Watervliet City School District



Special Education Handbook

2018 - 2019

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Watervliet City School District Special Education Program Principles

The Watervliet City School District is committed to the following principles for special education services and programs.

- 1. We provide special education services that meet the individual needs of the child, are developmentally appropriate and strength-based. These services are planned in collaboration with all stakeholders involved in the child's life and are provided in a supportive learning environment.
- 2. We recognize that the child's family is the primary support system for the child and participates in all stages of the decision-making and planning process.
- 3. We recognize and respect the behavior, ideas, attitudes, values, beliefs, customs, language, rituals, ceremonies and practices characteristic of the child's and family's ethnic group.
- 4. We will bring special education expertise to the student in the least restrictive environment to the greatest extent possible.
- 5. All special education instruction will be based on the New York State learning standards.
- 6. Student data will be used to inform and drive instruction.
- Related services provided to special education students will be educationally relevant, evidence-based and will support the student's learning. These services will be provided to the student in a manner that is least disruptive to the child's learning.
- 8. Special education is a service not a placement.

Administrative Central Offices

Watervliet CSD 1245 Hillside Drive Watervliet, NY 12189

Superintendent's Office

Dr. Lori S. Caplan	Superintendent of Schools	518-629-3201
Bernadette Boardman	Administrative Assistant/Clerk to the Board	518-629-3202

Office of Programs & Pupil Services

• Committee on Special Education, Preschool Special Education Home Schooling, Special Transportation, Homeless Supports, Tutoring, Psychological services, Social Work services and Speech/OT/PT services

Janelle O. Yanni	Director of Programs & Pupil Services	518-629-3202
Donna Palmer	CSE/CPSE Secretary/Medicaid Billing Clerk	518-629-3202
	Office of Instruction and Curriculum	
Don Stevens	Director of Curriculum Instruction & Professional Development	518-629-3263
Jill O'Connell	Administrative Assistant	518-629-3263

School Psychologists

The school psychologist works with the entire school community toward the goal of helping all students reach their full potential. A primary role of the School Psychologist is to act as a consultant to teachers, parents and administrators in order to develop strategies that address learning needs. They also specialize in performing sophisticated diagnostic evaluations, which help determine the student's strengths and weaknesses. Individual assessments also provide information useful in the planning of appropriate educational programs.

Veronica Bedard	Watervliet Junior/Senior High School	518-629-3266
Daniele Tetrault	Watervliet Elementary School	518-629-3264

School Social Workers

The goal of the School Social Work Services is to promote academic achievement and lifelong success by empowering students, families, and educators to develop strengths and overcome obstacles in the home, school, and community environments. Master's-level credentialed and/or licensed school social workers serve as liaisons between home and school environments, providing systemic support to referred students and their families in any of the following ways: advocacy, assessment, consultation, collaboration, counseling, crisis intervention, program development, referrals to community agencies.

Louisa Vaughan	Watervliet Junior/Senior High School	518-629-3300 ext. 1225
Beth Lipson	Watervliet Junior/Senior High School	518-629-3300 ext. 2210
Allison Santiago	Watervliet Elementary School	518-629-3400 ext. 2232
Kelly Bariteau	Watervliet Elementary School (Guidance)	518-629-3400 ext. 2275

Speech Department

The Speech and Language program provides evaluation, consultation, and/or direct therapy to students with communication disorders such as stuttering, impaired articulation, language impairment or voice disorders. Speech improvement is also provided to non-disabled students within the elementary school building.

Christina Ortloff	Watervliet Junior/Senior High School	518-629-3300 ext. 1147
Jennifer Donovan	Watervliet Elementary School	518-629-3400 ext. 2209
Kaleigh McGrouty	Watervliet Elementary School	518-629-3400 ext. 2209

Occupation/Physical Therapists

<u>Occupational therapy</u> involves the functional evaluation of a student and the planning and use of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the student in his or her daily life tasks. Our district contracts with BOCES (Boards of Cooperative Educational Services). Licensed Occupational Therapists provide a wide range of services to assist with adaptations and compensations that allow children to participate in educational tasks. OT services focus on fine motor skills, visual-perceptual skills, sensory integration issues, functional living skills, and adaptive equipment.

Kim Clyne

Watervliet Elementary School

518-629-3400

<u>Physical therapy</u> involves the evaluation of a student and the planning and use of a treatment plan/program to promote and facilitate postural security and mobility so that children have the freedom to focus on educational tasks. Our district contracts with BOCES. Licensed Physical Therapists focuses on balance, coordination, motor planning, adaptive equipment, physical handling and architectural barriers.

