

# **Special Education in New York State for Children Ages 3–21**

## *A Parent's Guide*

The University of the State of New York  
The State Education Department



THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, NY 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

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Dear Parents and Families:

Parents and family members are critical partners, along with school district personnel, in the education of their children. Parents provide essential information to teachers and administrators, play an important role in decisions made about their children and can be a key to supporting high expectations for their children during their school years.

The New York State Board of Regents and the State Education Department have set high goals for educational programs and services for students with disabilities in New York. Among them are:

- All students will meet high standards for academic performance and personal behavior and demonstrate the knowledge and skills required by a dynamic world.
- All educational institutions will meet Regents high performance standards.
- The public will be served by qualified, ethical professionals who remain current with best practice in their fields and reflect the diversity of New York State.
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# *The Special Education Process*

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## ***What is Special Education?***

Special education means specially designed individualized or group instruction or special services or programs to meet the unique needs of students with disabilities. Special education services and programs are provided at no cost to the parent.

## ***What are the steps in the Special Education Process?***

### **Step 1: Initial Referral for Special Education Services**

Students suspected of having a disability are referred to a multidisciplinary team called the Committee on Special Education or the Committee on Preschool Special Education.

### **Step 2: Individual Evaluation Process**

The Committee arranges for an evaluation of the student's abilities and needs.

### **Step 3: Determining Eligibility for Special Education Services**

Based on evaluation results, the Committee decides if the student is eligible to receive special education services and programs.

### **Step 4: Individualized Education Program (IEP)**

If the child is eligible to receive special education services, the Committee develops and implements an appropriate IEP, based on evaluation results, to meet the needs of the student. Based on the IEP, the Committee must determine the student's placement, ensuring that services are provided in the least restrictive environment (LRE). Placement must be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student must be educated in the school he or she would have attended in not disabled. For more information on least restrictive environment, see page 11.

### **Step 5: Annual Review/Reevaluation**

The IEP is reviewed and, if needed, modified or revised by the Committee at least once a year (annual review). The student has a reevaluation at least once every three years, to review the student's need for special education programs and services and to revise the IEP, as appropriate. A reevaluation may also occur when conditions warrant or when requested by a parent or teacher.

The process occurs sequentially with each step building on the previous one. In this way, comprehensive information about the student is obtained and considered. Timelines are in place so that delays are avoided. Parents are an integral part of this process, and your involvement is encouraged.

# *Initial Referral for Special Education Services*

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## ***What should you do if you feel your child needs special education?***

If you have a preschool child and you have noticed that your child is not developing skills such as walking, talking or playing like other young children, you may want to talk to your family doctor. He or she may be able to reassure you that children develop at different rates and your child is within the normal developmental scales. If, however, the doctor is concerned, or you are still not comfortable with your child's progress, you may make a referral to your school district's Committee on Preschool Special Education (CPSE).



If your three-year-old child received services from the Early Intervention Program and is in need of special education services, he or she will need to be referred to the CPSE.

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# *Individual Evaluation Process*

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## ***What is an individual evaluation?***

After your child is referred for an evaluation for special education, you will be asked to give your written consent to have your son or daughter evaluated. The results of an evaluation help determine if special education services or programs are needed. An evaluation includes various assessment tools and strategies. These tests determine what your child's learning difficulties may be and how those difficulties affect his or her participation and progress in the general education curriculum. This evaluation is at no cost to you. As a parent, it will be helpful to share with the Committee the important information you have about your child's skills, abilities and needs, including copies of any evaluations you have on your child. The Committee must consider information from parents when making decisions.



## ***What is your role in the individual evaluation process?***

Parents of preschool children will be asked to select an approved evaluator from a list of evaluation sites. If you have concerns about providing consent, you can talk to the Committee chairperson. If you do not provide consent for your preschool child (ages 3-5) to be evaluated, the Committee on Preschool Special Education will take steps to make sure that you have received and understand the request for consent for evaluation of your child but the district may not go forward without your consent. If you have a school-age child, the school district is responsible for providing the evaluation.

