

The IEP Team, in making a recommendation for the location of special class services, must consider the least restrictive environment rule which requires that, to the maximum extent appropriate, students with disabilities must have access to their non-disabled peers and the most appropriate setting in which the student can meet his/her IEP goals.

Community School Districts/High Schools Students may receive special class services part-time or full-time in community school districts and high schools. To afford students with disabilities opportunities to be educated with their non-disabled peers and to enable them to move to a less restrictive placement, the goal is to establish special class services serving twelve students or, for high schools, fifteen students in home zoned schools.

Only when the home zoned school cannot provide the unique services required by a student, and with appropriate justification, should the student receive services in a school other than the home zoned school. Services should then be provided in a school as close to the home zoned school as possible.

Each special class student must be assigned an appropriate grade level. The student's special class teacher should receive support if the students are participating in the general education curriculum and involved in State and/or district-wide assessments. Support may be in areas such as the identification of key curricular concepts and the selection of instructional materials related to performance standards. This collaboration strengthens student access to the general education curriculum.

Specialized Public Schools for Students with Severe Disabilities Students may receive special class services full-time in specialized public schools. Students receiving special class services in specialized schools have severe disabilities and/or limited cognitive abilities combined with physical limitations. They require highly specialized educational, social, psychological and medical services in order to maximize their potential for both self-fulfillment and for useful and meaningful participation in society.

These students may experience severe speech, language, perceptual-cognitive and/or emotional impairments that interfere with learning. They may also have extremely fragile physiological conditions, potentially requiring personal care, physical/verbal supports, prompts, and/or assistive technology devices.

Some of these students will require a focus on independent living skills, a modified curriculum and alternate performance indicators. Others will require a therapeutic environment, while still others will require community-based instruction.

The anticipated outcome for these students is successful participation in all aspects of personal, family and community life through a challenging curriculum related to or commensurate with the general education curriculum.

Specialized public school classes are housed either in self-contained school sites or various public school facilities throughout the city. Specialized schools are comprised entirely of students with disabilities and offer special class services full-time. Specialized public schools generally provide fewer opportunities for integration with non-disabled peers.

Specialized schools for students with disabilities address academic subject areas through an application of learning with and across natural social and environmental contexts, utilizing the New York State Learning Standard and Alternate Performance Indicators for students with severe disabilities. These include appropriate social behavior, personal care, mastery of skills related to future employment and development of communication systems to support independence from care givers. Specialized schools serving students with emotional disabilities must provide access to the general education curriculum. Community based instruction is available to secondary level students for development and maintenance of appropriate behavior in a variety of settings including the school, workplace, home and community.

To be served in a specialized school setting, a student's IEP must indicate the determination that his or her needs can only be met in a special class full-time in a specialized school. As with all other special education services, specialized class services should be provided as close to the student's home zoned school as possible.

State Education

Department Approved

Non-Public Schools

SED approved non-public schools provide a range of special class services full-time for students whose educational needs require intensive educational, rehabilitative, and/or clinical services--which cannot be provided appropriately in a public school facility--on a continual basis. Non-public school programs include both day schools and residential services.

These programs are highly restrictive and segregated in nature, providing little or no opportunity for participation with non-disabled peers. This high level of care is appropriate only for students for whom detailed evidence of lack of an appropriate public facility for instruction has been documented.

Before considering SED approved non-public school services, the IEP Team must determine that appropriate public facilities for instruction are not available and must document these findings.

Required Documentation for Non-Public School

- documentation of efforts to place the student in a public facility and the outcomes of those efforts, and/or committee on special education findings regarding the lack of suitability of each currently available and geographically accessible public placement;
- documentation of all efforts to enable the student to benefit from instruction in less restrictive settings using support services and supplementary aids and special education services and/or for those services not used, a statement of reasons why such services were not recommended; and
- detailed evidence of the student's lack of progress in previous less restrictive programs and placements or a statement of reasons that such evidence is not available.

When the Committee on Special Education has determined that no appropriate public school services exist for a student, the Committee on Special Education will consult with the Central Based Support Team to identify an appropriate non-public school setting. Alternatives for these students include SED-approved non-public day school settings; SED-approved residential settings.

