School District Self-Review Monitoring Protocol

Revised November 2008

Disproportionate Representation of Students with Disabilities by Classification and Placement (Indicator #10)

New York State Education Department

Office of Vocational and Educational Services for Individuals with Disabilities

Special Education Quality Assurance

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Self-Review Monitoring Protocol
Disproportionate Representation of Students with Disabilities by Classification and Placement
(Indicator #10 of the State Performance Plan)

Overview of Self-Review Requirements

School districts that are identified under federal Indicator #10 of the State Performance Plan by the State Education Department (SED) as having significant disproportionate representation of students with disabilities by classification and/or placement are required to complete this self-review monitoring protocol. School districts must determine if the district's policies, procedures and practices used in the classification and placement of students with disabilities are resulting in disproportionality in the following areas:

- The disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification (Indicator #10a); and

- The disproportionate representation of racial and ethnic groups in special education placement that is the result of inappropriate policies, procedures and practices (Indicator #10b).

Focus of the Self-Review

The self-review monitoring process is a focused review of a school district's policies, procedures and practices (i.e., implementation of policies and procedures) that most closely relates to the classification of children as students with disabilities or their placement in particular educational settings.

This review has two focus areas described below:

I. Individual Evaluations of Students with Disabilities. The school district's evaluation practices will be reviewed to determine if students of the identified racial and ethnic groups have received appropriate evaluations. The evaluations must include a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the student that may assist in determining the student's specific classification and the content of the student's individualized education program (IEP), including information related to enabling the student to participate and progress in the general education curriculum.

II. Committee on Special Education (CSE) Recommendation. The district's development of a student's CSE recommendation will be analyzed from the perspective of the CSE's decision-making process, as well as to see if the recommendation meets selected regulatory requirements specific to access to general education.

- The district's CSE process will be examined to determine to what extent the practices of the CSE contribute to an over- or under-classification of students of identified racial and ethnic groups in particular disability categories, classifications are based on student evaluations, and special education programs and services are considered that will enable the student to be involved in and progress in the general education curriculum and to be educated in the least restrictive environment.

- Students' IEPs will be evaluated to ensure that recommendations are based on student needs and that students are provided opportunities to be involved in and progress in the general education curriculum, educated in general education classes to the greatest extent appropriate, and placed in the least restrictive environment.

Directions for Completing the Self-Review

- **Instructions to Complete the Self-Review Monitoring Protocol (Attachment 1)** – This form provides a step-by-step process to complete the self-review. The district must maintain documentation for every step of the review process for later verification. There are four forms (Attachments 2-5) that must be completed as part of the self-review monitoring process.

- **School District Self-Review Monitoring Protocol (Attachment 2)** – This form establishes the protocol to conduct the self-review. The protocol:

  - specifies the regulatory requirements relating to the two focus areas described above;

  - identifies documentation (e.g., data charts, student record reviews, CSE rubric or meeting minutes and IEPs) that must be reviewed; and

  - identifies information to "look for" in reviewing documentation (e.g., students of different racial and ethnic groups are equally represented across placement options within the district).

  The district must use this form to guide the self-review and to document its compliance findings in detail and identify, for self-correction purposes, any corrective action and improvement activities needed to address compliance issues. The protocol is **not submitted to SED**, but should be used to guide the district to self-correct compliance issues.

- **Individual Student Record Review Form (Attachment 3)** – This form is used to guide the collection of information from individual student records (i.e., evaluations, IEPs). The School District Self-Review Monitoring Protocol (Attachment 2) should be referenced in determining what documentation in a student's record must be reviewed and what information to look for in the review of that documentation.

Using this form, for each regulatory citation for each individual student in the sample, a determination must be made whether the requirement was met or was not met or was not applicable to the individual student. One form should be used for each student record reviewed. Information from these forms is used to determine compliance.

- **Focused Rubric to Evaluate the CSE Process (Attachment 4)** – This form is used to focus on key decision points during the CSE meeting. The rubric will provide information about how the CSE addresses these key points and if the CSE makes decisions consistently across the district. It may also provide insight into how the CSE decision-making process may or may not affect the classification and placement of the identified group of students. All instances of "minimally addressed or no evidence" must be reported as noncompliance.

- **Disproportionality Self-Review Monitoring Report (Attachment 5)** – This form is a sample of the electronic report the school district will complete to document the results of the district's self-review to SED. For each regulatory requirement, the district must document its findings of compliance or noncompliance.

Identification of Noncompliance

The team must carefully review all findings from all the documentation and evidence to make its determination of compliance for each regulatory requirement. Any absent or inappropriate policy, procedure or practice must be reported as a noncompliance issue. Please refer to these criteria below when making determinations of compliance/noncompliance.

