



New York State Education Department  
Office of Special Education  
**Educational Partnership**





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# Committee on Preschool Special Education (CPSE) and Committee on Special Education (CSE) Training

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## Module 2: Referral

Produced by the Technical Assistance Partnership for Transition at Cornell University in conjunction with the Technical Assistance Partnerships for Academics and Behavior at University at Albany and the Technical Assistance Partnership for Equity at Bank Street College of Education.

*Last updated on March 21, 2023*



# Disclaimer

The resources shown are designed to provide helpful information. Resources are provided for instructional use purposes only and do not constitute NYSED endorsement of any vendor, author, or other sources. To the best of our knowledge, the resources provided are true and complete.

# Today's Facilitators

# Meeting Norms

- Take care of your needs (water, food, restroom, etc.)
- Speak your truth—use “I” statements
- Ask what you need to understand and contribute
- Listen with respect
- Push your growing edge
- Participate and struggle together
- Expect a lack of closure
- Respect each others’ needs

# Blueprint for Improved Results for Students with Disabilities



## Self-Advocacy

Students engage in self-advocacy and are involved in determining their own educational goals and plan.



## Family Partnership

Parents, and other family members, are engaged as meaningful partners in the special education process and the education of their child.



## Specially-Designed Instruction

Teachers design, provide, and assess the effectiveness of specially-designed instruction to provide students with disabilities with access to participate and progress in the general education curriculum.



## Research-Based Instruction

Teachers provide research-based instructional teaching and learning strategies and supports for students with disabilities.



## Multi-tiered Support

Schools provide multi-tiered systems of behavioral and academic support.



## Inclusive Activities

Schools provide high-quality inclusive programs and activities.



## Transition Support

Schools provide appropriate instruction for students with disabilities in career development and opportunities to participate in work-based learning.

# Agenda and Materials

- Introduction to Module 2—Referral
- Review of pre-work
- Regulatory content
- Wrap up

# Overview of Series

- Module 1: The Foundations
-  **Module 2: Referral**
- Module 3: Evaluation
- Module 4: Eligibility
- Module 5: Recommendations/Individualized Education Program (IEP) Development
- Module 6: Implementing and Amending the IEP
- Module 7: Annual Review
- Module 8: Reevaluation
- Module 9: Effective Preschool Special Education (CPSE)/Committee on Special Education (CSE) Meetings
- Module 10: CPSE