Elissa Fromowitz Watervliet Elementary School 518-629-3400

Special Education Teachers

Watervliet Elementary School - Self-Contained

Denise Cusack	15:1:1 Special Class	Grades K-1
Stephanie Maes	15:1:1 Special Class	Grades 1-3
Amanda Ciampi	15:1:1 Special Class	Grades 3-5
Angelica Bianchi	15:1:1 Special Class	Grades 5-6

Watervliet Elementary School – Co-Teach

Tina LaVallee	Co-Teach ELA/Math	Grades K/2
Gina Smith	Co-Teach ELA/Math	Grades 1/3
Kate Diacco	Co-Teach ELA/Math	Grades 4/5
Marypat Murtagh	Co-Teach ELA/Math	Grade 5/6

Watervliet Junior-Senior High School – Self-Contained

Melissa Kussler	15:1:1	Special Class	(Grades 7-8
Kimberleigh Barkamian	15:1:1	Special Class		Grade 9 -10
Lyndsay Moore	15:1:1	Special Class		Grade 11-12
		Life & Career Exploration	(Grade 10-12

Watervliet Junior-Senior High School – Special Education Programs/Supports

Ralph Carotenuto	Co-Teach ELA Co-Teach Math Tutorial Co-teach self-contained Global Resource Room	Grade 8 Grade 8 Grade 8 Grades 9-10 Grades 11-12
MaryLou Brodhead	Co-Teach ELA Co-Teach Math Resource Room Tutorial Co-teach Liv Environment	Grade 7 Grade 7 Grade 7 Grade 7 Grade 10

Dan Mueller	er Co-Teach ELA Co-Teach Algebra Resource Room Tutorial SC US History and Gov/Economics	
Chris Curtis	Co-Teach ELA Co-Teach Math NR Geometry Tutorial	Grade 10 Grade 10-11 Grade 10

Resource Room

Grade 10-11 Grade 10 Grade 10-12 Grades 7-8

Co-Teach ELA	Grade 11-12
Co-Teach Business Math & Finance	Grade 11-12
Resource Room	Grade 11
Tutorial	Grade 11-12
	Co-Teach Business Math & Finance Resource Room

Self-contained social studies

Watervliet Elementary Building

15:1:1 Self-Contained Special Classes: Grades K-6

These 12:1:2 self-contained special classes provide academic instruction to children in Grades K-6 who require a small, structured learning environment. The program is designed for students with low average to well below average cognitive abilities that require an intensive instructional approach with accommodations and modifications of the general curriculum. Students often have low working memory, limited language and cognitive processing skills, and require consistent redirecting and repeated practice throughout the day. Students lack organizational skills and the ability to complete most academic tasks independently. Students may demonstrate high anxiety or poor coping and self-advocacy skills.

Integrated Co-Teach: Grades K-6

This integrated program is taught by both a regular education and a special education teacher working as a team for ELA and Math instruction. This program is designed for students who have low average to average cognitive abilities and are significantly below grade level in **both** reading and math (< SS 80 or 2 years below grade level). These students require significant differentiation of curriculum and instruction in all academic areas. They may have difficulties with language skills, motor skills, self-regulation, transitions, and may need a behavior plan. They may need redirection and support, presets and supports with classroom transitions, and re-teaching and repetition of instruction. The program is designed to prepare students to benefit from instruction and assist them in achieving the district's grade level expectations in core academics and State learning standards. They demonstrate basic school readiness as a prerequisite to instruction. Students do not require intensive related services and can meet minimum grade level expectations.

Watervliet Junior/Senior High School

15:1:1 Self-Contained Special Class: Grades 7-12

This 12:1:1 self-contained special class provides academic instruction to children in

Grade 7-12 who require a small, structured learning environment. The program is designed for students with low average to well below average cognitive abilities that require an intensive instructional approach with accommodations and modifications of the general curriculum. Students often have low working memory, limited language and cognitive processing skills, and require consistent redirecting and repeated practice throughout the day. Students lack organizational skills and the ability to complete most academic tasks independently. Students may demonstrate high anxiety or poor coping and self-advocacy skills.

