

**PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER FEDERAL INDIVIDUALS WITH DISABILITIES ACT  
AND ARTICLE 89 of the NYS EDUCATION LAW**

The Board of Education shall make available to all students eligible under the Individuals with Disabilities Act (I/D/E/A) and Article 89 of the NYS Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board of Education acknowledges its responsibility to offer, at public expense, special education and related services which are designed to provide educational benefits to students in conformity with their individualized education program (IEP). Special education services and programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his or her needs.

Consistent with the requirements of federal and state law and regulations, the Board of Education will:

- (1) Appoint a Committee on Special Education (CSE), and as appropriate, CSE subcommittees, to assure the identification and placement of eligible students with disabilities
- (2) Based upon the recommendations of the CSE, arrange for special education programs within legally prescribed time frames. Should the Board of Education disagree with the recommendations of the CSE, the Board of Education, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendations, as appropriate

Testing and evaluation procedures will be used for the identification and placement of students with disabilities that meet the requirements of federal and state law and regulation. A part of the periodic re-evaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulation.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The school district will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Regulations of the Commissioner. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

**ADOPTED:** January 29, 1997  
Revised: June 21, 2000

**WAYNE CENTRAL SCHOOL DISTRICT**  
Ontario Center, New York 14520-0155

To ensure the appropriate delivery of services to students with disabilities in the school district, the superintendent of schools shall ensure that:

- (1) all children with disabilities residing in the school district, including those attending non-public schools, are identified, located and evaluated
- (2) school-wide approaches and pre-referral interventions, including, but not limited to, academic intervention services are implemented in order to remediate a student's performance prior to referral for special education
- (3) the CSE is informed of the process prescribed by law and regulations for the appropriate declassification of students with disabilities

The superintendent of schools shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulation.

S/he shall also develop and maintain a comprehensive system and plan of personnel development so that professional and paraprofessional staff members working with students with disabilities possess the skills and knowledge necessary to meet the needs of those students.

*Cross-References:*

Policy 5020.3      Students With Disabilities Under Section 504  
Policy 5313.4      Discipline of Students with Disabilities Under IDEA and Article 89  
Policy 5500        Student Records

*References:*

Education Law §4401 et seq (Article 89)  
20 U.S.C. §§1400 et seq (IDEA)  
34 CFR Part 300  
8 NYCRR Part 200

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