As a parent, you have input as to the tests and assessments to be conducted on your child. Before an evaluation is conducted, you will be asked for your suggestions about evaluating your child and be given information about the kinds of tests that will be used. If you have questions about the purpose or type of evaluation proposed, you should discuss them with the chairperson of the Committee.

### ***What is included in an individual evaluation?***

Evaluations must be comprehensive and provide information about your child's unique abilities and needs. Evaluations include information from parents and a group of evaluators, including at least one special education teacher or other person with knowledge of your child's (suspected) disability. An evaluation will provide information that relates to your child in his or her classroom. It will tell what your child needs to be involved in to participate and progress in general education curriculum.

Tests and assessments, given as part of an evaluation, must be given in your child's language by

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## ***What happens if your child is eligible for special education services?***

If the Committee decides your child is eligible for special education services, the Committee must identify the one disability category that most appropriately describes your child. The determination of a disability category is used solely for eligibility purposes and does not prescribe the program or services your child will receive. The Committee will develop and implement an individualized education program (IEP) to meet your child's needs. (See next page.)

You will receive a written notice that explains the Committee

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# *Individualized Education Program (IEP)*

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## Individualized Education Program (IEP)

If your child is eligible for special education services and/or programs, the Committee (of which you are a member) must meet to develop a plan to meet your child's unique needs. This plan is called an Individualized Education Program (IEP). Some of the requirements of the IEP are listed below.



## Least Restrictive Environment

Your child's education must be in the least restrictive environment or "LRE". LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that, even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

In all cases, special education services should be provided in the least restrictive environment.

Each year your child's IEP should be developed to ensure that:

- your child's placement is based on his or her IEP.
- your child's placement is as close as possible to his or her home. Unless your child's IEP requires another arrangement, your child should be educated in the school he or she would have attended if he or she did not have a disability.
- when making a decision about LRE, the Committee considers any possible harmful effect on your child or the quality of the services that he or she needs.
- your child is not removed from education in a regular classroom with other children of the same age only because the general curriculum needs to be modified.

### ***What happens after the IEP is developed?***

The Board of Education is responsible for arranging for appropriate special education programs and services to be provided to your child. Timelines for implementing (starting) your child's IEP are described on page 23. There may be no delay in implementing the IEP while deciding who pays for the special education services. You will receive a copy of the IEP at no cost to you, and your child's teachers and service providers (who are involved in implementing the IEP) will have access to a copy of the IEP. Each teacher and service provider will be informed about his or her specific responsibilities to implement the IEP and specific accommodations, modifications and supports that must be provided to your child.



# *Annual Review/Reevaluation*

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## ***How can we be sure my child's program is meeting his or her needs?***

At least once a year, you and other members of the Committee will review your child's IEP. You may request a meeting sooner than that. Together, you will make decisions about any necessary changes to your child's program. This is called an **annual review**.



At least once every three years, your school district will reevaluate your child. This is called a reevaluation (formerly called the triennial evaluation). A reevaluation may also occur if conditions warrant one (for example, when a functional behavioral assessment is needed as a result of disciplinary action) or if either you or your child's teacher requests a reevaluation. If additional data are needed as part of this reevaluation, your school district will ask your written consent prior to conducting these tests. A reevaluation must be sufficient to determine your child's individual needs, educational progress and achievement, your child's ability to participate in regular education classes as well as your child's continuing eligibility for special education services.

# *Your General Rights as a Parent*

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## ***Steps to Resolving Concerns:***

No one knows more about your child than you do. By working together, you and the staff of the school can help your child have a successful school year. If you become concerned about your child's educational programs or special education services, contact your child's teacher immediately and share information about what you see. Informal meetings and phone conferences help you build a partnership with the teacher and school. You may also ask for a meeting with school administrators or the CPSE or CSE to discuss your concerns about your child's education.