Integrated Co-Teach: ELA and Math Grades 7-12

These integrated programs are taught by both a regular education and a special education teacher working as a team for ELA and Math instruction. The program is designed for students who have low average to average cognitive abilities and are significantly below grade level in **both** reading and math (< SS 80 or 2 years below grade level). These students require significant differentiation of curriculum and instruction in all academic areas. They may have difficulties with language skills, motor skills, self-regulation, transitions and may need a behavior plan. They may need redirection and support, presets and supports with classroom transitions, and re-teaching and repetition of instruction. The program is designed to prepare students to benefit from instruction and assist them in achieving the district's grade level expectations in core academics and State learning standards. Students do not require intensive related services and can meet minimum grade level expectations. These students may also be eligible for an additional tutorial period (12:1).

Resource Room: Grades 7-12

The Resource Room program provides direct supplementary academic instruction and support of the general curriculum to disabled students in grades 8-12. The purpose of the program is to re-teach/reinforce concepts that are taught initially in the regular education classrooms and provide necessary remediation of skill deficits. This program is designed for students who have low average to above average cognitive abilities with moderate deficits in reading, writing, math and/or organizational skills (SS 80-89). This program also teaches study skills and focuses on the goals and objectives identified in each student's IEP. This program provides the opportunity for students to receive the majority of their instruction in the regular education classes with non-disabled peers and learn in the least restrictive environment.

Life & Career Exploration: Grades 10-12

This class is open to both regular education and special education students. This class is designed to teach and assist students in all aspects of living as independently as possible. Pre-vocational skills and functional daily living skills as well as post-secondary plans in a career field are taught. This class helps provide students with skills to earn a CDOS credential (career development and occupational studies commencement credential).

Watervliet CSD K-12 LEARNER CHARACTERISTICS 2018-2019

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Data on Students Assessments used to assess learner characteristics	 Cognitive scores Standardiz ed testing of reading, writing, language and math STAR data Individual Achievement test scores Benchmar k Assessments NYS tests Grades 3-8 in ELA and Math High School Regents reports 	 Cognitive scores Standardiz ed testing of reading, writing, language and math STAR data Individual Achievement test scores Benchmar k Assessments NYS tests Grades 3-8 in ELA and Math High School Regents reports 	 Cognitive scores Standardiz ed testing of reading, writing, language and math STAR Data Individual Achievement test scores Benchmar k Assessments NYS tests Grades 3-8 in ELA and Math High School Regents reports 	environmental adaptations • Requires significant accommodation s and modifications for instructions/ assignments • Lack of pre-academic skills (primary grades) • Cognitive scores • Standardiz ed testing of reading, writing, language and math • Auditory and Language Processing Assessments • STAR data • Individual Achievement test scores • NYS tests Grades 3-8 in ELA and Math • High School Regents reports	 Cognitive scores Standardiz ed testing of reading, writing, language and math STAR data Individual Achievement test scores NYS tests Grades 3-8 in ELA and Math High School Regents reports DSM Diagnosis Emotional Scale (BASC) Behavioral referrals Psychiatric reports FBA/BIP 	 Cognitive testing Adaptive functioning KTEA WIAT NYSAA STAR data
Ongoing Assessments Assessments used to monitor progress within the program Services provided	 STAR Benchmar k testing Informal assessments Rubrics Teacher reports/observa tions attendanc e Student work samples ICT for 	 STAR Benchmar k testing Informal assessments Rubrics Teacher reports / observations attendanc e Student work samples Special 	 STAR Benchmar k testing Informal assessments Rubrics Teacher reports /observations attendanc e student work samples 5X/40 	 STAR Benchmar k testing Informal assessments Rubrics Teacher reports/observa tions attendanc e student work samples Level 	 STAR Benchmar k testing Informal assessments Rubrics Teacher reports /observations attendanc e student work samples Elementar 	 STAR Informal assessments Rubrics Teacher reports observations attendance student work samples Functional
 Not what services are the students typically receiving now, but what services would support these students in achieving access to the standards and post school outcomes? Consider the LRE. 	Science and/or Social Studies DCT for ELA <u>or</u> Math Paraprofes sional in Science and Social Studies for students with reading deficit 1.5 years below grade level Study lab or additional resource room	Education Education teacher integrated into general ed. classes (2 or more subjects per day) • Paraprofes sional support • May need behavior plan for work completion, as needed • May need speech	 Skr40 Weekly Content area specialist available Access to Academic Support throughout the day Related services provided as eligible 	texts, literature and materials appropriate to students reading abilities • Special ed. teacher w/literacy background when possible • Paraprofes sional • Consultant reading specialist • Consultant	y 12:1:2 or Secondary 8:1:2 • Full time special education teacher and paraprofessiona I with expertise in behavior management when possible • Counseling (I/G) • Push-in social work	 analytic intervention in the intervention of the interven