- When fewer than 90 percent of the total number of records reviewed show evidence that a particular regulatory requirement has been met, the regulation must be noted as "noncompliant."
- When other required documentation from Attachments 3 and 4 provide evidence of noncompliance, the issue must be reported as "noncompliant."
- In cases where 90 percent or more of the total records reviewed show evidence that a particular requirement has been met, but other evidence from Attachment 3 and/or 4 show findings of noncompliance, the issue must be reported as "noncompliant."

Report to the State Education Department

The only documentation to be submitted to SED is the Disproportionality Self-Review Monitoring Report (Attachment 5). This report must be submitted electronically. To complete this form, go to http://pd.nysed.gov and follow the directions for completion and submission. The district should **NOT** submit the other forms completed or the documentation reviewed during the self-review unless requested by SED.

Pursuant to the New York State Archives and Records Administration Records Retention and Disposition Schedule ED-1, the school district must maintain

documentation of its review for a period of **seven years**. This documentation is subject to review by SED and therefore should be maintained in an easily retrievable and organized manner.

SED Review of Self-Review Monitoring Report

SED will review the Self-Review Monitoring Report and respond as follows:

1. If the school district reports to SED that, based on its self-review, the district has not identified any compliance issues relating to its procedures and practices, SED will arrange for a review of that determination.
2. If the school district reports to SED that, based on its self-review, the district has one or more compliance issues relating to its procedures and practices, SED will notify the district that it must correct all instances of noncompliance not later than one year from the identification of the issues. SED will periodically contact the school district to ensure that correction of noncompliance has occurred within a year.

Technical Assistance Resources

The following sources may assist you in addressing issues of disproportionate representation by race and ethnicity of students with disabilities receiving special education and related services.

Other sources of technical assistance include:

- The Metropolitan Center for Urban Education's Technical Assistance Center on Disproportionality (TAC-D)
  http://steinhardt.nyu.edu/metrocenter/tacd.html

- Special Education Training and Resource Centers (SETRC)
  http://www.vesid.nysed.gov/lsn/setrc.htm

- National Center for Culturally Responsive Educational Systems
  http://www.nccrest.org/publications.html

Questions

Questions regarding the Disproportionality Self-Review Monitoring Protocol may be directed to the Policy Unit at (518) 473-2878 or to the Special Education Quality Assurance Regional Office at http://www.vesid.nysed.gov/specialed/quality/qaoffices.htm.

Checklist to Complete the Disproportionality Self-Review Monitoring Protocol

Activity	Components of the Review
1. School superintendent or designee selects the team members to conduct the self-review	• Identify a team leader for the review process. • Select team members, number to be determined by team leader. Suggested team members include: school administrator, special education teacher, general education teacher, parent of a student with a disability, school psychologist, and guidance counselor. • To provide objectivity and to benefit from technical assistance during the self-review process, it is strongly recommended that the district invite someone from outside the district such as a SETRC specialist and one or more representatives of a diverse racial or ethnic background from the community to participate in the self-review.
2. Conduct an initial meeting of the review team to discuss timelines for the review and the process to review and collect the required information	• Assign staff responsible to: o Ensure the student sample is sufficient, and complete the student record reviews (Attachment 3). o Complete the "Focused Rubric to Evaluate the CSE Process" (Attachment 4). • Identify the process to complete the self-review and due dates. • Establish meeting dates to review the results.
3. Identify other sources of data and information that must be reviewed	The self-review protocol is designed to respond to district-wide data. Depending on the depth of the district needs, the review team may find it necessary to produce building data to better understand which buildings of the district are disproportionately over or under identifying students by disability classification or which buildings may be contributing to a disproportionate representation of racial and ethnic groups in special education placements that is the result of inappropriate policies, procedures and practices.
4. Select a sample of student records to be reviewed	For use with Attachment 3 – Student Record Review Form. Compile a list of all students with disabilities referred to the CSE between January 1 of the previous academic year and January 31 of the current academic year (a 13 month period). (These dates may be expanded in order to get an adequate number of records needed for representation.) • For school districts with 20 or fewer students on this list, review all student records. • For school districts with 21-200 students on this list, randomly select 20 student records. • For school districts with more than 200 students on this list, randomly select 30 records. • Ensure the sample of student records includes all or a significant number of students from the identified group and a proportional sample of other students from other