SED Approved Non-Public School Day Settings SED approved non-public school day settings serve students for whom, due to the severity and nature of their disabilities, it has been determined that no public facility is available. The student requires structured learning situations or intense supervision with little or no interaction with non-disabled peers for academic and non-academic activities. A non-public school day setting may be required for students who demonstrate a number of needs.

Non-Public School Day Settings

Students appropriate for these settings may demonstrate a need for:

- total supervision during activities of daily living;
- intensive practice and reinforcement to sustain their educational gains;
- intensive programming to meet their educational goals and maintain their educational progress;
- intensive programming to accommodate physical and/or emotional disabilities which interfere with their educational progress.

SED Approved Residential Services Residential programs are provided for students whose severe educational needs require related and rehabilitative services on a twenty-four hour basis in order to facilitate management of the student's educational needs, achievement of IEP goals and maintenance of educational gains provided in the school. A residential school program may be required for a student who demonstrates several needs.

Criteria for Non-Public Residential Settings

Students appropriate for these settings may demonstrate a need for:

- total supervision during activities of daily living;
- intensive programming beyond the school day to meet their educational goals and maintain their educational progress;
- intensive programming to accommodate the physical and emotional disabilities which interfere with their educational progress.

State Operated and Supported (4201) Schools

These schools provide special class services to disabled students who are deaf, blind, severely emotionally disturbed, or physically disabled. Some of these schools offer both day and residential programs, while others offer only day programs.

Application for state appointment to either a State Operated or State Supported school may be initiated either by the student's parent or guardian, or by the Committee on Special Education through the PHC-10 application process. This application to the State Commissioner of Education must be supported by adequate written evidence of the student's specific disability. Students with severe disabilities for whom a State Operated or State Supported school is determined to be the least restrictive environment based on individual educational characteristics must receive any program(s) or service(s) necessary to effectuate an appropriate IEP.

There are two State Operated schools: The New York State School for the Blind (NYSSB) in Batavia and The New York State School for the Deaf (NYSSD) in Rome. Each school's Multidisciplinary Team (MDT) functions as a Committee on Special Education, conducts a comprehensive evaluation of students referred to the school, considers the appropriateness of their acceptance to the school and, if appropriate, develops an IEP for each accepted student.

Appointment to a State Operated school is made by the State Commissioner of Education based on the recommendation of that school's MDT. The recommendation must include consideration of the school's proximity to the student's home, the student's opportunity for involvement with non-disabled peers, and the appropriateness of the program based on the student's individual needs.

Home and Hospital Instruction

Home and Hospital Instruction are educational services provided to students with disabilities who are unable to attend school in either a public or private facility for an extended period of time.

The instructional services in home and hospital instruction follow the general education or alternate performance indicators as prescribed in a student's most recent IEP. They are intended to be temporary in nature and are provided only until the student is able to return to his or her primary instructional setting. Students receiving home or hospital instruction shall be provided instruction and appropriate Related Services as determined by the IEP Team in consideration of the student's unique needs. Students must be given a minimum of five hours of instruction per week at the elementary level or a minimum of ten hours of instruction per week at the secondary level, preferably on a schedule of two hours daily.

Instances In Which Home Instruction May Be Provided

- Instances of Medical and/or Psychological Illness where the student has a medical or psychological disability or illness which prevents him or her from attending a public or private facility. The disability and/or illness must be certified by a licensed physician or psychiatrist. A diagnosis, prognosis, treatment plan and recommendation stating that individualized instruction should take place in the student's home must accompany the certification.
- Instances in which the student is awaiting placement in a specialized school setting, an SED approved private school, or a residential environment. Individualized instruction at home may be provided while the CSE and the receiving facility arrange the program and placement.

Hospital Instruction provides individual instruction or, when an individual hospital has enough students to form a class, small group instruction over a five hour daily schedule. The student leaves hospital instruction at the time he or she is discharged from the hospital. The student's subsequent placement is determined in accordance with a physician's recommendation and following an IEP Team meeting.

Alternatives Following Hospital Instruction

- Student returns to the primary educational setting.
- Student is placed on home instruction for a specific period. or
- Student is placed in an alternative setting which provides continuous medical intervention.

School Phobic Program

The School Phobic Program which is administered by the Office of Home Instruction provides services to students who are phobic (i.e., unable to attend school due to separation anxiety).

