

Action Plan to Resolve Outstanding Noncompliance

District/Agency: Hempstead UFSD

Name and Date of Special Education Monitoring Review:

2006-07 4b Self Review Follow Up- January 12, 2009
2008-09 4b Focused Review- January 5, 2009
2011-12 DS Self Review Follow Up- December 17, 2013
2012-13 DS Focused Review- December 17, 2013
2017-16 DS Focused Review- November 17, 2016

Regulatory Citation:

FBA's

200.1(r)- Functional behavioral assessment means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of this Part and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

200.4(b)(1)(v) The individual evaluation must be at no cost to the parent, and the initial evaluation must include at least, other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.

200.22 (a) Assessment of student behaviors. For purposes of this section, an assessment of student behaviors shall mean a functional behavioral assessment (FBA), as such term is defined in section 200.1(r) of this Part.

200.22(a)(2)- The FBA shall, as appropriate, be based on multiple sources of data including, but not limited to, information obtained from direct observation of the student, information from the student, the student's teacher(s) and/or related service provider(s), a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent. The FBA shall not be based solely on the student's history of presenting problem behaviors.

200.22(a)(3)- The FBA shall provide a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and include the information required in section 200.1(r) of this Part in sufficient detail to form the basis for a behavioral intervention plan for the student that addresses antecedent behaviors, reinforcing consequences of the behavior, recommendations for teaching alternative skills or behaviors and an assessment of student preferences for reinforcement.

Required Corrective Action from CAP:

- 1) The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of the Regulations of the Commissioner and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.
- 2) For a student whose behavior impedes his/her learning or that of others, the district will conduct an FBA at no cost to the parent.
- 3) The FBA shall be based on multiple sources of data including, information obtained from direct observation of the student, information from the student, the student's teacher(s) and/or related service provider(s), a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent. The FBA shall not be based solely on the student's history of presenting problem behaviors.

- 4) The FBA shall provide a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and include the information required in section 200.1(r) in sufficient detail to form the basis for a behavioral intervention plan for the student that addresses antecedent behaviors, reinforcing consequences of the behavior, recommendations for teaching alternative skills or behaviors and an assessment of student preferences for reinforcement.

Verifying Evidence to be Submitted to NYSED:

The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit:

- A copy of the IEP(s) in effect during each suspension
- A copy of the IEP resulting from the reevaluation meeting
- A copy of the FBA, if applicable
- A copy of the prior written notice resulting from the meeting

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to functional behavioral assessments (FBA). The training will include:</p> <ul style="list-style-type: none"> • Purpose of an FBA • When the district is required to complete an FBA for a student • How to conduct an FBA and the information required in the evaluation report (general and specific hypotheses, baseline data, etc.) 	<p>Name and title of each staff person in attendance during the training</p>	<p>RSE-TASC <hr/> SEQA RA <hr/> Director of Special Education <hr/></p>	<p>June 1st 2018</p>
<p>The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action that will ensure that the district is compliant with regulations pertaining to FBAs. Procedures could include specific forms, templates, formats to be used by staff to implement the procedures.</p>	<p>Copy of the written procedures</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>March 15th 2018</p>

Appropriate staff will be trained on the written procedures.	Name and title of each staff person in attendance during the training	RSE-TASC SEQA RA Director of Special Education	April 13 th 2018

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2017-16 DS Focused Review- November 17, 2016

Regulatory Citation:

BIPs

200.22(b)(i)- The behavioral intervention plan shall identify, the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline shall, to the extent practicable, include data taken across activities, settings, people and times of the day. The baseline data shall be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness

200.22(b)(4)(ii)- The behavioral intervention plan shall identify the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s)

200.22(b)(4)(iii)- The behavioral intervention plan shall identify a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.

200.22(b)(5)- The implementation of a student's behavioral intervention plan shall include regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals, as specified in the behavioral intervention plan and on the student's IEP. The results of the progress monitoring shall be documented and reported to the student's parents and to the CSE or CPSE and shall be considered in any determination to revise a student's behavioral intervention plan or IEP.