Activity	Components of the Review
	races/ethnicities. • Add to the number of records to be reviewed if, based on the record reviews, you are finding inconclusive patterns of policy implementation (i.e., in order to determine compliance at the 90 percent or greater level, additional records may need to be reviewed).
5. Complete the Self-Review Monitoring Protocol	Complete the self-review monitoring protocol. **In order to complete the School District Self–Review Monitoring Protocol (Attachment 2), the district team must complete the activities contained in Attachments 3 and 4 to obtain the information necessary to make decisions about compliance/noncompliance.**
6. Complete the Student Record Review form for each student	Document findings for each student on the student record review form (Attachment 3). To complete this review, you will need to review IEPs. A summary of individual findings needs to be developed. To determine compliance, if 90 percent of the records reviewed are in compliance, then compliance will be positive for purposes of this review.
7. Complete "Focused Rubric to Evaluate the CSE Process"	This rubric (Attachment 4) is designed to be used as a tool by the district to assess how the CSE process may affect the disproportionate representation of students of certain racial or ethnic groups in particular disability categories or educational settings. The rubric lists six key regulatory requirements affecting classification and placement determinations. This tool can be used as a debriefing form.
8. Convene a review team meeting to discuss the findings	Review the results of each applicable focus area of the self-review monitoring protocol (Attachment 2) and document whether the district's policies, procedures and/or practices are compliant or noncompliant with State requirements. The team will review the documentation of evidence collected by the team from the multiple sources identified as "Look At" and use this information in determining if the district is in compliance with the regulatory requirements selected for each of the two focus areas. Each focus area section provides a space for the team to use in summarizing its findings.
9. Analyze the data to identify the specific nature and extent of the areas in need of improvement	The team will question and probe data to determine relevant factors relating to disproportionality (e.g., practices that contribute to disproportionate identification or placement of specific disabilities, certain racial or ethnic groups or for specific types of placements). On the Self-Review Monitoring Protocol (Attachment 2): • Document findings of noncompliance using the forms and criterion provided. • Describe the specific details of noncompliance. • Identify what must be corrected and how it will be corrected.

Activity	Components of the Review
	• Set a timetable for correction. All noncompliance must be corrected no later than one year from the date of identification (i.e., date report submitted to SED). • Identify and document improvement activities.
10. Submit the complete Self-Review Monitoring Report to the Superintendent or Chief School Officer for approval	The Superintendent or Chief School Officer should review the completed self-review protocol to accept responsibility for the accuracy of the compliance report.
11. Submit the Self-Review Monitoring Report to the State Education Department	Manner of Submission: Web-based electronic submission To submit this form, go to http://pd.nysed.gov The Superintendent of Schools or Chief School Officer of the school district must verify that the Self-Review Monitoring Report (Attachment 5) provides accurate data and information. Print the report after submitting to SED for record-keeping purposes.

Maintain all documentation used to complete the self-review for seven years. Records should be retained in an organized and easily retrievable format. All documentation is subject to SED review.

SCHOOL DISTRICT SELF-REVIEW MONITORING PROTOCOL

Indicator #10 – Disproportionate Representation of Students with Disabilities by Classification and Placement

School District: _____

Address: _____

_____

Form Completed By: _____

Name/Title **Phone Number** **E-mail**

Date Review Completed: _____

Team Members Participating in the Self-Review:

_____ _____

_____ _____

_____ _____

_____ _____

For reviews required for significant discrepancy by race/ethnicity, indicate the names of community representatives from diverse racial and ethnic backgrounds.

_____ _____

Directions
SCHOOL DISTRICT SELF-REVIEW MONITORING PROTOCOL

This form establishes the protocol to conduct the self-review. The district must conduct a review of each focus area as identified on this protocol. Each section of the protocol provides the following information:

Two focus areas to be reviewed:

I. Individual Evaluations of Students with Disabilities
II. Committee on Special Education (CSE) Recommendations

Citation and Issue: Regulatory requirements are identified that have been determined by SED to be most closely related to having significant disproportionality based on race and ethnicity in the classification and placement by type of students with disabilities.

Documentation and Evidence: For each focus area, the protocol provides a specific list of documentation (information to look at) and evidence (information to look for) that must be considered in the district's review of its policies, procedures and practices in the identified focus area.

Determination of Compliance Y (Yes) or N (No): A notation of Y indicates that the district is in compliance with the specific regulatory requirement. A notation of N indicates that the district is not in compliance with the regulatory requirement. The determination of compliance for some issues may be made based solely on the review of individual student records. For other issues, the school district will need to consider other sources of documentation as indicated on the protocol. The team should carefully review all findings from all the documentation and evidence to make its determination of compliance for each regulatory requirement.

As applicable to each regulatory citation:

- **Determination of Y (compliance):**
  - 90 percent or more of the total number of records reviewed (Attachment 3) show evidence that a particular regulatory requirement has been met (i.e., marked "Y" or "NA"); **and**
  - Other required documentation from Attachment 4 provides evidence of compliance.