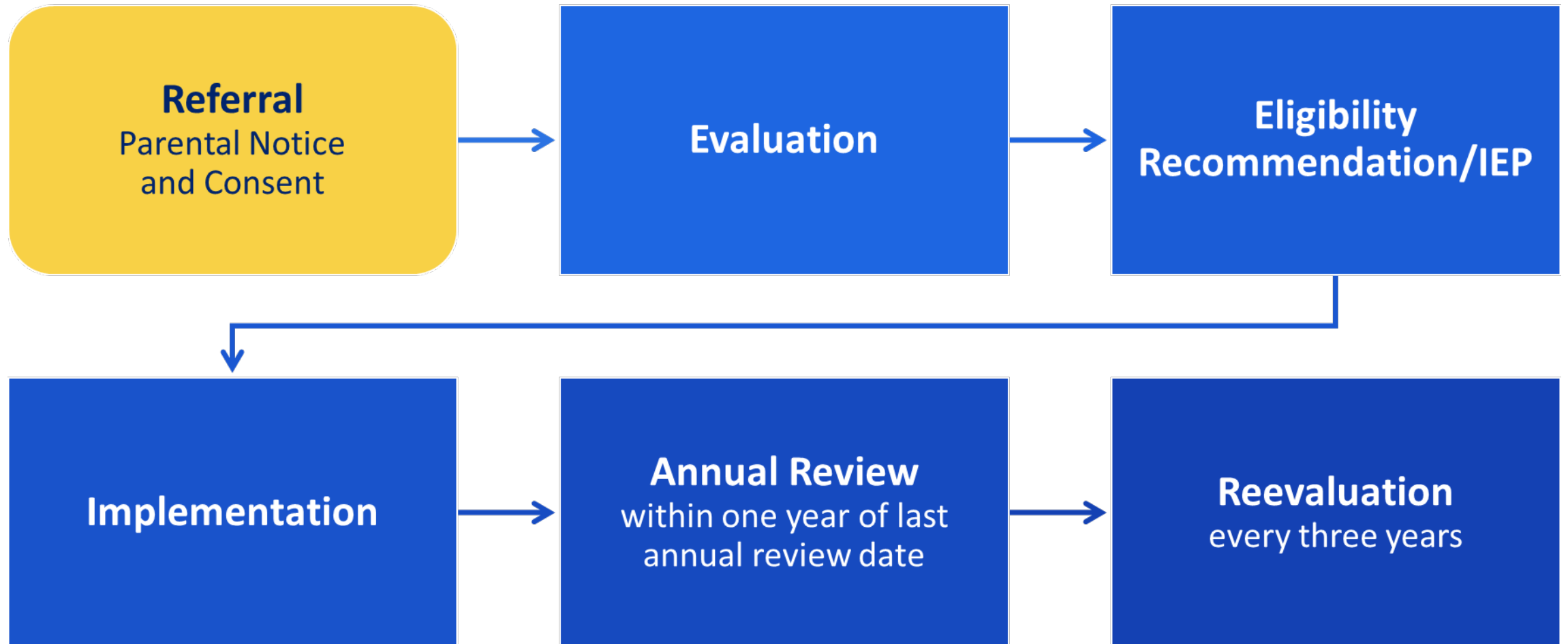


# Participants will:

- Understand the Board of Education's (BOE) role in identifying all students with disabilities
- Identify the sequence of events and CPSE/CSE responsibilities related to procedures specific to referral and consent
- Know the required timelines for referral and consent
- Begin to review district procedures to comply with the regulatory requirements
- Understand the components and requirements for parent communication and collaboration, including Prior Written Notice (PWN)

## Module 2: Learning Objectives

# CPSE/CSE Process



# Child Find

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# Child Find and Board of Education's Responsibilities: Pre-Work review

§200.2(a)(1)-(7)



**Part 1: §200.2(a)(1)-(7) of the  
Regulations of the Commissioner  
of Education pp. 19–21  
Board of Education's Responsibilities**

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**§200.2 (a)(1) What is the board's responsibility  
regarding Child Find Procedures?**

# Child Find Process

## §200.2(a)(1)-(7)



- How should the district ensure that staff understand the Child Find process?
- Why is Child Find important?
- What are some of the procedures used by school districts to maintain a census of students with disabilities in the district?

# Guiding Questions—Child Find/ Referral



- How will you ensure that the Child Find process is clearly defined, and that parents and district staff understand the Child Find process?
- How will you encourage and facilitate the participation of the parents and the student prior to and during the referral process?
- How will you ensure compliance with procedures and timelines for the referral process?
- How will you ensure that the request for referral includes the pertinent information to determine the necessary evaluations?

# Referral

Referral

Request for Referral



# Referral for Initial Evaluation

## §200.4(a)(1)&(2)

- A student suspected of having a disability shall be referred in writing.
- A referral may be made by:
  - Student's parent as defined in §200.1(ii), or
  - Designee of the school district, or
  - Commissioner, or designee of a public agency with responsibility for the education of the student, and/or
  - Designee of an education program affiliated with a child care institution with CSE responsibility.





# Referral for Initial Evaluation

(continued)

§200.4(a)(3)-(6)



- “Date of receipt of referral” is the date received by the Committee Chairperson or building administrator, whichever is earliest.
- If received by a building administrator, it shall be forwarded to the Committee Chairperson immediately.
- If received by the Chairperson, they must notify the building administrator within five school days.
- Chairperson immediately notifies the parent (PWN) of referral and requests consent to evaluate.

# Withdrawal of Referral



## §200.4(a)(7)

- In the event that the parent and the person submitting the referral agree in writing that the referral shall be withdrawn, the chairperson of the CSE shall provide the parent and the referring person a copy of the agreement.
- Each agreement shall specify any alternative methods suggested to resolve the identified learning difficulty of the student and shall provide the opportunity for a follow-up conference within an agreed period of time to review the student's progress.
- A copy of the agreement shall also be placed in the student's cumulative education record file.