In addition to determining the existence of a disability and a student's instructional needs, the School Phobic assessment process should focus on determining whether the student is school phobic.

Some characteristics of school phobia may include separation anxiety, post-traumatic stress and a pattern of poor attendance not attributable to truancy. It is critically important to make the distinction between truancy and phobia in reviewing the student's attendance pattern.

School Phobic Program Progression

From: student's home

To: setting outside the home

To: supported setting within the regular school

To: increasing academic mainstreaming

To: decertification and return to the general education setting

The goal of the program is to structure a careful progression from the home to the school at a pace that is appropriate to an individual student. In order to accomplish this progression, an appropriate location for each phase of the program must be selected with utmost care.

The length of time a student receives service in the home or a neutral site (as steps leading towards reintegration in the school setting) will depend on the student's skills in interactions with others, his/her adjustment to the environment and his/her capacity to meet the demands of the regular school setting.

Most students who are identified as school phobic will begin the remediation process at the home or a suitable transition location, which may include a library, school or agency site. Intensive counseling is a component of the school phobic program.

Transitional Support Services

As students with disabilities who are receiving any of the special education services previously described are moved to less restrictive settings (e.g. from a specialized public school to a community school district/high school), the IEP Team may recommend the incorporation of transitional support services into a student's IEP. Transitional support services are indirect, temporary services (traditionally thirty (30) school days in length) which are provided to a general or special education teacher interacting with a particular student with a disability. The focus of transitional support services is to aid the classroom staff in providing appropriate services as the student is transferred to general education or a less restrictive setting.

Transitional Support Services may include, but are not limited to:

- Indirect Special Education Teacher Services
- Classroom Adaptations
- Staff Development

APPENDIX A:

Definitions for Determining Students With Disabilities

Within the continuum, "Student with a disability" means a student with a disability, as defined in section 4401(1) of Education Law, who:

- has not attained the age of 21 prior to September 1st
- is entitled to attend public schools pursuant to section 3202 of the Education Law
- because of mental, physical or emotional reasons, has been identified as having a disability, and
- requires special services and programs approved by the department.

The determination of whether a student requires special education services is based on answering the following questions:

- Does the student meet the criteria for one or more of the disability classifications below?
- Does the student require special education services to benefit from instruction?
- The determining factor in making the eligibility determination is not limited English proficiency or lack of instruction in reading and math.

All decisions made by the IEP Team consider:

- the Individuals with Disabilities Education Act (§ 614 (b)(5)), which states that a child shall not be determined to be a child with a disability if the basis for such determination is lack of instruction in reading or math, or limited English proficiency; and
- Part 200 of the Regulations of the Commissioner of Education which provide precise definitions for the thirteen handicapping conditions that form the basis for special education eligibility.

Once it is determined that a student is in need of special education services, staff members are required to consider and recommend appropriate services and programs in the least restrictive environment.

The members of the IEP Team must review the criteria for each educational disability and carefully consider these criteria when determining if a student is disabled. The Team must determine whether a student's needs are due to the factors associated with a particular disability and if those needs require special education services.

Students should be classified as disabled only when their needs are such that they cannot be met within the general education program through curricular modification and adaptation and/or the provision of appropriate supports.

The State Education Department's definition for each disability is as follows:

Autism

A student with a developmental disability, significantly affecting verbal and nonverbal communication and social interaction that adversely affects educational performance.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the above criteria are otherwise satisfied.

Deaf-Blindness

A student with concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for students with deafness or students with blindness.

Deafness

A student with a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the student's educational performance.

Hearing Impairment

A student with an impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of deafness in this section.

Emotional Disturbance

A student who exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects the student's educational performance:

- (i) an inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (iii) inappropriate types of behavior or feelings under normal circumstances;
- (iv) a generally pervasive mood of unhappiness or depression; or
- (v) a tendency to develop physical symptoms or fears associated with personal or school problems.

The term "emotional disturbance" includes schizophrenia. It does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

APPENDIX A

Learning Disability

A student with a disorder in one or more of the basic psychological processes involved in understanding or 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 handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. It does not include learning problems that are primarily the result of visual, hearing or motor disabilities; of mental retardation; of emotional disturbance; or of environmental, cultural or economic disadvantage.