- **Determination of "N" (noncompliance):**
  - Fewer than 90 percent of the total number of records reviewed (Attachment 3) show evidence that a particular regulatory requirement has been met; **or**
  - Other required documentation from Attachment 4 provides evidence of noncompliance.
  - In cases where 90 percent or more of the total records reviewed show evidence that a particular requirement has been met, but other evidence from Attachment 4 shows findings of noncompliance.

The team should carefully review all findings from all the documentation and evidence to make its determination of compliance for each regulatory requirement.

Findings: This section is to be used to document the specific details of its findings that would identify issues of inappropriate policies, procedures and or practices.

- As examples:
  - "70 percent of the records reviewed showed evidence that assessments were administered in the student's native language."
  - A review of the CSE decision-making process in five out of seven instances showed the report of the student's evaluation was not discussed in determining if the student had a disability.

In these examples, findings of noncompliance must be made.

Corrective Actions and Improvement Activities: The team must identify any corrective actions necessary to correct identified compliance issues. The district should also note any improvement activities necessary in the identified focus area, whether related to a compliance finding or not, to address the school district's significant disproportionality based on race and ethnicity in the identification of students with disabilities.

This form (Attachment 2) must be kept on file by the school district and is not submitted to SED unless requested.

I. Individual Evaluations of Students with Disabilities

The district's evaluation practices will be reviewed to determine if students of all racial and ethnic groups have received appropriate evaluations that include a variety of assessment tools and strategies to gather relevant functional, development and academic information about the student that may assist in determining the classification of the student in specific disability categories and the content of the student's IEP, including information related to enabling the student to participate and progress in the general education curriculum.

Citation (8 NYCRR)	Issue	Determination of Compliance	
		Yes	No
§200.4(b)(6)(i)	Assessments and other evaluation materials used to assess a student under this section:		
§200.4(b)(6)(i)(a)	• are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;		
§200.4(b)(6)(i)(b)	• are used for purposes for which the assessments or measures are valid and reliable;		
§200.4(b)(6)(i)(c)	• are administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such assessments; and		
§200.4(b)(6)(i)(d)	• are selected and administered so as not to be discriminatory on a racial or cultural basis.		
§200.4(b)(6)(v)	No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student.		
§200.4(b)(6)(vii)	The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities.		
§200.4(b)(6)(xvi)	Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills.		

Documentation	Evidence
Look at: • Individual Student Record Review (Attachment 3) o Individual evaluation reports	**Look for evidence of:** • Results of the evaluation provide information in all areas related to suspected disability. • Results of the evaluation provide the information necessary to determine the type of disability and the specific areas in which the student will need special education services.

	• Assessments and other evaluation materials are in the student's native language or other mode of communication and in the form most likely to provide information on what the student knows and can do academically, developmentally and functionally. • Assessments and other evaluation materials are administered for purposes for which the assessments or measures are valid and reliable. • Multiple measures are used to determine the specific type of disability or for determining an appropriate educational program for a student.

Findings	
Description of specific details of noncompliance in policy, procedures and practices:	**Corrective Action required:** **Improvement activities recommended:**

<u>Please note: Individual Student Record Review (Attachment 3) must be completed to determine compliance/noncompliance for this focus area.</u>

The following chart may be used to calculate the percentage of student records with evidence of compliance. Compile the results based on the results of each record reviewed for each citation (Attachment 3). Consider these results along with other required documentation in making a final compliance determination for this focus area.

Summary of Individual Student Record Review			
Citation	**Total Number of Records Reviewed**	**Total Number of Records with a finding of Y or NA**	**Percentage of Records in Compliance**
§200.4(b)(6)(i)(a)			
§200.4(b)(6)(i)(b)			
§200.4(b)(6)(i)(c)			
§200.4(b)(6)(i)(d)			
§200.4(b)(6)(v)			
§200.4(b)(6)(vii)			
§200.4(b)(6)(xvi)			

II. Committee on Special Education Recommendation

- The district's development of CSE student recommendations will be analyzed from the perspective of the CSE's decision-making process and the extent to which the recommendation meets selected regulatory requirements that focus on access to general education curriculum.

- The district's CSE decision-making process will be evaluated to determine to what extent the CSE ***considered*** the student's individual evaluation and previous interventions in determining the student's disability classification.

Citation (8NYCRR)	Issue	Determination of Compliance Yes	No
§200.4(c)(1)	Upon completing the administration of tests and other evaluation materials, the CSE and other qualified individuals must determine whether the student is a student with a disability, as defined in section 200.1(zz). (See Attachment 2A)		
§200.4(d)	Prior to the development of the recommendation, the Committee shall ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered.		
§200.4(d)(2)	In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation.		
§200.4(d)(2)(ii)	The IEP indicates the student's disability classification.		