# District-Initiated Withdrawal Meeting



## §200.4(a)(9)

- Building administrator may request a meeting with the parent to determine whether the student would benefit from additional general education support services as an alternative to special education. The student may also attend this meeting.
- Meeting shall be conducted within ten school days.
- The parties may agree to withdraw the referral.
- Withdrawal must be documented in writing and include a description of additional general education services, instructional strategies, student-centered data to be collected, and proposed duration of such program.
- Copy of withdrawal document is sent to the parent in their native language and placed in the student's cumulative education record file.

# Request for Referral for an Initial Evaluation



## §200.4(a)(2)

- A written request that the school district or agency refer the student for initial evaluation may be made by:
  - Professional staff member of the school district in which the student resides, or public or private school the student legally attends or is eligible to attend;
  - Licensed physician;
  - Judicial officer;
  - Professional staff member of a public agency with responsibility for welfare, health, or education of children; or
  - Student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

# Procedures: Request for Referral for an Initial Evaluation (1 of 3)



§200.4(a)(2), §200.4(a)(9)

- State reasons for referral, tests results, records or reports, services, interventions used to remediate, and extent of parental contact (exception of student and/or judicial officer).
- When a written request is received by the building administrator or any other employee of the school, it must be forwarded to the CPSE/CSE Chairperson immediately upon its receipt.

# Procedures: Request for Referral for an Initial Evaluation (2 of 3)



§200.4(a)(2), §200.4(a)(9)

- Upon receiving a request for referral, a school district must within ten school days, either:
  - Request parent consent to initiate the evaluation; or
  - Provide the parent with a copy of a request for referral; and
  - Inform the parent of their right to refer the student for an initial evaluation; and
  - Offer the parent the opportunity to meet.

# Procedures: Request for Referral for an Initial Evaluation (3 of 3)



## §200.4(a)(2), 200.4(a)(9)

- Offer opportunity to meet with parent to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student.
- The meeting may include:
  - Building administrator, or designee of the school district authorized to make a referral;
  - The student, if appropriate;
  - An interpreter, if necessary;
  - The party making the request for the referral if a professional staff member of the school district; and
  - Upon request of the parent or school district, any other person making a request for referral must have the opportunity to attend such meeting.



# Special Considerations

## Consideration of Special Factors:

- Behavior
- Adequate instruction
- English language learners (ELL)
- Cultural factors
- Communication needs



# Cultural and Linguistic Considerations

## Discussion



- How does classroom instruction affect the disproportionate referral of students from culturally and linguistically diverse populations?
- How can you ensure that the students' linguistic needs have been accounted for prior to continuing with the referral process?
- Many English-speaking students have non-English-speaking parents. How will this affect their experience as students and the perceived need for referral to special education? What are some alternatives?

# Request for Referral—Pre-Referral Interventions



§100.2(ii), §200.2 (b) (7) and §200.4(a)(2)(iii)

- BOE policy establishes procedures for implementing school-wide approaches, which may include a Response to Intervention (RtI) process, and pre-referral interventions in order to remediate a student's performance prior to referral for special education.
- A request for referral shall describe in writing intervention services, programs, or instructional methodologies used to remediate the student's performance prior to referral, including supplementary aids or support services provided for this purpose, or state reasons why no such attempts were made.
- RtI process must be implemented in reading in grades K–4.

# Request for Referral—What Are Pre-Referral Interventions?



- Intervention services and programs—Academic Intervention Services (AIS), remedial programs
- Instructional methodologies—use of various methods, strategies, and materials, differentiated instruction
- Supplementary aids or supports services
- Behavioral interventions
- Staff training and support
- Increased parent involvement
- English as a New Language (ENL)/bilingual supports and services
- RtI (screening, levels of interventions)

# What You Need to Know

- Is there a place on your request for referral form to document pre-referral interventions?
- What do you do if it's blank?
- What pre-referral interventions are used in your district?
- Is a team process used to support pre-referral interventions, and how does it work? Who is responsible/in charge of it?
- What is your district's Rtl policy?