 What regular supports are available, or should be available for these students? What transition to post-school services and supports are needed? What exists now and what would be new? 	support (no more than 15 students) • Related services provided as eligible	 Tutorial period as needed Related services provided as eligible 		Behavior specialist Integrate Counseling/oth er related services such as social work. Speech, OT, PT Computer programs to support re- teaching/practic e Classroom management system Related services provided as eligible	services, as needed Paraprofes sionals, as needed Safe place for lunch/PE made available when possible Mobile Crisis/Parent Coordinator involvement, as needed Consultati on w/school counselor/ psychologist Related services provided as eligible Safe place for lunch when necessary	
Supports for school personnel • What supports would special ed teachers need to meet the needs of these students? • What supports would related service providers need? • What supports would general ed teachers need? • What supports would building administrators need?	 Opportunit Opportunit es of collaboration between general education and special education Consulting Reading Specialist 	 Summer and school year planning time when possible Consulting Reading Specialist Class management plan Common planning time/Built-in opportunities for collaboration between general Ed. and Special Ed. teachers Profession al Development Differentia ted instruction / Co-Teach Paraprofes sional support in science and social studies when available 	 PD support for Gen Ed Flexibility when students experiencing difficulty PD support for Special Ed PD support for parents 	 Collaborati on with all the providers Time to collaborate with general education staff PD with technology Paraprofes sional Needs structured classroom management plan PD on research-based instructional interventions Fountas & Pinnell leveled reading instruction or leveled literacy Direct explicit instruction training 	 PD on FBA/BIP PD on Crisis Intervention Communic ation with general education staff pertaining to core standards Collaborati ve planning time with social worker and psychologist Collaborati on with outside agencies as needed Social worker and psychologist coordinates FBA/BIP development Summer planning time with teacher, paraprofessiona I when possible 	Reading PD Access to job experience opportunities (i.e. BOCES work study, school store) Support for transition to adult services i.e.ACESS-VR, OPWDD
Supports for Parents/Families • What supports would parents need to meet the needs of these students?	 Service provider provides information on purpose, structure, routine of program and updates parent on progress IEP Progress monitoring Reports cards 	 Service provider provides information on purpose, structure, routine of program and updates parent on progress IEP Progress monitoring Report cards 	 Service provider provides information on purpose, structure, routine of program and updates parent on progress IEP Progress monitoring Parent/tea cher 	 Service provider provides information on purpose, structure, routine of program and updated parent on progress IEP Progress monitoring Report cards 	 Service provider provides information on purpose, structure, routine of program and updates parent on progress IEP Progress monitoring Report cards 	 Service provider provides information on purpose, structure, routine of program and updates parent on progress Access to outside agencies for services Transition

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Professional Development Needs • What professional development is needed to provide teachers, aides and related service providers with the skills needed by these learner characteristics	 Modificatio n of curriculum and materials How to utilize cooperative learning groups Roles of the DCT PBIS training Progress monitoring training 	 Co-Teach training Grading Planning Modificatio n of curriculum and materials for low level readers PBIS training Progress monitoring training 	 Effective techniques for Resource Room Dos/Don't s of Resource room Progress monitoring PBIS training Progress monitoring training 	 PBIS training Specialize d reading program training Progress monitoring training Yearly NYSAA training 	 TCI FBA/BIP trainings Mental Health PD/ workshops PBIS training Progress monitoring training 	 Workshop s for transition services Specialize d reading instruction Yearly NYSAA training PBIS training Progress monitoring training

Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

Steps for completing an FBA and BIP:

- 1) List the three most concerning behaviors for this student. Complete the worksheets titled Identifying Target Behavior and Skill vs. Performance Deficit
- Collect Data: All teachers and staff that work with the student should be provided with <u>Behavior</u> <u>Intervention Data Collection</u> sheets. These sheets should be completed for 20 consecutive school days. This information can be analyzed and summarized by any member of the team.
- 3) Complete the **Motivation Assessment Scale II**. This can be scored by any member of the team.
- 4) Complete the **Forced-Choice Reinforcement Survey** with the student.
- 5) Complete Functional Interviews with the Student and/or Teacher, if desired.
- 6) Begin answering the questions in the **FBA**. Include information from related service providers, if applicable.
- 7) Once the FBA is completed, develop a short-term (i.e., five days) plan to test the hypothesized function of the behavior.
- 8) If the student's behavior <u>changes</u> as a result of this short-term plan, then the hypothesized function of the behavior is probably accurate. Print and distribute the FBA to parents, CSE, and team. If the student's behavior <u>does not change or worsens</u>, then the team should consider brainstorming a different function for the behavior. This would require re-writing the FBA.
- 9) Write the **<u>BIP</u>**. Write in either a visual format or a report-style format. Examples of both are included in this packet.
- 10)Create an instrument to evaluate the effectiveness of the plan. Include this with the plan.
- 11)Distribute the BIP to the parents and CSE (if applicable). Send two copies to parent. Ask parent to sign and return one copy.
- 12)Once the BIP has been signed by the student's parents, the team can implement the plan. The plan needs to be distributed to all teachers who work with the student. Everyone needs to read and agree to follow the plan. Staff should indicate this by signing the BIP.
- 13)Evaluate the plan at regular intervals or as needed. Revise the FBA and BIP as needed.

Reminders for Special Education Staff

The special education teacher (or a therapist for a student receiving only related services) is considered to be the **<u>Case Manager for Students</u>** for their students.

- The Case Manager is responsible for:
 - 1. IEP coordination and development (including recommendations, goals, and objectives from other service providers) which are to be put on the net;
 - 2. Developing student learner profiles and draft IEPs and recommendations within IEP Direct at least 7-10 days prior to the CSE meetings.
 - 3. **Phone calls/conferencing with parents** at least 7-10 days prior to Annual CSE meeting to share/develop a draft document.
 - 4. Ensuring that all services are being provided to each student as indicated on the IEP.
 - 5. Sharing/explaining/disseminating the IEP and confidential information to other staff, including regular education teachers and those with a "need to know".
 - 6. Gathering information from other service providers for the purpose of developing the progress reports.
 - 7. Mailing of progress reports home to parents.
 - 8. Serving as a liaison between the district, other service providers, parents, administrators, and the special education office.
 - 9. Supporting the development FBAs (Functional Behavior Analysis) and BIPs (Behavior Intervention Plans) when necessary. This process should involve a building team that includes: the school psychologist, support staff, school counselor and special area teachers. Once an FBA/BIP is developed, you are responsible for providing the CSE office with a copy of the document.
- Complete IEPs with measurable goals and objectives for each special education program and related service are to be put directly into IEP Direct (a web based special education management system).
- Students referred to CSE require signed consent from a parent/guardian to evaluate before testing can begin. When testing is completed and all necessary documentation has been received by the CSE office. (consent to test, psychological, physical, social history, teacher input), a formal CSE meeting will be scheduled. In accordance with Part 200 Regulations, the Board of Education is required to approve/arrange appropriate special programs and services within 60 days from the date that the consent to evaluate was received.
- Classification and eligibility of Special Education Services is determined at the CSE meeting. As a committee the CSE will review information pertaining to the student and establish the appropriate level of services required to address the student's needs. **Services may not begin until the**

consent to place has been signed by the parent or guardian. (Building staff may be asked to help obtain parent permission or missing documentation required to complete the CSE process.)

- Be prepared in January to provide <u>projections or tentative recommendations</u> for student/classroom needs for the following year for the purpose of program and budget development.
- Any change or recommended change in the IEP (program, services, modifications, etc.) **must** go through the special education office first. Please contact the Chairperson to arrange for an informal meeting or a CSE meeting.
- When acting as the advocate or liaison, be especially careful not to "promise" specific classes, programs, or services. Many times information regarding availability, appropriateness, age requirements, etc. are not available to you. Remember to explain to others that your recommendations must be reviewed and endorsed by the entire Committee on Special Education or Subcommittee.
- If parents or outside agencies request a copy of the IEP, please refer them to the Special Education Office to do so.
- To the best of your ability, always try to teach the general curriculum to your students, as most of them will be expected to take the NYS assessments.
- Always keep in mind that special education is a service and not a placement. We must always try to provide services in the least restrictive environment.

Reminders for Parents/Guardians

Expectations for Annual Review Season:

In the spring of each year, the Committee on Special Education (CSE) meets to discuss each student with an Individualized Education Plan (IEP). The purpose of the meeting is to review the progress the student has made because of this year's plan and to develop a plan for the coming year. Your participation in this meeting is important for your child. You will be hearing from your child's special education teacher before the annual review meeting to discuss goals, objectives, services, and any concerns or questions you have. This will help resolve any questions you have and will help you and the team draft the IEP. The following tips can help you get the most from your child's meeting.