Documentation	Evidence
Look at: • Student Record Review (Attachment 3) • Debriefing of CSE members (Attachment 4 – Focused Rubric to Evaluate the CSE Process)	**Look for evidence of:** • The CSE discusses and considers student evaluations in determining the student's classification. • The CSE discusses the general education supports the student may be receiving and considers the appropriateness of additional supports. • Eligibility decisions are based on evaluation data demonstrating that students require special education as defined in regulation and not due to lack of appropriate general education instruction or supports.

<u>Please note: Individual Student Record Review (Attachment 3) and Focused Rubric to Evaluate the CSE Process (Attachment 4) must be completed to determine compliance/noncompliance for this focus area.</u>

Findings	
Description of specific details of noncompliance in policy, procedures and practices:	**Corrective Action required:** **Improvement activities recommended:**

The following chart may be used to calculate the percentage of student records with evidence of compliance. Compile the results based on the results of each record reviewed for each citation (Attachment 3). Consider these results along with other required documentation in making a final compliance determination for this focus area.

Summary of Individual Student Record Review			
Citation	**Total Number of Records Reviewed**	**Total Number of Records with a finding of Y or NA**	**Percentage of Records in Compliance**
§200.4(c)(1)			
§200.4(d)			
§200.4(d)(2)			
§200.4(d)(2)(ii)			

Only those school districts identified as having disproportionate representation of racial and ethnic groups in special education placements (Indicator #10b) must complete this section.

- The district's CSE decision-making process will be evaluated to determine to what extent the CSE ***considered*** special education programs and services that will be provided to enable the student to be involved in and progress in the general education curriculum and to be educated in the least restrictive environment.

- Student IEPs will be evaluated to ensure that the recommendations are based on student needs, and students are provided opportunities to be:
  - involved in and progress in the general education curriculum;
  - educated in general education classes to the greatest extent appropriate; and
  - placed in the least restrictive environment

Citation (8NYCRR)	Issue	Determination of Compliance	
		Yes	No
§200.4(d)(2)(i)	The IEP shall report the present levels of academic achievement and functional performance and indicate the individual needs of the student according to the four need areas.		
§200.4(d)(2)(i)(a)	The IEP includes references to how the student's disability affects involvement and progress in the general education curriculum.		
§200.4(d)(2)(v)(a)(2)	The IEP shall indicate the recommended special education program and services to allow the student to be involved in and progress in the general education curriculum.		
§200.4(d)(2)(v)(a)(3)	The IEP indicates the recommended special education programs and services to allow the student to be educated and participate with other students with disabilities and nondisabled students.		
§200.4(d)(2)(v)(b)(3)	The recommended program and services shall, to the extent practicable, indicate the supplementary aids and services and program modification to be provided to the student or on behalf of the student.		
§200.4(d)(2)(viii)(a)	The IEP provides an explanation of the extent, if any, to which the student will not participate in general education programs.		

Citation (8NYCRR)	Issue	Determination of Compliance	
		Yes	No
§200.4(d)(3)	Consideration of special factors. The CSE shall:		
§200.4(d)(3)(i)	• in the case of a student whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior;		
§200.4(d)(3)(ii)	• in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP.		
§200.4(d)(4)(ii)(a)	The CSE makes program and placement decisions at least annually after full discussion of needs, strengths, goals, services and supports which are documented on the student's IEP.		
§200.4(d)(4)(ii)(d)	A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.		

Documentation	Evidence
Look at: • Student Record Review (Attachment 3) o Student evaluations o IEPs • Debriefing of CSE members (Attachment 4 – Focused Rubric to Evaluate the CSE Process)	**Look for evidence of:** • The CSE discusses present levels of performance (academic, social, physical, management), including how the student's disability affects involvement and progress in the general education curriculum. • The CSE addresses the consideration of special factors, including the language needs of students with limited English proficiency. • The CSE considers student evaluations in developing the IEP recommendations. • Student recommendations, including placement, are supported by the student's IEP. • Students of different racial and ethnic groups are provided equal opportunity to be involved in and progress in the general education curriculum.

Please note: Individual Student Record Review (Attachment 3) and Focused Rubric to Evaluate the CSE Process (Attachment 4) must be completed to determine compliance/noncompliance for this focus area.

Findings	
Description of specific details of noncompliance in policy, procedures and practices:	**Corrective Action required:** **Improvement activities recommended:**

The following chart may be used to calculate the percentage of student records with evidence of compliance. Compile the results based on the results of each record reviewed for each citation (Attachment 3). Consider these results along with other required documentation in making a final compliance determination for this focus area.