# Quality Indicators—Child Find/Referral

- The Child Find process is clearly defined and understood by parents and district staff.
- Children are referred to the CPSE/CSE if they are suspected of having a disability that adversely affects their educational performance and ability to learn.
- Requests for referrals are made in writing and include a referral source, the concerns of the parent and teachers, and instructionally relevant information that informs what evaluations and supports are needed.

# Quality Indicators—Child Find/Referral

## (continued)

- Parents are engaged and provided the opportunity to communicate and collaborate during the referral and evaluation process. Informed consent for evaluation is requested in a timely manner.
- Referral information is part of the child's education record and must be maintained as confidential.
- The referral process is expedient with clear and streamlined procedures.

# Guiding Questions—Child Find/ Referral Activity



- How will you ensure that the Child Find process is clearly defined and that parents and district staff understand the Child Find process?
- How will you encourage and facilitate the participation of the parents and the student prior to and during the referral process?
- How will you ensure compliance with procedures and timelines for the referral process?
- How will you ensure that the request for referral includes the pertinent information to determine the necessary evaluations?

# Due Process Procedures

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Procedural Safeguards Notice

PWN Overview

Consent

PWN for Initial Evaluation

Surrogate Parents

Confidentiality





# Procedural Safeguards Notice

## §200.5(f)



- A school district must use the Procedural Safeguards Notice prescribed by the Commissioner.
- The document explains due process rights to parents.
- It must be provided to parents in their native language or other mode of communication, unless it is not feasible to do so.
- It is available in multiple languages on the [NYSED website](#).

# Procedural Safeguards Notice (continued)



## §200.5(f)

A copy of the Procedural Safeguard Notice must be given to the parents of a student with a disability:

- At least one time per year and also upon:
  - Initial referral or parental request for evaluation
  - First filing of due process complaint notice to request mediation or an impartial due process hearing
  - Decision to impose a suspension or removal that constitutes a disciplinary change in placement
  - Parent request for a copy
  - Receipt of the parent's first State complaint in a school year

# Special Education in NYS for Children Ages 3–21: A Parent’s Guide

- District must provide a copy to parents upon initial referral for evaluation.
- [Available on NYSED website in both English and Spanish.](#)
- Provides information for parents, guardians, and other family members about laws, regulations, and policies affecting special education programs and services.