201.(2)(a)- Behavioral intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Required Corrective Action from CAP:

- 1) The behavioral intervention plan shall identify, the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline shall, to the extent practicable, include data taken across activities, settings, people and times of the day. The baseline data shall be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness
- 2) The behavioral intervention plan shall identify the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s)
- 3) The behavioral intervention plan shall identify a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.
- 4) The implementation of a student's behavioral intervention plan shall include regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals, as specified in the behavioral intervention plan and on the student's IEP. The results of the progress monitoring shall be documented and reported to the student's parents and to the CSE or CPSE and shall be considered in any determination to revise a student's behavioral intervention plan or IEP.
- 5) Behavioral intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Verifying Evidence to be Submitted to NYSED:

The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit:

- A copy of the IEP(s) in effect during each suspension
- A copy of the FBA
- A copy of the BIP
- Evidence of regular progress monitoring of the BIP
- Evidence of revision of the BIP, when applicable

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to the recommendation and implementation of strategies, including positive behavioral interventions and supports and other strategies to address behavior. The training will include:</p> <ul style="list-style-type: none"> • CSE consideration and documentation of strategies, including positive behavioral interventions and supports and other strategies to address target behavior • Responsibility for implementation of the strategies, including positive behavioral interventions and supports and other strategies, to address target behavior. • Development of a BIP and the information required in the BIP • Progress monitoring of the BIP and the review of the results of progress monitoring • Revision of the BIP 	Name and title of each staff person in attendance during the training	RSE-TASC SEQA RA Director of Special Education Psychologists	May 18th 2018
<p>The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action that will ensure that the district is compliant with regulations pertaining to FBAs, BIPs, and progress monitoring and revision of BIPs. Procedures could include specific forms, templates, formats to be used by staff to implement the procedures.</p>	Copy of the written procedures	RSE-TASC SEQA RA Director of Special Education Psychologists	March 15 th 2018
<p>Appropriate staff will be trained on the written procedures.</p>	Name and title of each staff person in attendance during the training	Director of Special Education	May 18th 2018

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2017-16 DS Focused Review- November 17, 2016

Regulatory Citation:

CSE Process and IEP Implementation

200.3(d)(1)-The regular education teacher of the student with a disability must, to the extent appropriate, participate in the development, review and revision of a student's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the student;

200.4(b)(4)- A committee on special education shall arrange for an appropriate reevaluation of each student with a disability if the school district determines that the educational or related service needs, including improved academic achievement and functional performance of the student, warrant a reevaluation or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year unless the parent and representatives of the school district appointed to the committee on special education agree otherwise; and at least once every three years, except where the school district and the parent agree in writing that such reevaluation is unnecessary. The reevaluation shall be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. In accordance with paragraph (5) of this subdivision, the reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the committee on special education in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the school district shall encourage the consolidation of reevaluation meetings for the student and other committee on special education meetings for the student.

200.4(d)(3)- 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 that are consistent with the requirements in section 200.22 of this Part;

200.4(e) Within 60 school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability, the board of education shall arrange for appropriate special programs and services, except that if such recommendation is for placement in an approved in-state or out-of-state private school, the board shall arrange for such programs and services within 30 school days of the board's receipt of the recommendation of the committee.

200.4(e)(3)- The school district shall ensure that the recommendations on a student's IEP, including changes to the IEP made pursuant to subdivision (g) of this section, are implemented, including but not limited to:

200.22(b)(2)- In accordance with the requirements in section 200.4 of this Part, in the case of a student whose behavior impedes his or her learning or that of others, the CSE or CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. If a particular device or service, including an intervention, accommodation or other program modification is needed to address the student's behavior that impedes his or her learning or that of others, the IEP shall so indicate. A student's need for a behavioral intervention plan shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE or CPSE.

Required Corrective Action from CAP:

- 1) The regular education teacher of the student with a disability must, to the extent appropriate, participate in the development, review and revision of a student's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the student;

- 2) A committee on special education shall arrange for an appropriate reevaluation of each student with a disability if the school district determines that the educational or related service needs, including improved academic achievement and functional performance of the student, warrant a reevaluation or if the student's parent or teacher requests a reevaluation, but not more frequently than once a year unless the parent and representatives of the school district appointed to the committee on special education agree otherwise; and at least once every three years, except where the school district and the parent agree in writing that such reevaluation is unnecessary. The reevaluation shall be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. In accordance with paragraph (5) of this subdivision, the reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the committee on special education in a meeting to review and, as appropriate, revise the student's IEP. To the extent possible, the school district shall encourage the consolidation of reevaluation meetings for the student and other committee on special education meetings for the student.
- 3) 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 that are consistent with the requirements in section 200.22.
- 4) Within 60 school days of the receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 school days of the referral for review of the student with a disability, the board of education shall arrange for appropriate special programs and services, except that if such recommendation is for placement in an approved in-state or out-of-state private school, the board shall arrange for such programs and services within 30 school days of the board's receipt of the recommendation of the committee.
- 5) The school district shall ensure that the recommendations on a student's IEP, including changes to the IEP are implemented.
 - Parent shall receive prior written notice of any changes to the IEP.
 - The CSE shall be notified of any changes made to the IEP.
 - The Parent shall receive a copy of the document that amends or modifies the IEP or, upon request, the parent shall be provided a revised copy of the entire IEP with the amendments incorporated.
6. The CSE or CPSE shall, in accordance with the requirements in section 200.4, 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. If a particular device or service, including an intervention, accommodation or other program modification is needed to address the student's behavior that impedes his or her learning or that of others, the IEP shall so indicate. A student's need for a behavioral intervention plan shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE or CPSE.