- To prepare for the meeting or phone conference, make a list of your questions, concerns, ideas and information about your child. Ask your child if there is anything that you should share.
- During the meeting, discuss your list, take notes and ask to see examples of your child's work, for specific examples of classroom behavior and ways to help your child at home. If you do not understand something, ask for an explanation. Try to arrive at a mutually agreed-upon solution to any problems or concerns.
- After the meeting, talk with your child about the good things that were discussed, the problems that need to be worked on and the steps that will be taken to help your child. Keep working with your child's teacher and if necessary, ask for a follow-up meeting or phone conference.

We encourage you to be an active member of your child's educational planning. We know that children benefit more from their education if their parents are involved and well informed. As a team member, you need to understand the special education process, your rights, and how to become involved in your child's program. Now that you are familiar with the special education process, you will want to know more about your rights and protections under law and regulations.

You must be given opportunities to participate in the discussion and decision making process about your child's need for special education. You will receive notice at least five school days before meetings of the CSE or CPSE inviting you to participate in the development of the recommendations for your child's educational program.

You have legal due process rights under Federal and State laws to be involved and make sure that your child receives an appropriate education:

- You must receive **written notice** several times during the process of identifying, evaluating, placing your child and providing your child with special education services and/or programs. If your district refuses to do any of these things, you must be notified. See pages 19-21 of this document for more information.
- Certain actions may not be carried out without your written **consent**. See page 18 of this document for more information.
- If you **disagree with decisions** made by the Committee, you may ask for meetings, mediation and/or impartial hearings to resolve (settle) disagreements between you and your school district about your child's evaluations, identification (classification), placement or educational program (the provision of a free appropriate public education). See pages 24-31 of this document for more information.



3. be told if the district will not change the information as you requested and be advised of your right to a hearing. In this case, you must ask for a hearing from your school district to change information in your child's education records if the school district refuses to do so. This request must be in writing. (This should not be confused with an impartial hearing as explained starting on page 25).
4. request a hearing conducted (run) by any person who does not have a direct interest in the hearing. This could be a school official.
5. be notified (told) in writing if the hearing officer decides to change your child's educational record. If the hearing officer decides that the records do not need to be changed, you must be notified in writing.
  - This notice must tell you of your right to put a written statement (note) in your child's records to explain the information or give reasons why you disagree with the decision.
  - Any written note of explanation you place in the records of your child must be kept by the school district as part of your child's records.
  - If the school district gives a copy of your child's records or the disagreed part to any person, your written note must also be given to that person.

Personal information about your child may not be released without your consent unless it is:

1. given to school officials or teachers with a legitimate educational interest, State and local educational authorities, or certain individuals designated under Federal Law.
2. used to meet a requirement under Federal Law.

Personal information includes the following information:

1. the name of your child, your name, or the names of other family members.
2. the home address of your child.
3. personal information, such as your child's social security number.
4. a description that would make it possible to identify your child.



# *Evaluations*

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## **Individual evaluation**

An individual evaluation means any procedures, tests, or assessments, including observations, given individually to your child to find out whether he or she has a disability and/or to identify his or her special education needs. The term does not include basic tests given to groups of children in a school, grade or class.

The results of the evaluation must be shared with you. When the CSE or CPSE has conducted an evaluation for determining your child's eligibility for special education, you must be provided a copy of the evaluation report and documentation of determination of eligibility. In addition, if you are the parent of a preschool child, the CPSE must also give you a copy of the summary report of the findings of the evaluation. For more information about evaluations, see pages 4-5.

## **Independent educational evaluation**

An independent educational evaluation (IEE) of your child means a procedure, test or assessment done by a qualified examiner who does not work for the school district or other public agency responsible for the child's education. You may get an IEE at district expense if you disagree with the evaluation arranged for by the school district. "At district expense" means that the school district pays for the full cost of the test.

If you ask the school district to pay for the IEE, the school district may ask, but not require, you to explain the reason why you object to the district's evaluation. The school district may not unreasonably delay either providing the IEE or initiating an impartial hearing to defend the district's own evaluation.