# PWN Definition

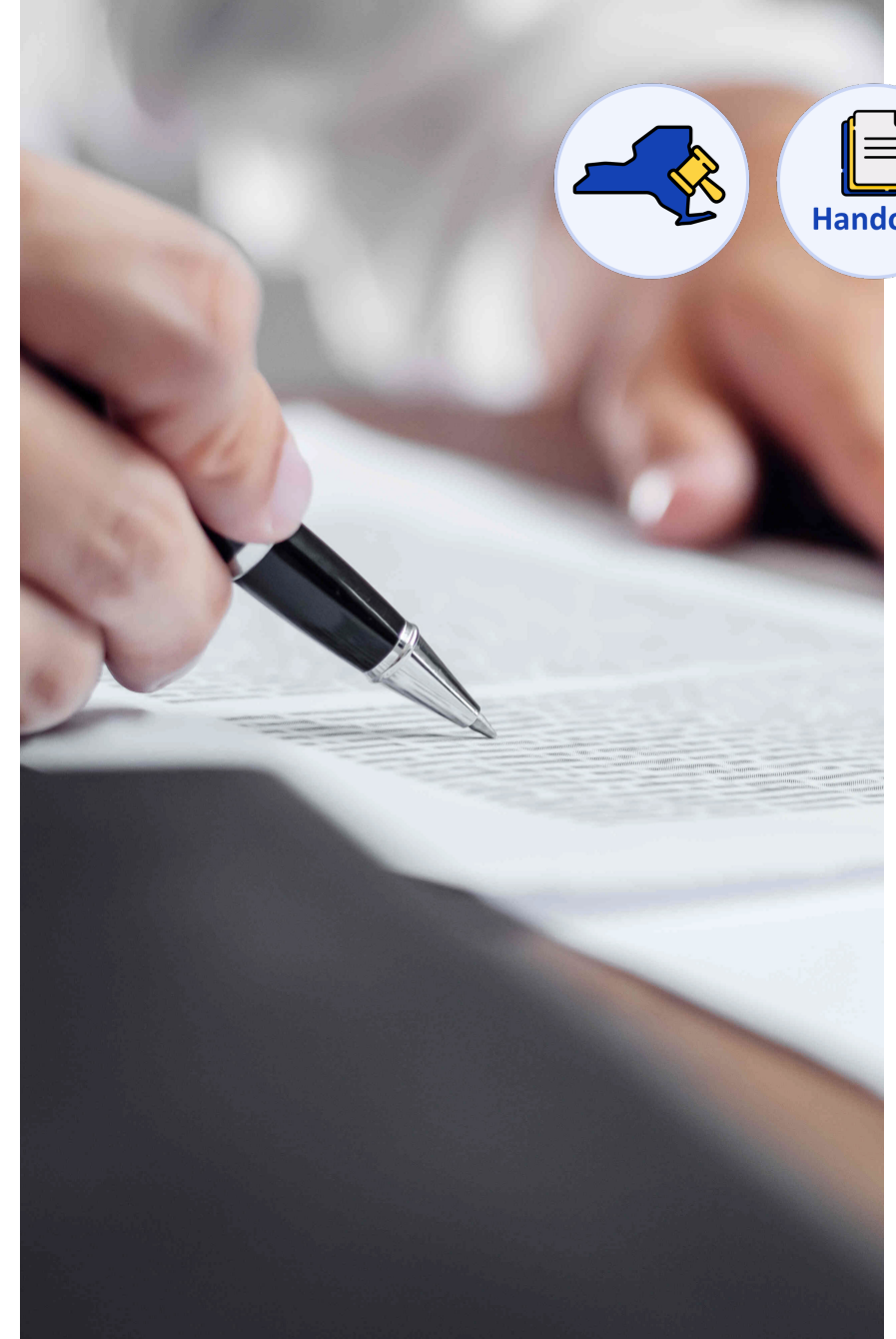
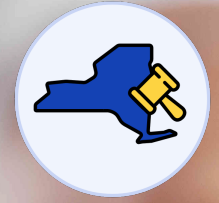
## §200.5(a)



- PWN (notice of recommendation) must be provided to the parents of a student with a disability a reasonable time before the school district proposes to **or** refuses to initiate **or** change the identification, evaluation, **or** educational placement of the student **or** the provision of a free appropriate public education (FAPE) to the student.
- If PWN relates to an action proposed by the school district that also requires parent consent, the district must give notice at the same time it requests parent consent (200.5(a)(2)).
- The PWN must be on a form prescribed by the Commissioner of Education.

# Circumstances Requiring PWN

- Initial evaluation
- Reevaluation
- Initial eligibility recommendation
- Initial provision of the special education programs and services
- Changes to special education programs and services
- Revocation of parental consent
- Declassification recommendation
- Receipt of a non-diploma credential
- Graduation with a local high school **or** Regents Diploma
- Due Process Procedures