Verifying Evidence to be Submitted to NYSED:

The District will submit a list of students reevaluated from April 1, 2018 through June 30, 2018.

For a sample of students selected by NYSED, the district will submit:

- A copy of the IEP resulting from the reevaluation meeting.
- A copy of the prior written notice resulting from the meeting.
- Evidence that the parent received a copy of the amended IEP resulting from the reevaluation meeting

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to reevaluation of students with disabilities, including functional behavioral assessments, dynamic assessments, and implementation of strategies to provide access to the general education curriculum. The training will include:</p> <ul style="list-style-type: none"> • The CSE will include the regular teacher of the student and the responsibility of the teacher to assist in the determination of appropriate positive behavioral interventions and supports and other strategies for the student; • Reevaluation and IEP implementation timelines • The reevaluation process, including the review of existing data and the determination of needed data. • Identification of proper measures and assessments to assess student needs. • CSE consideration and documentation of strategies, including positive behavioral interventions, supports and other strategies to address target behavior. • Responsibility for implementation of the IEP 	<p>Name and title of each staff person in attendance during the training</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>May 18th 2018</p>
<p>The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action that will ensure that the district is compliant with regulations pertaining to reevaluation of students with disabilities.</p>	<p>Copy of the written procedures</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>March 15th 2018</p>
<p>Appropriate staff will be trained on the written procedures.</p>	<p>Name and title of each staff person in attendance during the training</p>	<p>Director of Special Education</p>	<p>May 18th 2018</p>

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Regulatory Citation:

Manifestation Determinations

201.3- If the manifestation team pursuant to section 201.4 of this Part, makes the determination that the conduct subject to the disciplinary action was a manifestation of the student's disability, the CSE must either; conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.

201.4(a)- A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after: (1) a decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting pursuant to section 201.7(e) of this Part; or (2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting pursuant to section 201.8 of this Part; or (3) a decision is made by a board of education, district superintendent of schools, building principal or superintendent pursuant to section 201.7(a) or (b) of this Part to impose a suspension that constitutes a disciplinary change in placement.

201.4(c)- The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if: (1) the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (2) the conduct in question was the direct result of the school district's failure to implement the IEP.

201.4(e)- If the manifestation team determines the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies.

201.4(d)(1)- The conduct must be determined to be a manifestation of the student's disability if the manifestation team determines that a condition in either paragraph (c)(1) or (2) of this section was met.

201.4(d)(2)(ii)- If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall, except as provided in section 201.7(e) of this Part, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

Required Corrective Action from CAP:

- 1) If the manifestation team makes the determination that the conduct subject to the disciplinary action was a manifestation of the student's disability, the CSE must either; conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.
- 2) A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after: (1) a decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting; or (2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational

setting; or (3) a decision is made by a board of education, district superintendent of schools, building principal or superintendent to impose a suspension that constitutes a disciplinary change in placement.

- 3) The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if: (1) the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (2) the conduct in question was the direct result of the school district's failure to implement the IEP.
- 4) If the manifestation team determines the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies.
- 5) The conduct must be determined to be a manifestation of the student's disability if the manifestation team determines that a condition in either paragraph (c)(1) or (2) of this section was met.
- 6) If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan, *and except if the change in placement to an IAES is for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.*

Verifying Evidence to be Submitted to NYSED:

The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit:

- Evidence that the district completed a manifestation review prior to imposing a suspension that resulted in a disciplinary change in placement
- Evidence of the relevant information reviewed by the team and why the team determined the conduct was or was not a manifestation of the student's disability
- Evidence the CSE conducted a functional behavioral assessment, when the behavior was determined to be a manifestation of the student's disability
- Evidence the CSE, if applicable, recommended the development of a BIP, or implemented an existing BIP
- Evidence the CSE, if applicable, reviewed the behavioral intervention plan and modified it as necessary to address behavior.
- Evidence that the district took immediate action to remedy any deficiencies resulting from the district's failure to implement the IEP when the conduct in question was the direct result of the school district's failure to implement the IEP
- Evidence the CSE, upon determining the conduct was a manifestation of the student's disability, recommended that the student return to the placement from which the student was removed
- Evidence that the parent was informed and provided a copy of the procedural safeguards notice prior to a suspension that resulted in a disciplinary change in placement.

