

Monroe 2-Orleans BOCES Policy
Series 7000 – Instruction
Policy #7120 – STUDENTS WITH DISABILITIES

All students with disabilities shall be provided with full access and opportunity to participate in BOCES programs and extracurricular activities which are available to all other students enrolled in the BOCES. Parents/legal guardians of students with disabilities shall receive timely notice of such programs and activities.

(Refer also to Policy #1440 -- Non-Discrimination.)

Development of Individualized Education Program

The home district's Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will be responsible for developing the IEP upon referral, and review or revise, whichever is appropriate, for every student with a disability, in accordance with the law. The BOCES does not have a CSE or CPSE, but will follow the IEP of the home district. BOCES understands parent/legal guardian consent may be necessary for evaluation and/or provisions of services. The home district is responsible, in their discretion, for initiating a due process hearing to obtain consent for evaluation services. The home district cannot provide services where the parent/legal guardian does not provide consent for services. Therefore, BOCES cannot provide services on the district's behalf.

Distribution of Individualized Education Program

A paper or electronic copy of each student's IEP, prior to implementation of the program, will be provided to each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for the implementation of the student's IEP. The home school district must provide a copy of the student's IEP prior to the student's final enrollment and during the enrollment process. These individuals will be trained in how to access the electronic copy. Other service provider is defined as a representative of another public school district, charter school, BOCES or school, as defined under Education Law where the student will receive IEP services.

A paraprofessional and/or each other provider responsible for assisting in the implementation of the IEP must be afforded an opportunity to review a copy of the student's IEP prior to implementation of the program. The paraprofessional and/or other provider will obtain a copy of the IEP to review from the person under whose direction the person works, the regular education teacher, the special education teacher, or related service provider. The paraprofessional and/or other provider must be allowed on-going access to that IEP from the person under whose direction the person works, the regular education teacher, the special education teacher, or related service provider.

The home district's Chairperson of the Committee on Special Education or Preschool Special Education Committee shall designate for each student one or more (if appropriate) professional employee(s) of either the BOCES or of the home district with knowledge of the student's disability and education program to inform each regular education teacher, special education teacher, related service provider, other service provider, other provider, support staff person, or paraprofessionals

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about their responsibility to implement the IEP and the specific accommodations, modifications, support and/or services that must be provided for the student in accordance with the IEP. This must be done prior to the implementation of the IEP.

Any copy of a student's IEP provided to teachers and all other service providers shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act.

A copy of the student's IEP shall be provided at no charge to the student's parents/legal guardians.

Individual Re-evaluations of Individualized Education Program

The home district CSE or CPSE shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant a re-evaluation, or if the student's parent/legal guardian or teacher requests a re-evaluation; however, a re-evaluation must take place at least once every three years. The re-evaluation will be conducted by the home district's multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual development, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the committee on special education in reviewing and, as appropriate, revising the student's IEP.

Grouping By Similarity of Development

The BOCES will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply, which are not a hierarchy:

- a) The curriculum and instruction provided to students with disabilities who are grouped by similarity of development shall be consistent with the individual development of each student in the group.
- b) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics; (2) social development; (3) physical development; and (4) management development.
- c) When grouping students by similarity of development, the social development or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- d) The management development of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the

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development 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.

20 United States Code (U.S.C.)
Sections 1400-1485, Individuals with
Disabilities Education Act of 2004 (IDEA)
Education Law Sections 4401-4407
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5, 100.9,
200.1, (ww) 200.2(b)(1) and (b)(3), 200.2(c)(2)(v), 2005
200.6(a)(1) and (a)(3)
Education Law Section 4402(7)
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(11), 200.4(b)(4),
200.4(e)(3), and 200.4(f), 200.4(d)

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