# Definition of Consent



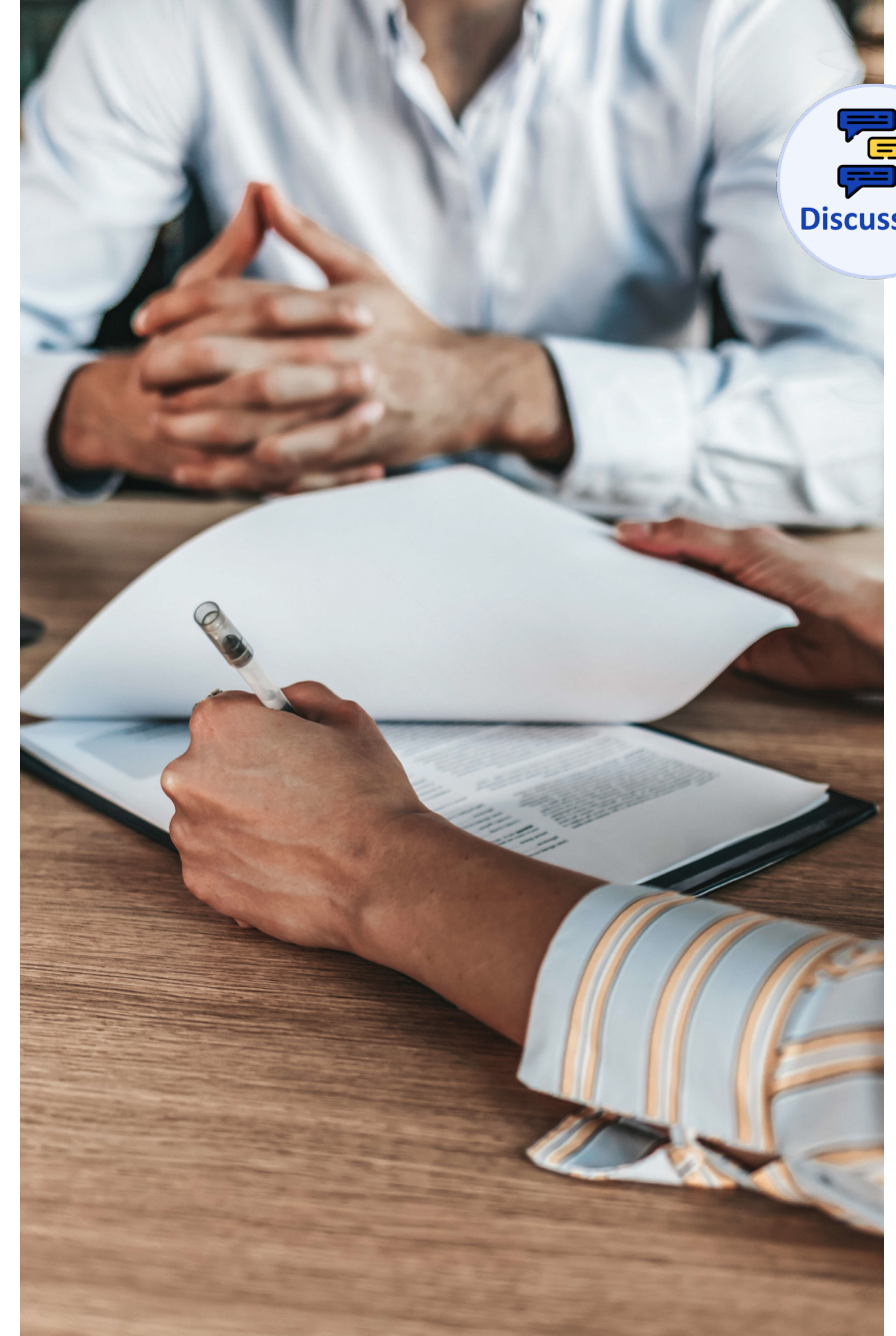
## §200.1(I)

- The parent has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought, and has been notified of the records of the student which will be released and to whom they will be released;
- The parent understands and agrees in writing to the activity for which consent is sought; and
- The parent is made aware that the consent is voluntary on the part of the parent and may be revoked at any time except that, if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

# Obtaining Consent

## §200.5(b)

- Document attempts to obtain written informed parental consent and responses received.
- If the parent does not give consent for evaluation within 30 calendar days:
  - Offer informal meeting to explain/discuss
  - For school-age students, BOE may request an impartial hearing to pursue evaluation
  - For preschool students, home-schooled students, or students placed by parent in a private school, no further action is required



# Consent—Ward of the State



## §200.5(b)(6)

**District is not required to obtain informed consent from the parent for an initial evaluation to determine eligibility for special education services if:**

- Despite reasonable efforts, district cannot discover the whereabouts of the parent; or
- The rights of the parents have been terminated in accordance with State law; or
- Rights of the parents to make educational decisions have been subrogated by a judge; and consent has been given by an individual appointed to represent the student.