Summary of Individual Student Record Review			
Citation	**Total Number of Records Reviewed**	**Total Number of Records with a finding of Y or NA**	**Percentage of Records in Compliance**
§200.4(d)(2)(i)			
§200.4(d)(2)(i)(a)			
§200.4(d)(2)(v)(a)(2)			
§200.4(d)(2)(v)(a)(3)			
§200.4(d)(2)(v)(b)(3)			
§200.4(d)(2)(viii)(a)			
§200.4(d)(3)(i)			
§200.4(d)(3)(ii)			
§200.4(d)(4)(ii)(a)			
§200.4(d)(4)(ii)(d)			

Part 200 – Regulations of the Commissioner of Education
Section 200.1(zz) – Definitions of Disability Classifications

(zz) *Student with a disability* means a student with a disability as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 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, that 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,that 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(j) 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) *Mental retardation* means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period,that 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, judgement, 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.

Individual Student Record Review Form

Directions:

This form is designed to assist the team in compiling documentation of compliance findings based on reviews of individual student records. It must be kept on file by the school district and is not submitted to SED unless requested.

A separate form must be used for each student record reviewed.

Each compliance issue must have a notation for each student record reviewed.

- Put "Y" (yes) in the column if the student's record review shows evidence that the requirement has been met for this student.
- Put "N" (no) in the column if the student's record review lacks evidence that this requirement has been met for this student.
- Put "NA" (not applicable) in the column if the item is not applicable to this student. An item should be noted as NA if it clearly does not pertain to the individual student.

  As examples:

  - Documentation for the individual evaluation procedures that "materials and procedures used to assess a student with limited English proficiency (LEP) are selected and administered to ensure they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills" (§200.4(b)(6)(xvi)) would be "NA" if the student does not fit into the category of LEP.

  - Documentation of special considerations on the IEP, including behavior or LEP would be "NA" if the student's evaluation does not support either of these needs.

- In the "Source of Data/Comments" column, indicate the specific record information used to make a determination. Provide comments such as "the evaluation should have been in the native language, other than English, but was not."

School District:	Building:
Person Completing Form:	Date of Record Review:
Student Name/ID:	DOB:
School:	Race/Ethnicity:
Grade/Program:	Disability:

Individual Evaluations of Students with Disabilities

Citation (8 NYCRR)		Y/ N/ NA	Source of Data/Comments
§200.4(b)(6)(i)	Assessments and other evaluation materials used to assess a student under this section:		
§200.4(b)(6)(i)(a)	• are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;		
§200.4(b)(6)(i)(b)	• are used for purposes for which the assessments or measures are valid and reliable;		
§200.4(b)(6)(i)(c)	• are administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such assessments; and		
§200.4(b)(6)(i)(d)	• are selected and administered so as not to be discriminatory on a racial or cultural basis.		
§200.4(b)(6)(v)	No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student.		
§200.4(b)(6)(vii)	The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities.		
§200.4(b)(6)(xvi)	Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills.		

Committee on Special Education Recommendation

Citation (8 NYCRR)		Y/ N/ NA	Source of Data/Comments
§200.4(c)(1)	Upon completing the administration of tests and other evaluation materials, the CSE and other qualified individuals must determine whether the student is a student with a disability, as defined in section 200.1(zz). (See Attachment 2A)		
§200.4(d)	Prior to the development of the recommendation, the Committee shall ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered.		
§200.4(d)(2)	In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation.		
§200.4(d)(2)(ii)	The IEP indicates the student's disability classification.		
Only those school districts identified as having disproportionate representation of racial and ethnic groups in special education placements (Indicator #10b) must complete this section.			
§200.4(d)(2)(i)	The IEP shall report the present levels of academic achievement and functional performance and indicate the individual needs of the student according to the four need areas.		
§200.4(d)(2)(i)(a)	The IEP includes references to how the student's disability affects involvement and progress in the general education curriculum.		
§200.4(d)(2)(v)(a)(2)	The IEP shall indicate the recommended special education program and services to allow the child to be involved in and progress in the general education curriculum.		
§200.4(d)(2)(v)(a)(3)	The IEP indicates the recommended special education programs and services to allow the student to be educated and participate with other students with disabilities and nondisabled students.		
§200.4(d)(2)(v)(b)(3)	The recommended program and services shall, to the extent practicable, indicate the supplementary aids and services and program modification to be provided to the student or on behalf of the student.		
§200.4(d)(2)(viii)(a)	The IEP provides an explanation of the extent, if any, to which the student will not participate in general education programs.		