You have the right to:

1. get an IEE of your child.
2. have the IEE be at district expense if you disagree with the district's evaluation. If you ask for the IEE to be at district expense, the school district may ask for an impartial hearing to show that its evaluation is appropriate. If the impartial hearing officer finds that the district evaluation is appropriate, you have the right to obtain and submit an IEE to the CSE or CPSE, but the district does not have to pay for it.
3. receive information about where an IEE may be obtained, the school district's criteria under which the evaluation is obtained (including the location of the evaluation and the qualifications of the evaluator), and any district criteria regarding the reimbursement of IEE, when you ask your school district to pay for an independent educational evaluation.
4. have an IEE at public expense if the impartial hearing officer asks for this evaluation as part of an impartial hearing.
5. have the results of an IEE considered by the Committee as part of its review and in the development of your child's IEP. The results of the IEE can be used as evidence at an impartial hearing regarding your child.

# *Notice and Parent Consent*

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There are many times when the school district must notify (tell) you in writing of its proposed (planned) action and ask for your written consent (permission) to carry out this action.

## **Consent means that:**

- 1.







do so. If necessary, the district must take steps to make sure that the notice is translated orally or by other means so that you understand the notice. The school district must keep written records that these steps have been taken.

Procedural safeguards notice is provided:

- upon initial referral for evaluation of your child.
- with each notice of a CSE or CPSE meeting.
- upon reevaluation of your child.
- when the district receives a letter from you requesting an impartial hearing.
- when a decision is made to suspend or remove your child for discipline reasons that would result in a disciplinary change in placement.

Procedural safeguards notice includes information about:

1. independent educational evaluations (page 17).
2. prior written notice (page 19).
3. notice of meetings (page 20).
4. parental consent (page 18).
5. access to educational records (page 15).
6. opportunities to present complaints to initiate due process hearings (page 30).
7. the students' pendency (where he or she will receive services) during due process proceedings (page 29).
8. procedures for students who are subject to placement in interim alternative educational settings (page 30).
9. requirements for unilateral placement by parents of students in private schools at public expense (page 22).
10. mediation (page 24).
11. due process hearings, including requirements for sharing evaluation results and recommendations (page 25).
12. State-level appeals (page 28).
13. civil actions (page 29).
14. attorney's fees (page 30).
15. State complaint procedures, including information about how to file a complaint and timelines (page 30).
16. the parents' right to receive information upon request about getting free or low-cost legal and other services (page 26).
17. for preschool students, procedural safeguards notice will indicate that, if parents do not provide consent for initial evaluation or initial provision of special education services, no further action will be taken by the district until the parent does provide consent.



# *Timelines*

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## **School-Age Timelines**

### **A. Initial Evaluation**

If your child is being evaluated for the first time to decide whether he or she has

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4. have discussions that occur during the mediation process be confidential and not used as evidence in any impartial hearing or civil proceedings. Parties to the mediation process may be required to sign a confidentiality pledge before starting the mediation.
5. request an impartial hearing at any time.

### Benefits of Mediation

Unlike an impartial hearing where the hearing officer makes the final determination as to what is appropriate for your child, a mediator assists you and the district to reach a mutually agreeable determination. By asking questions and discussing information with you and the school district representative, the mediator helps both parties to have a more complete understanding of each others concerns and reach an agreement about your child's special education program in a cooperative and timely manner. Of the 375 special education mediation sessions that took place in New York State during 2000-2001, 91% resulted in agreement.

The following comments were made by school district representatives and parents after participating in mediation.

#### Parent/Parent Representative Comments

- At one point I felt pressured by the school district and expressed my concern. I was told I would have as much time as needed to talk and this came true.
- I was pleased and surprised by the results. I also felt that how the mediation was explained and handled made me, as parent, feel more comfortable.
- I didn't expect everything to go as well as it did from past experiences. But, I think everyone that has differences should try mediation.
- This is a peaceful way to resolve issues of any kind.
- The mediation process was very helpful in resolving the difficulties between the school district and the child's services team. The district was far more sensitive to our concerns once the mediation was involved. Thank you.