A student who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement, determined on an individual basis, shall be deemed to have a learning disability.

Mental Retardation

A student with significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects that student's educational performance.

Multiple Disabilities

A student with concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which cause educational needs that cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

Orthopedic Impairment

A student with a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation and fractures or burns which cause contractures).

Other Health Impairment

A student with limited strength, vitality or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is 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, attention deficit disorder or attention deficit hyperactivity disorder or tourette's syndrome, which adversely affects that student's educational performance.

Speech or Language Impairment

A student with a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects that student's educational performance.

Traumatic Brain Injury

A student with an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect that student's educational performance.

The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing and speech.

The term does not include injuries that are congenital or caused by birth trauma.

Visual Impairment

A student with an impairment in vision including blindness that, even with correction, adversely affects that student's educational performance. The term includes both partial sight and blindness.

APPENDIX B:

Descriptions of Supplementary Aids and Services for Students in General Education or Supports for Students in Special Classes

1. Assistive Technology

Assistive Technology Devices include any item, piece of equipment, or product system--whether acquired commercially, modified or customized--that is used to increase, maintain or improve the functional capabilities of a student with a disability. The need for assistive technology devices is not limited to students with physical needs. For example, a dyslexic student may benefit from a scanner or book reader.

If a student requires the use of an assistive technology device in settings outside of school in order to meet his/her IEP goals, the student must be provided access to the device at additional times and places (such as a work-study placement or at home) consistent with the IEP. Arrangements must be made for the device to be used outside of school and the IEP must reflect this.

Assistive Technology Services consist of any service--including an assistive technology evaluation--that directly helps a student with a disability select, acquire or use an assistive technology device. Assistive Technology Services include audiological services to provide management and maintenance of auditory equipment and personal hearing aids.

Assistive Technology Services

- evaluating the needs of a student with a disability, including a functional evaluation of the child in the child's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by a child with a disability;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance on assistive technology devices for a student with a disability (and, if appropriate, that student's family); and
- training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, and/or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a student.

2. Adapted Physical Education For Students With Disabilities

Adapted Physical Education is a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capabilities and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.

A student may be recommended for Adapted Physical Education when the student's disabilities interfere with his or her ability to perform motor activities involved in the regular physical education program. Adapted Physical Education is taught by a certified physical education teacher.

3. Toilet Training

Toilet Training is a short-term instructional service that prepares a student for independence in toileting. Toilet Training intervention includes planning with the student's teachers and parents. A student may be recommended for Toilet Training when all of the following criteria are demonstrated:

- inability to remain continent with regard to bodily functioning (e.g., wetting, soiling) during the school day and the physiological ability to do so;
- cognitive ability to respond to a specific behavioral change program that schedules toileting and leads to independent toileting; and
- physical ability to complete toileting tasks independently after receiving training.

Instruction is provided by a paraprofessional who schedules, instructs and assists the student to independence in toileting. Individual differences may affect the length of time necessary for successful instruction. The outcome of instruction is independence in toileting. If toilet training is not accomplished, toileting assistance should be considered.

4. Travel Training Program

Travel Training is short-term, comprehensive and specially designed instruction that teaches high school age students with disabilities (other than blindness or visual impairments) to negotiate public environments including public transportation vehicles and facilities, safely and independently, from home to a specific destination (usually school or the workplace) and back to home again.

Instruction is provided mornings and afternoons on a daily basis and is usually completed within a three week period. However, differences in student needs may affect the length of time necessary for successful instruction.

Travel training is provided by special education teachers and specially trained paraprofessionals.

The development of autonomy, self-direction and independent functioning is a goal of the educational programs for all students. Reflecting this fact, students should be referred for Travel Training when it is determined that their need for specialized instruction in travel techniques is greater than can be addressed by the curriculum in their primary educational/vocational setting.

Goals of Travel Training

- improve student opportunities for community integration through independent travel and the use of public transportation;
- increase students' independent functioning to enhance their post-school opportunities for supported employment, post-secondary education, vocational training, employment, and adult independent living options; and
- integrate acquired skills and behaviors into their everyday environment, as well as into instructional and vocational settings.