

**Compliance Summary List for New Lebanon CSD
Special Education Programs & Services Review 2016-17**

Determination of Compliance	Regulatory Citation	Regulatory Language
Compliant	100.2(s)(1)	Each student with a disability, as such term is defined in section 200.1(cc) of this Title, shall have access to the full range of programs and services set forth in this Part to the extent that such programs and services are appropriate to such student's special educational needs.
Compliant	100.2(s)(2)	Instructional techniques and materials used by schools shall be modified to the extent appropriate to provide the opportunity for students with disabilities to meet diploma requirements. At each annual review of a student's individualized education program, the committee on special education shall consider the appropriateness of such modifications.
Non-Compliant	200.1(mmm)	Behavioral intervention plan means a plan that is based on the results of a 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.
Compliant	200.1(vv)	Specially designed instruction means adapting, as appropriate, to the needs of an eligible student under this Part, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

Compliant	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.
Non-Compliant	200.22(b)(4)(i)	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;
Compliant	200.22(b)(4)(ii)	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); and
Non-Compliant	200.22(b)(4)(iii)	a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.
Compliant	200.22(b)(5)	Progress monitoring. 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.

Not Applicable	200.22(c)	Use of time out rooms. A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his or her education program. Time out rooms are to be used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation and as provided in paragraph (3) of this subdivision.
Not Applicable	200.22(c)(1)(i)	prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;
Not Applicable	200.22(c)(1)(ii)	factors which may precipitate the use of the time out room;
Not Applicable	200.22(c)(1)(iii)	time limitations for the use of the time out room;
Not Applicable	200.22(c)(1)(iv)	staff training on the policies and procedures related to the use of time out room;
Not Applicable	200.22(c)(1)(v)	data collection to monitor the effectiveness of the use of time out rooms; and
Not Applicable	200.22(c)(1)(vi)	information to be provided to parents.
Not Applicable	200.22(c)(2)	A student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
Not Applicable	200.22(c)(3)	Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, the use of a time out room shall be used only in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

Not Applicable	200.22(c)(4)	The school district shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.
Not Applicable	200.22(c)(5)	The physical space used as a time out room shall provide a means for continuous visual and auditory monitoring of the student. The room shall be of adequate width, length and height to allow the student to move about and recline comfortably. Wall and floor coverings should be designed to prevent injury to the student and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.
Not Applicable	200.22(c)(6)	The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out is prohibited.
Not Applicable	200.22(c)(7)	Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.
Not Applicable	200.22(c)(8)	The school shall establish and implement procedures to document the use of the time out room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors.
Compliant	200.4(d)(2)(i)	Present levels of performance. The IEP shall report the present levels of academic achievement and functional performance and indicate the individual needs of the student according to each of the four areas listed in section 200.1(w)(3)(i) of this Part, including:
Compliant	200.4(d)(2)(i)(a)	how the student's disability affects involvement and progress in the general education curriculum; or

Compliant	200.4(d)(2)(iii)(a)	The IEP shall list measurable annual goals, including academic and functional goals, consistent with the student's needs and abilities. The measurable annual goals must relate to:
Compliant	200.4(d)(2)(iii)(a)(1)	meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
Compliant	200.4(d)(2)(iii)(a)(2)	meeting each of the student's other educational needs that result from the student's disability.
Compliant	200.4(d)(2)(iii)(b)	Each annual goal shall include the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal during the period beginning with placement and ending with the next scheduled review by the committee.
Compliant	200.4(d)(2)(iii)(c)	The IEP shall identify when periodic reports on the progress the student is making toward the annual goals (such as through the use of quarterly or other periodic reports that are concurrent with the issuance of report cards) will be provided to the student's parents.
Compliant	200.4(d)(2)(iv)	Short-term instructional objectives and benchmarks. For a student who takes a New York State alternate assessment and for each preschool student with a disability, the IEP shall include a description of the short-term instructional objectives and/or benchmarks that are the measurable intermediate steps between the student's present level of performance and the measurable annual goal.
Non-Compliant	200.4(d)(2)(ix)(a)	under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities as defined in section 200.1(fff) of this Part;
Compliant	200.4(d)(2)(ix)(b)	appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
Compliant	200.4(d)(2)(ix)(c)	a statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;