#### School District Representative Comments

- It was handled calmly and professionally. It allowed all parties to "air" their concerns on neutral grounds. Results were positive and achieved in one session. Both parties were willing participants and interested in finding a solution.
- The experience was pleasant, efficient and all parties were satisfied.
- It helped resolve an issue that could not be resolved at a CSE meeting. It avoided the need for a costly impartial hearing.

## C. Impartial due process hearings

An impartial hearing is a formal proceeding in which disagreements between you and the school district are decided by an impartial hearing officer (see Section G) appointed by the Board of Education. A parent or a school district may initiate a hearing on matters relating to the identification, evaluation or educational placement of a student with a disability, or the provision of a free appropriate public education to the child.

1. Your request for an impartial hearing must be made in writing to the Board of Education.\*

\* See page 35 for a copy of a form that may be used to request an impartial hearing or mediation.



## Timelines and location of impartial hearings

1. The rotational process to select the IHO must begin immediately, but not later than two business days, when the school receives your written request for an impartial hearing.
2. The IHO must be available to initiate the hearing within 14 days.
3. The findings of fact and decision of an IHO in an impartial hearing must be issued no later than 45 calendar days after the receipt of a request for a hearing for a school-age child, or 30 calendar days for a preschool child. However, the IHO may extend the time for a specific period at the request of you or the school district. If an extension has been granted, the findings of fact and decision must be issued no later than 14 days from the date the record is closed including any post hearing submissions and the transcript is received.
4. The decision of an IHO in an expedited due process hearing for discipline purposes must be completed within 15 business days after the receipt of the request for the hearing, provided that the IHO may grant specific extensions at your or the school district's request. The IHO must mail a copy of the written or, at your option, electronic findings of fact and the decision to the parties within five business days after the last hearing date, but in no event later than 45 calendar days after receipt of the request, without exceptions or extensions.
5. You have the right to have an impartial hearing conducted at a time and place that is reasonably convenient for you and your child.

## Impartial hearing officer

An impartial hearing officer must be an individual certified by the Commissioner of Education to conduct impartial hearings. An impartial hearing officer must be selected on a rotational basis from a list maintained by the school district that includes their names and statement of qualifications. The impartial hearing officer makes sure that procedures at the hearing meet due process requirements. Impartial hearing officers cannot:

1. be employees, agents or officers of the school district or of the Board of Cooperative Educational Services (BOCES) of which your school district is a member.
2. be an employee of the State Education Department or be an employee of a public agency that has ties to the education or care of your child.
3. be employed by a school district, school or program serving students with disabilities placed by a school district Committee. An individual employed by such schools or programs may not serve as an impartial hearing officer for two years following the end of his or her employment.
4. have an interest that would make it difficult for him or her to be fair in the impartial hearing.
5. have been involved in the development of the recommendation to be reviewed.

If you have a complaint about the conduct or competence of an IHO, you may send a signed written statement and supporting documentation to the State Education Department.







The State Review Officer must:

1. make sure that steps taken at the hearing agree with due process requirements.
2. obtain additional spoken testimony or written evidence, if necessary.
3. direct that spoken argument be heard if the State Review Officer decides that such argument is necessary. If a hearing is held, all the parent rights listed under impartial hearings continue. A review involving spoken testimony and/or written evidence (at the discretion of the State Review Officer) must be held at a time and place that is reasonably convenient to the involved parties.
4. make an independent decision after a complete review of the hearing record.
5. make a final decision within 30 calendar days after receiving the request for a review. The State Review Officer may extend the time beyond the 30 days at the request of you or the school district. The extension must be for a specific time. The reason for the extension must be included in the record.
6. mail copies of the written or, at your option, electronic findings of fact and decision to you or your attorney and the Board of Education within the 30-day period.