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to manifestation determination. The training will include:</p> <ul style="list-style-type: none"> • The definition of disciplinary change in placement and timeline for completion of a manifestation review • The relevant information that must be reviewed by the manifestation team • The criteria for determining that a student’s conduct is a manifestation of the student’s disability • The requirement to return a student to the placement from which he/she was removed • The requirement to remedy any deficiencies when the conduct in question was the direct result of the school district’s failure to implement the IEP • The requirement to conduct a functional behavioral assessment when the behavior was determined to be a manifestation of the student’s disability • The requirement to implement and to provide progress monitoring of all existing BIPs for a student removed for discipline purposes whose behavior(s) was a manifestation of their disability. 	<p>Name and title of each staff person in attendance during the training</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>May 18th 2018</p>

<p>The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action that will ensure that the district is compliant with regulations pertaining to manifestation reviews. Procedures could include specific forms, templates, formats to be used by staff to implement the procedures.</p>	<p>Copy of the written procedures</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>March 15th 2018</p>
<p>Appropriate staff will be trained on the written procedures.</p>	<p>Name and title of each staff person in attendance during the training</p>	<p>Director of Special Education</p>	<p>May 18th 2018</p>

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<p>Regulatory Citation: Suspension/Removals 201.7(b)- Five school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, the trustees or board of education of any school district, a district superintendent of schools or a building principal with authority to suspend students pursuant to Education Law section 3214(3)(b) and (g), shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior. 201.7(d)- A student with a disability may not be removed pursuant to subdivision (b) or (c) of this section if imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(e)(2) of this Part, except where the manifestation team pursuant to section 201.4 of this Part has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES as authorized under subdivision (e) of this section.</p>

201.7(a)- Parental notice of disciplinary removal. No later than the date on which a decision is made to change the placement of a student with a disability to an IAES pursuant to subdivision (e) of this section or pursuant to section 201.8 of this Part, or a decision is to impose a suspension or removal pursuant to this Subpart that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural safeguards notice in accordance with section 200.5(f) of this Title.

201.9(c)(2)- Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a nondisabled student, except that such student shall continue to receive services in accordance with section 201.10 of this Part. Upon receipt of notice of such determination, the superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer in the superintendent's hearing shall dismiss the superintendent's hearing, except as otherwise provided in paragraph (3) of this subdivision.

Required Corrective Action from CAP:

- 1) Five school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, the trustees or board of education of any school district, a district superintendent of schools or a building principal with authority to suspend students pursuant to Education Law section 3214(3)(b) and (g), shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.
- 2) A student with a disability may not be removed if imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(e)(2) of this Part, except where the manifestation team has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES as authorized under subdivision (e) of this section.
- 3) Parental notice of disciplinary removal. No later than the date on which a decision is made to change the placement of a student with a disability to an IAES or a decision is to impose a suspension or removal pursuant to this Subpart that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural
- 4) Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a nondisabled student, except that such student shall continue to receive services in accordance with section 201.10 of this Part. Upon receipt of notice of such determination, the superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer in the superintendent's hearing shall dismiss the superintendent's hearing, except upon a determination that the student is guilty of alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances. In this case the superintendent or the hearing officer, may recommend a change in placement to an IAES, to be determined by the CSE, for up to 45 days, and not to exceed the length of time that a nondisabled student would be suspended for the same misconduct under the school district's student's discipline policy.

Verifying Evidence to be Submitted to NYSED:

The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit:

1. The Principal's Notice to the Parent of suspension
2. The Superintendent's Notices, if applicable, regarding hearings

The district will also provide evidence that:

- When the conduct was a manifestation of the student's disability:
 - the student returned to his/her placement prior to the conduct that resulted in the suspension or
 - the conduct involved weapons, drugs or serious bodily injury
 - or the parent and district agreed to a change in placement as a revision to the BIP
- When the conduct was not a manifestation of the student's disability:

- The CSE determined the IAES and services
- The provision of the IAES and services
- The provision of the IAES and services consistent with the CSE recommendation