Citation (8 NYCRR)		Y/ N/ NA	Source of Data/Comments
§200.4(d)(3)	Consideration of special factors. The CSE shall:		
§200.4(d)(3)(i)	• in the case of a student whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior;		
§200.4(d)(3)(ii)	• in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP.		
§200.4(d)(4)(ii)(a)	The CSE makes program and placement decisions at least annually after full discussion of needs, strengths, goals, services and supports which are documented on the student's individualized education program.		
§200.4(d)(4)(ii)(d)	A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.		

Focused Rubric to Evaluate the CSE Process

This rubric is designed to be used as a tool by the district to assess how the district's CSE process may affect disproportionate representation of students of the identified racial and ethnic groups in specific disability categories and in specific educational settings. The rubric lists seven key regulatory requirements affecting classification and placement decisions. This rubric focuses on the district team's attention to aspects of the CSE decision-making process that may affect the over representation of students by disability and placement when inappropriately or inadequately applied during the development of the student's recommendation.

- Numbers 1 and 2 below of the Key Aspects of the CSE Decision-Making Process focus on decisions affecting Indicator #10a (the over-representation of students in specific disability categories); and

- Numbers 3 through 7 below of the Key Aspects of the Decision-Making Process focus on decisions affecting Indicator #10b (the placement of students with disabilities of identified racial/ethnic groups in specific educational placements).

The seven Key Aspects of the CSE Decision-Making Process include:

1. In developing the recommendation for the IEP, the CSE considers the results of the initial or most recent evaluation. [§200.4(d)(2)]

2. Prior to the development of the recommendation, the CSE shall ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered. [§200.4(d)]

3. The IEP includes references to how the student's disability affects involvement and progress in the general education curriculum. [§200.4(d)(2)(i)(a)]

4. Students with disabilities shall be provided special education in the least restrictive environment, as defined in section 200.1(cc). [§200.4(d)(2)(v)(a)(3)]

5. The CSE shall, in the case of a student whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. [§200.4(d)(3)(i)]

6. The CSE shall, in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP. [§200.4(d)(3)(ii)]

7. The CSE makes program and placement decisions at least annually after full discussion of needs, strengths, goals, services and supports which are documented on the student's IEP. [§200.4(d)(4)(ii)(a)]

Directions on how to use the Rubric

The rubric should be used as a debriefing form. The district team should identify the number of CSE meetings to evaluate and meet with CSE members outside of a CSE meeting to ask them to respond to each item and to rate to what extent the CSE addressed each area. **All instances of "minimally addressed or no evidence" for each regulatory citation must be documented on the Self-Review Monitoring Protocol (Attachment 2) and the report to SED (Attachment 5) as *noncompliance.***

This activity will be addressed by the CSE members as a group, not as individuals. Consensus should be the goal, but if the CSE is not able to achieve consensus, that should be noted and the minority opinion should also be considered by the review team.

In addition to identifying compliance issues, this process should allow the district to make an overall quality assessment of each of the key areas relating to CSE recommendations and will assist the team to identify improvement activities.

Focused Rubric to Evaluate the CSE Process

Name of District: _____ ☐ CSE ☐ Subcommittee	Location: _____
Observers:	Date of Observation
Type of Meeting: ☐ Initial ☐ Annual ☐ Reevaluation ☐ Other	
Student's Preferred Language:	Parent's Preferred Language:

Citation (8NYCRR)		Not Applicable	Strong Focus	Generally Addressed	Minimally addressed or No Evidence
§200.4(d)(2)	1. In developing the recommendation for the IEP, the Committee considers the results of the initial or most recent evaluation.				
§200.4(d)	2. Prior to the development of the recommendation, the Committee shall ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered.				
Only those school district identified as having disproportionate representation of racial and ethnic groups in special education placements (Indicator #10b) must complete this section.					
§200.4(d)(2)(i)(a)	3. The IEP includes references to how the student's disability affects involvement and progress in the general education curriculum.				
§200.4(d)(2)(v)(a)(3)	4. Students with disabilities shall be provided special education in the least restrictive environment, as defined in section 200.1(cc).				
§200.4(d)(3)(i)	5. The CSE shall, in the case of a student whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior.				
§200.4(d)(3)(ii)	6. The CSE shall, in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP.				
§200.4(d)(4)(ii)(a)	7. The CSE makes program and placement decisions at least annually after full discussion of needs, strengths, goals, services and supports which are documented on the student's IEP.				