## **G. Court Appeal of State Review Officer Decision**

The decision of the State Review Officer is final unless either you or the school district seek review of the State Review Officer's decision in either State Supreme Court or Federal District Courts within four months from the date of the State Review officer's decision.

## **H. Pendency: The student's placement during due process hearings.**

During any hearing or appeal, your child will remain in his or her current educational placement. This is sometimes referred to as "pendency", "stay-put" or "status quo."

1. Preschool child

Your preschool child will stay in his or her current placement during any hearing or appeal, unless you and the school district agree in writing to other arrangements.

A child who has received early intervention services and is now of preschool age may, during hearings and appeals, receive special education in the same program as the early intervention program if that program is also an approved preschool program.

If your preschool child is currently not receiving special education services and programs, he or she may, during any hearings or appeals, receive special education services and programs if you and the school district agree.

2. School-age child

During any hearing or appeal, your school-age child will stay in the school placement he or she is in now, unless you and the school district agree in writing to other arrangements.

If the disagreement involves initial admission to public school, you have the right to have your school-age child placed in a public school program with your consent until all proceedings are over.

If the due process proceeding concerns consent for an initial evaluation, your child will not be evaluated while the proceeding is pending.

A child who received preschool special education services and is now school-age may, during hearings and appeals, remain in the same program as the preschool program if that program also has an approved school-age special education program.

3. Court Appeal of State Review Officer Decision

If you or the school district is appealing a decision of a State Review Officer to a court, pendency is as follows:

If a State Review Officer issues a placement decision that agrees with the parents, pendency during any subsequent appeal to a court is the placement decided by the State Review Officer.

If the State Review Officer issues a placement decision that agrees with the school district, pendency during any subsequent appeal to a court is your child's current educational placement.

4. Interim alternative educational setting (IAES) for discipline purposes

If your child is receiving services in an IAES for discipline purposes, he or she must remain in that IAES until an impartial hearing officer makes a determination about placement or until the end of the time period of the removal (but not more than 45 calendar days), whichever occurs first, unless you and the school district otherwise agree.

- However, if the Committee proposes to change the placement at the end of the IAES and you challenge the proposed change in placement, after the term of the IAES expires, pendency for your child will be the current educational placement (placement prior to removal to the IAES).
- A hearing officer may place your child in an IAES again because the school district believes that it is dangerous for the student to stay in his or her current educational placement.

## **I. Attorneys' fees**

A court may award reasonable attorneys' fees to the parents or guardian of a child with a disability if they are the party who wins the hearing.

Attorneys' fees may be lowered if you unreasonably delay an agreement or a decision in the case; if the fees, time spent or services of your attorney exceed reasonable rates; or if you failed to provide the information required (on the sample form on page 35) in your request for a hearing. However, attorneys' fees will not be reduced if a court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation of your child's due process rights. Attorneys' fees may not be awarded:

- relating to any meeting of the CSE or CPSE unless the meeting is held as a result of an administrative proceeding or court action.
- for mediation that is conducted prior to the filing of a request for an impartial hearing.
- if a written offer of settlement is made by the school district within ten calendar days prior to the proceeding, you do not accept the offer within ten calendar days and the court or hearing officer finds that the decision is not more favorable to the parents than the offer of settlement.

## **J. Opportunity to present complaints**

You have the right to submit a written complaint to the New York State Education Department if you believe that your school district has violated procedures under State or Federal special education laws and regulations. Your complaint must include a statement that the school district has violated special education laws or regulations and include the facts on which you base your statement. The alleged violation must have occurred not more than one year prior to the date of the complaint:

- unless a longer period is necessary because the alleged violation is continuing; or
- the complaint is requesting compensation services. This only applies to alleged violations that occurred not more than three years prior to the date of the written complaint.