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to manifestation determination. The training will include:</p> <ul style="list-style-type: none"> • The definition of disciplinary change in placement and timeline for completion of a manifestation review • The relevant information that must be reviewed by the manifestation team • The definition of the 5 school-day suspension or removal (Principal's Suspension) which gives the authority to suspend students and to order the placement of a student with a disability into an interim alternative, not to exceed 5 consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to for the same behavior. • The definition of the 5 school-day or 10 school day suspension or removals. The hearing officer or superintendent may order the placement of a student with a disability into an interim alternative educational setting (IAES) for up to 10 consecutive school days, inclusive of previous suspensions or removals (Pattern of suspensions) and not to exceed the amount of time that a nondisabled student would be subject to for the same behavior. • Parental notice of disciplinary removal and due process procedures according to 200.5(f) 	Name and title of each staff person in attendance during the training	RSE-TASC SEQA RA Director of Special Education	June 1 st 2018
The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action that will ensure that the district is compliant with regulations pertaining to manifestation reviews. Procedures could include specific forms, templates, formats to be used by staff to implement the procedures	Name and title of each staff person in attendance during the training	RSE-TASC SEQA RA Director of Special Education	March 15 th 2018

Appropriate staff will be trained on the written procedures.	Copy of the written procedures	Director of Special Education	May 18 th 2018
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Action Plan to Resolve Outstanding Noncompliance

District/Agency: Hempstead UFSD

Name and Date of Special Education Monitoring Review:

2006-07 4b Self Review Follow Up- January 12, 2009
2008-09 4b Focused Review- January 5, 2009
2011-12 DS Self Review Follow Up- December 17, 2013
2012-13 DS Focused Review- December 17, 2013
2017-16 DS Focused Review- November 17, 2016

Regulatory Citation:

Provision of Services During Suspension/Removal

201.10(b)- During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law, section 3214(3)(e) on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

201.10(c)- During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

201.10(d)- During suspensions or other disciplinary removals, including suspensions or removals pursuant to section 201.7(e) of this Part, for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate pursuant to section 201.3 of this Part, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

201.2(k)(1)- Interim alternative educational setting or IAES a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP

201.2(k)(2)- A student who is placed in an IAES shall receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Required Corrective Action from CAP:

- 1) During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- 2) During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to

enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

- 3) During suspensions or other disciplinary removals, including suspensions or removals pursuant to section 201.7(e) of this Part, for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.
- 4) Interim alternative educational setting or IAES a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
- 5) A student who is placed in an IAES shall receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Verifying Evidence to be Submitted to NYSED:

- 1) The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit evidence:

1. That students suspended for less than 10 school days during the 2017-18 school year were offered the minimum number of hours of instruction
2. The prior written notice that identified the special education program and services recommended for each student in which the district imposed a disciplinary change in placement and evidence that those services were provided.
3. Evidence that the school personnel, in consultation with at least one of the student's teacher determined the services necessary and evidence that these services were provided.

- 2) The District will submit a list of students suspended from school from April 1, 2018 through June 30, 2018 that identifies each day each student was suspended during the 2017-18 school year.

For a sample of students selected by NYSED, the district will submit evidence:

1. That for students suspended for more than 10 days during the 2017-18 school year the CSE sent a meeting notice to the parent with a copy of the procedural safeguards notice.
2. That the CSE convened a meeting to consider behavioral assessment, intervention services and modifications, as appropriate to address the behavior violation.
3. That the CSE convened a meeting to determine the IAES, instruction and services.

Specific Action Steps the District Will Take To Correct Noncompliance:	Verifying Evidence to be Submitted To Superintendent Documenting Completion of Each Action Step	Staff Person(s) Responsible For Each Action Step	Date by which Action Step Must Be Completed
<p>Appropriate staff will receive training/professional development on the regulatory requirements related to the provision of alternative instruction during a disciplinary removal when:</p> <ul style="list-style-type: none"> • Its less than 10 school days in a school year • Its more than 10 school days in a school year and constitutes a disciplinary change in placement • Results in a series of suspensions that total more than 10 school days in a school year but does not constitute a disciplinary change in placement 	<p>Name and title of each staff person in attendance during the training</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>June 1st 2018</p>
<p>The district will develop written procedures that identifies the series of actions and title of the staff responsible for each action, that will ensure that the district is compliant with regulations pertaining to the provision of alternative instruction.</p>	<p>Copy of the written procedures</p>	<p>RSE-TASC SEQA RA Director of Special Education</p>	<p>March 15th 2018</p>
<p>Appropriate staff will be trained on the procedures.</p>	<p>Name and title of each staff person in attendance during the training</p>	<p>Director of Special Education</p>	<p>May 18th 2018</p>