Indicate what took place at the meeting which addresses the indicators above:

Sample of electronic form

Disproportionality Self-Review Monitoring Report to the New York State Education Department

Directions:

1. Go to http://pd.nysed.gov
2. Log on using the same user id and password as assigned for PD data submissions.
3. Click on: Disproportionate Representation of Students with Disabilities by Classification and Placement Self-Review Monitoring Report.
4. Follow the on-line directions to complete the form.
5. Enter district's identifying information.
6. Provide appropriate verification from the Superintendent of Schools or Chief School Officer that the information as reported is true and accurate.
7. Using documentation from the Monitoring Protocol (Attachment 2), click the box under the "Yes" or "No" column as appropriate for each regulatory requirement. All citations must have a compliance indication.
8. Print a copy before submitting to SED.
9. Click "Submit"

School District Code: _____

School District Name: _____

Contact Person: _____

Email: _____

Telephone: _____

Sample of electronic form

Statement of Verification of Accuracy

I verify that the information submitted in this report is accurate based upon the findings from the Disproportionate Representation of Students with Disabilities by Classification and Placement Self-Review Monitoring process conducted during the current school year. (The on-line form will identify the dates of the current school year.)

_____

Superintendent or Chief School Officer

Date submitted: ____/____/_____

For SED Use Only:

- ☐ Review required for disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- ☐ Review required for disproportionate representation of racial and ethnic groups in special education placement that is the result of inappropriate policies, procedures and practices.

Sample of electronic form

Directions: Transfer findings for each regulatory citation from the last column of Attachment 2, "Determination of Compliance."

Citation (8 NYCRR)	Issue	Are the district's policies, procedures and practices in compliance with federal and State laws and regulations? Yes	No
I. Individual Evaluations of Students with Disabilities			
§200.4(b)(6)(i)	Assessments and other evaluation materials used to assess a student under this section:		
§200.4(b)(6)(i)(a)	• are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;	☐	☐
§200.4(b)(6)(i)(b)	• are used for purposes for which the assessments or measures are valid and reliable;	☐	☐
§200.4(b)(6)(i)(c)	• are administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such assessments; and	☐	☐
§200.4(b)(6)(i)(d)	• are selected and administered so as not to be discriminatory on a racial or cultural basis.	☐	☐
§200.4(b)(6)(v)	No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or for determining an appropriate educational program for a student.	☐	☐
§200.4(b)(6)(vii)	The student is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities.	☐	☐
§200.4(b)(6)(xvi)	Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student's English language skills.	☐	☐
II. Committee on Special Education Recommendation			
§200.4(c)(1)	Upon completing the administration of tests and other evaluation materials, the CSE and other qualified individuals must determine whether the student is a student with a disability, as defined in section 200.1(zz). (See Attachment 2A)	☐	☐

Sample of electronic form

Citation (8 NYCRR)	Issue	Are the district's policies, procedures and practices in compliance with federal and State laws and regulations? Yes	No
§200.4(d)	Prior to the development of the recommendation, the Committee shall ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered.	☐	☐
§200.4(d)(2)	In developing the recommendations for the IEP, the Committee must consider the results of the initial or most recent evaluation.	☐	☐
§200.4(d)(2)(ii)	The IEP indicates the student's disability classification.	☐	☐
Only those school district identified as having disproportionate representation of racial and ethnic groups in special education placements (Indicator #10b) must complete this section.			
§200.4(d)(2)(i)	The IEP shall report the present levels of academic achievement and functional performance and indicate the individual needs of the student according to the four need areas.	☐	☐
§200.4(d)(2)(i)(a)	The IEP includes references to how the student's disability affects involvement and progress in the general education curriculum.	☐	☐
§200.4(d)(2)(v)(a)(2)	The IEP shall indicate the recommended special education program and services to allow the child to be involved in and progress in the general education curriculum.	☐	☐
§200.4(d)(2)(v)(a)(3)	The IEP indicates the recommended special education programs and services to allow the student to be educated and participate with other students with disabilities and nondisabled students.	☐	☐
§200.4(d)(2)(v)(b)(3)	The recommended program and services shall, to the extent practicable, indicate the supplementary aids and services and program modification to be provided to the student or on behalf of the student.	☐	☐
§200.4(d)(2)(viii)(a)	The IEP provides an explanation of the extent, if any, to which the student will not participate in regular education programs.	☐	☐
§200.4(d)(3)	Consideration of special factors. The CSE shall:		
§200.4(d)(3)(i)	• in the case of a student whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior;	☐	☐
§200.4(d)(3)(ii)	• in the case of a student with limited English proficiency, consider the language needs of the student as such needs relate to the student's IEP.	☐	☐
§200.4(d)(4)(ii)(a)	The CSE makes program and placement decisions at least annually after full discussion of needs, strengths, goals, services and supports which are documented on the student's individualized education program.	☐	☐

Sample of electronic form

Attachment 5

Citation (8 NYCRR)	Issue	Are the district's policies, procedures and practices in compliance with federal and State laws and regulations? Yes	No
§200.4(d)(4)(ii)(d)	A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.	☐	☐