You must send the original signed written complaint to:

Coordinator, Statewide Special Education Quality Assurance

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# *Request for Due Process Proceedings*

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Federal law requires that a parent or attorney representing a child provide notice to the school district if the parents have a disagreement regarding the referral, evaluation, or placement of their child or regarding the provision of special education services. (This notice will remain confidential.) This form has been developed to assist you in describing your disagreement and accessing the due process procedures to which you are entitled. Please complete the entire form and return it to your school district. Failure to do so may result in it being returned for additional information. According to Federal law, failure to provide information may result in a reduction in the award of any attorneys' fees.

Student's Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Parent or Legal Guardian: \_\_\_\_\_

Legal Residence:

Street \_\_\_\_\_

City or Town \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Current School: \_\_\_\_\_

Address: Street \_\_\_\_\_

City or Town \_\_\_\_\_

Zip Code \_\_\_\_\_

School District of attendance, if different from district  
of residence: \_\_\_\_\_

Fully describe the nature of the problem including all specific facts relating to the disagreement (Attach additional pages or documents as necessary):

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State your proposed solution to the problem or the reason why you are unable to suggest a solution at this time. (Attach additional pages or documents as necessary):

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Upon receipt of this form, you will be contacted to establish a mutually agreeable time to participate in mediation with an outside mediator and representative(s) of the district to attempt to resolve this disagreement. If mediation is unsuccessful, an impartial hearing will be conducted unless you inform the district in writing that you do not wish to proceed with a hearing. Participation in mediation will not delay or preclude your right to a due process hearing.

If you do not wish to attempt to resolve this problem through mediation prior to a hearing, please check the box below:

I do not wish to participate in mediation and request that the district schedule an impartial hearing at

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# *Members of Committees*

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## A Committee on Special Education includes:

- Parent(s) of the student
- Regular education teacher of the student whenever the student is or may be participating in the regular education environment
- Special education teacher of the student, or if appropriate, special education provider of the student
- School district representative who is qualified to provide or supervise special education and is knowledgeable about the general curriculum and the availability of resources of the school district (This person may also be the special education teacher/provider or school psychologist.)
- An individual who understands and can talk about the evaluation results and how these results affect instruction (This person may also be the special education teacher/provider, regular education teacher, school psychologist, school district representative or someone that the school district determines has knowledge or special expertise regarding the student.)
- School psychologist
- School physician (upon request)
- Parent member (unless the parent requests that the parent member not participate)
- Other people that have knowledge or special expertise regarding the student, including related services personnel as appropriate (as requested by the parent or school district)
- The student, if appropriate

## A Subcommittee on Special Education includes:

- Parent(s) of the student
- Regular education teacher of the student whenever the student is or may be participating in the regular education environment
- Special education teacher of the student or, if appropriate, special education provider of the student
- School district representative who is qualified to provide, administer or supervise special education and is knowledgeable about the general curriculum and the availability of resources of the school district (This person may also be the special education teacher/provider or school psychologist.)
- An individual who understands and can talk about the evaluation results and how these results effect instruction (This person may also be the special education teacher/provider, regular education teacher, school psychologist or school district representative.)
- School psychologist (under certain circumstances)
- Other people that have knowledge or special expertise regarding the student, including related services personnel as appropriate (as requested by the parent or school district)
- The student, if appropriate

**A Committee on Preschool Special Education includes:**

- Parent(s) of the student
  - Regular education teacher of the child whenever the child is or may be participating in the regular education environment
  - Special education teacher of the child or, if appropriate, special education provider of the child
  - School district representative who is qualified to provide or supervise special education and is knowledgeable about the general curriculum and the availability of preschool special education programs and services and other resources of the school district and the municipality (This per-
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**Vocational and Educational Services for Individuals with Disabilities  
(VESID) Special Education Quality Assurance  
Regional Offices**

Rebecca H. Cort, Statewide Special Education  
Quality Assurance Coordinator  
(718) 722-4544

Daniel H. Johnson, Upstate Regional Coordinator (518) 473-1185  
Patricia Shubert, New York City Regional Coordinator (718) 722-4544

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## Parent Centers

Parent Training and Information Centers (PTIC), Community Parent Resource Centers (CPRC), and Parent Centers are funded by State and Federal grants. These centers provide workshops on parent rights, necessary services, advocacy and other relevant presentations for parents of children with disabilities. Call them for information and/or assistance.