# Surrogate Parents

## §200.5(n)



- Surrogate Parents are chosen to ensure that rights of student are protected if:
  - No parent can be identified.
  - The school district, after reasonable efforts, cannot discover the whereabouts of a parent, or the student is an unaccompanied homeless youth.
  - The student is a ward of the State and does not have a parent, or the rights of the parents have been subrogated.
- BOE shall select a surrogate parent from a list of individuals who are eligible and willing to serve.

# Qualifications of a Surrogate Parent

## §200.5(n)

- Shall not be officers, employees, or agents of the local school district or NYSED, or other agency involved in the care of the student
- Shall have no other interest which could conflict with their primary allegiance to the student
- Shall have knowledge and skills that ensure adequate representation of the student



# Procedures to Assign a Surrogate Parent



## §200.5(n)

- Any person whose work involves education or treatment of students (but is not employed by the local school district), who knows of a student who may need special education services, and meets criteria indicated, may file a request for assignment as a surrogate parent with the CPSE/CSE.
- CPSE/CSE shall send notice of the possible need for a surrogate to the adult in charge.
- CPSE/CSE shall determine the need for a surrogate parent within a reasonable time following the receipt of referral.

# Review of PWN and Parent Consent

## §200.5(b)(2)

Upon **receipt of referral**, the CPSE/CSE shall:

- Notify the parent of the referral and proposed evaluations
- Request parent consent to initiate the evaluation



# PWN—Initial Evaluation Additional Requirements



## §200.5(a)(5)(i)

- Understandable
- Provide in native language of parent or other mode of communication used by the parent, unless it is clearly not feasible to do so
- Description of proposed evaluations
- Include Procedural Safeguards Notice and Parent's Guide to Special Education
- Notice of right of parent to submit information
- Informed consent for evaluation

## For CPSE also include: §200.16(h)

- List of approved preschool programs in the county and adjoining counties
- Procedures for parent to select evaluator
- Notice of right to withhold consent

# Confidentiality



- **Part 300** of the Federal Regulations that implement Individuals with Disabilities Education Act (IDEA) regarding confidentiality
- **FERPA**—Family Educational Rights and Privacy Act
  - Disclosure and transfer of education records
  - Parent right to review and request amendments to records
- **§200.5(e)**—Confidentiality of personally identifiable data

**Maintaining confidentiality is the responsibility of *every* team member!**

# Guiding Questions—Parent Consent/ Participation



- How will you ensure that the parent is fully informed of the proposed evaluation and the purposes for which the evaluation would be used?
- How will you ensure that the parents are provided meaningful opportunity to have their concerns about the education of their child considered in the evaluation process?
- How will you assist the parent in understanding the special education process and their role on the CPSE/CSE?
- How will you encourage and facilitate the participation of the parents in the referral and evaluation process?

# Quality Indicators—Parent Consent/ Participation



- The school district ensures parent involvement and provides information about pre-referral supports for the student prior to the referral.
- Families and caregivers are consulted about their concerns for the child and the reason for referral.
- The CPSE/CSE provides parents with PWN, procedural safeguards notice, and relevant information regarding the reason for referral and recommended evaluations in clear and understandable language.
- The CPSE/CSE identifies a specific contact person for each family for consistent and effective communication, and to address parent questions during the referral process.





## Reflection #2—What's Going on Your “To-Do” List?



- “I” time—reflect on the Referral process and procedures reviewed
- Note any specific “to-dos”

# Questions and Answers



# Exit Ticket



What is one take-away you have or one new thing you learned from Module 2?

# Resources

- [National Center for Homeless Education](#)
- [NYSED McKinney-Vento Homeless Education](#)
- [NYSED PWN Recommendations](#)
- [New York State Law, Regulations and Policy Not Required by Federal Law/Regulation/Policy March 2021](#)
- [New York State Regulations of the Commissioner of Education, Part 200: Students with Disabilities](#)
- [NYSED Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21](#)

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Office of Special Education

**Educational Partnership**

Technical Assistance Partnership  
for Transition

This training was provided by the Technical Assistance Partnership for Transition at Cornell University. The OSE Educational Partnership is funded by the New York State Education Department Office of Special Education.