- Be prepared. You will receive a copy of the draft IEP prior to the meeting. If you do not receive the draft IEP, call your child's special education teacher or CSE Chairperson at 629-3202.
- Read the draft. Make notes of your questions and ideas right on the draft. Make a list of questions and consult with your child's special education teacher prior to the CSE meeting. If you have many questions or concerns about the draft IEP, call your child's special education teacher or your CSE Chairperson for a discussion of your concerns before the meeting.
- Participate in the meeting. We try to schedule the meeting at a time that is convenient for all parties. If you are unable to come to the meeting, you can participate by phone. It is difficult for the committee to make decisions without your input.
- Communicate. In some instances, it may be necessary to discuss specific items prior to CSE meeting. A preconference may be helpful to discuss various options and ideas. The annual review meeting is to focus on your child's plan for next year. All members need to stay positive and focused on next year.
- Encourage your child to attend. Students who are in seventh grade or older are invited to participate in their CSE meeting. Encourage your secondary aged child to come to the meeting and participate in his/her IEP. Your child's participation may help him or her benefit from the IEP and will help your child develop self-advocacy skills.
- Be open to possible solutions. Parents and school staff may have different opinions on the best way to address a student's educational needs. Differences can be resolved positively if all participants work cooperatively and collaboratively.
- Procedural SafeGuards Notice information concerning procedural safeguards that are your legal rights under federal and State laws to be informed about and involved in the special education process and to make sure that your child receives a free appropriate public education (FAPE).

Notes

When referring students to CSE and/or providing services to a student with a disability, it can be beneficial to be aware of the thirteen disability categories and their criteria, as recognized by the NYS Department of Education.

DISABILITY TYPES:

PART 200-STUDENTS WITH DISABILITIES defines a student with a disability and explains the thirteen classifications determined by the NYS Commissioner of Education. You may find this information helpful when considering referring students to CSE.

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 July 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. The terms used in this definition are defined as follows:

(1) **Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, which adversely affects a student's 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 as defined in paragraph 4 of this subdivision. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

(2) **Deafness** means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

(3) **Deaf-Blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(4) *Emotional Disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a 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 includes schizophrenia. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

(5) *Hearing Impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of *deafness* in this section.

(6) *Learning Disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations as determined in accordance with section 200.4(c)(6) of this Part. The term includes such conditions as perceptual disabilities, brain injury,

minimal brain dysfunction, dyslexia and developmental aphasia. The term 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.

(7) *Intellectual Disability* (formerly referred to as *Mental Retardation*) means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a student's educational performance.

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

(9) **Orthopedic Impairment** means 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).

(10) **Other Health-Impairment** means having 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 syndrome, which adversely affects a student's educational performance.

(11) **Speech or Language Impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a student's educational performance.

(12) *Traumatic Brain Injury* means 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 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.

(13) *Visual Impairment Including Blindness* means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

Test Accommodations & Testing Modifications

The purpose of testing accommodations is to enable students with disabilities to participate in assessment programs on an equal basis with their nondisabled peers. Testing accommodations provide an opportunity for students with disabilities to demonstrate mastery of skills and attainment of knowledge without being limited or unfairly restricted due to the effects of a disability. Testing accommodations promote the access of students with disabilities to assessment programs as well as to more challenging courses and programs. Testing accommodations should not be excessive and should alter the standard administration of the test to the least extent possible.

Testing accommodations are neither intended nor permitted to:

- alter the construct of the test being measured or invalidate the results.
- provide an unfair advantage for students with disabilities over students taking tests under standardized conditions.
- substitute for knowledge or abilities that the student has not attained.

TESTING ACCOMMODATIONS VERSUS TESTING MODIFICATIONS

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. The testing accommodations most frequently required by students as indicated in their IEPs are:

- flexibility in scheduling/timing;
- flexibility in the setting used for the administration of assessments;
- changes in the method of presentation; and
- changes in the method of response.

Testing modifications are changes made to the testing process or to the content of the assessment itself, or provision of certain adaptive technologies or services, which affect the constructs being tested. Examples of testing modifications that affect the construct of the test:

- simplification or explanation of test questions
- reading of items designed to test the student's reading skill
- use of spell and/or grammar-checking devices on a test of the student's writing skills
- use of a calculator on a test of the student's computational skills.

You can access additional information regarding testing accommodations and modifications at: http://www.p12.nysed.gov/specialed/publications/testing-accommodations-ela-grades-3-8.htm