### **PARENT TO PARENT NYS**

500 Balltown Road  
Schenectady, NY 12304  
(518) 381-4350  
1-800-305-8817  
FAX: (518) 382-1959  
e-mail: [info@parenttoparentnys.org](mailto:info@parenttoparentnys.org)  
website: [www.parenttoparent.org](http://www.parenttoparent.org)

### **SINERGIA, INC.**

Metropolitan Parent Center  
15 West 65th Street, 6th Floor  
New York, NY 10023  
(212) 496-1300  
FAX: (212) 496-5608  
(Serving New York City)

## Other Resources

### Early Childhood Direction Centers

The network of Early Childhood Direction Centers (ECDCs), administered by the New York State Education Department, is a resource for professionals and parents of children with disabilities, birth through five years of age. ECDCs provide information about programs and services available in the community and referral assistance in accessing these services. For information about the ECDC in your region, refer to VESID's website <http://www.vesid.nysed.gov/lsn/home.html> or call (518) 486-7462.

### Independent Living Centers

Independent Living Centers are private, community-based programs which provide a variety of services to people with disabilities. These nonresidential, nonmedical service centers provide education and awareness activities within their communities to break down barriers, allowing people with disabilities to participate fully in community life. Services provided by centers include: peer counseling; information and referral; advocacy; housing assistance; transportation; services referral (interpreters, readers, attendants); independent living skill counseling and training; architectural barrier consultation; equipment maintenance; repair and loan; and TTY relay. For information about the Independent Living Center in your region, refer to VESID's website <http://www.vesid.nysed.gov/lsn/home.html> or call (518) 474-2925.

### Special Education Training and Resource Centers (SETRC)

The SETRC network, administered by VESID, provides local information, training and resources related to the education of students with disabilities. SETRC training specialists provide parents, school district staff and administrators, agency representatives and other interested individuals with resources, consultation and training programs based on local needs and statewide goals. For information about the SETRC office in your region, refer to VESID's website <http://www.vesid.nysed.gov/lsn/home.html> or call (518) 486-7462.

### Transition Coordination Sites

Regional Transition Coordination Sites (TCS) assist local communities in implementing transition planning and services. They coordinate existing resources within a geographic area to provide information, training and technical assistance to local school districts, families, students and community agencies. They also assist at the local and community levels to expand services to enhance the transition of students with disabilities from school to postsecondary educational opportunities, adult vocational rehabilitation services and employment. For information about the TCS in your region, refer to VESID's website <http://www.vesid.nysed.gov/lsn/home.html> or call (518) 474-7566.

### VESID Vocational Rehabilitation Regional Offices

The VESID Vocational Rehabilitation Regional Offices provide services to individuals with disabilities to prepare them for employment. Services include: physical and/or psychological examinations; vocational evaluation; guidance and counseling; medical services (to improve ability to work); job and work adjustment training.

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## Other Agency Resources

### Commission for the Blind and Visually Handicapped

Located within the Office of Children and Family Services, CBVH is responsible for the administration of programs and services to legally blind individuals to enhance independence and facilitate opportunities to participate in the community. CBVH provides a range of services for individuals who are legally blind through the independent living and vocational rehabilitation provisions of

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## **Office of Children and Family Services**

The Office of Children and Family Services (OCFS) provides operational support and policy direction to local social services districts and youth bureaus across the State and is responsible for the operation of 48 statewide residential and day placement facilities for youth. Programs and services provided through OCFS include child and adult protective, child welfare, domestic violence, pregnancy prevention; family services, youth development and delinquency prevention; juvenile justice; and after care programs. For more information contact (518) 473-7793 or visit the OCFS website at

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