Compliant	200.4(d)(2)(ix)(d)	needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
Non-Compliant	200.4(d)(2)(ix)(e)	a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.
Non-Compliant	200.4(d)(2)(v)(a)	The IEP shall indicate the recommended special education program and services as defined in section 200.1(qq) and 200.1(ww) of this Part from the options set forth in section 200.6 of this Part or, for preschool students from those options set forth in section 200.16(i) of this Part, and the supplementary aids and services as defined in section 200.1(bbb) of this Part that will be provided for the student:
Compliant	200.4(d)(2)(v)(a)(1)	to advance appropriately toward attaining the annual goals;
Compliant	200.4(d)(2)(v)(a)(2)	to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
Non-Compliant	200.4(d)(2)(v)(b)(1)	the regular education classes in which the student will receive consultant teacher services;
Compliant	200.4(d)(2)(v)(b)(3)	the supplementary aids and services and program modifications to be provided to the student or on behalf of the student;
Compliant	200.4(d)(2)(vi)	Testing accommodations. The IEP shall provide a statement of any testing accommodations to be used consistently by the student in the recommended educational program and in the administration of districtwide assessments of student achievement and, in accordance with department policy, State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student.

Compliant	200.4(d)(2)(vii)	Participation in State and districtwide assessments. If the student will participate in an alternate assessment on a particular State or districtwide assessment of student achievement, the IEP shall provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.
Non-Compliant	200.4(d)(2)(viii)(a)	an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in subparagraph (v) of this paragraph; or
Not Applicable	200.4(d)(2)(viii)(d)	if a student is not participating in a regular physical education program, the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education.
Compliant	200.4(d)(2)(x)	Twelve-month services. For students eligible for 12-month service and/or program, the IEP shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the committee on preschool special education to require a structured learning environment of 12 months duration to prevent substantial regression, a statement of the reasons for such recommendation.
Non-Compliant	200.4(d)(3)(vi)	include a statement in the IEP if, in considering the special factors described in this paragraph, the committee has determined a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education; and
Compliant	200.4(d)(4)(ii)	be developed in conformity with the least restrictive environment provisions of this Part:
Compliant	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.
Compliant	200.4(e)(1)(i)	There may be no delay in implementing a student's IEP, including any case in which the payment source for providing or paying for special education to the student is being determined.

Compliant	200.4(e)(3)(i)	ensuring that each regular education teacher, special education teacher, related service provider, and/or other service provider, as defined in section 200.2(b)(11)(i)(a) of this Part, who is responsible for the implementation of a student's IEP, is provided a paper or electronic copy of the IEP prior to the implementation of such IEP or shall be able to access such student's IEP electronically. If the board of education or board of trustees adopts a policy that the student's IEP is to be accessed electronically, then such policy shall also ensure that the individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEPs electronically;
Compliant	200.4(e)(3)(ii)	ensuring that supplementary school personnel, as defined in section 200.1(hh) of this Part, and each other provider responsible for assisting in the implementation of a student's IEP, has the opportunity to review a copy of the student's IEP, prior to the implementation of such program, and has ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction such supplementary school personnel or other provider works;
Compliant	200.4(e)(3)(iii)	ensuring that each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel as defined in section 200.1(hh) of this Part, and other provider and support staff person has been informed, prior to the implementation of the IEP, of his or her responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP; and
Compliant	200.4(e)(3)(iv)	ensuring that a copy of the IEP is provided to the student's parents, including a revised copy of the IEP at the parent's request with the amendments developed pursuant to subdivision (g) of this section incorporated, at no cost to the student's parents.

Non-Compliant	200.4(f)	Annual review. The individualized education program (IEP) of each student with a disability shall be reviewed and, if appropriate, revised, periodically but not less than annually to determine if the annual goals for the student are being achieved. Any meeting to develop, review or revise the IEP of each student with a disability to be conducted by the committee on special education or subcommittee thereof, pursuant to section 4402(1)(b)(2) of the Education Law, shall be based upon review of a student's IEP and other current information pertaining to the student's performance.
Compliant	200.5(a)(1)	Prior written notice (notice of recommendation) that meets the requirements of section 200.1(o) of this Part must be given 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, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notices issued during the 2011-12 school year, and thereafter, shall be on a form prescribed by the Commissioner.
Compliant	200.5(c)(1)	Whenever the committee on special education proposes to conduct a meeting related to the development or review of a student's IEP, or the provision of a free appropriate public education to the student, the parent must receive notification in writing at least five days prior to the meeting. The meeting notice may be provided to the parent less than five days prior to the meeting to meet the timelines in accordance with Part 201 of this Title and in situations in which the parent and the school district agree to a meeting that will occur within five days. The parent may elect to receive the notice of meetings by an electronic mail (e-mail) communication if the school district makes such option available. Meeting notices issued during the 2011-12 school year, and thereafter, shall be on a form prescribed by the commissioner.
Compliant	200.5(d)(1)	Each school district shall take steps to ensure that one or both of the student's parents are present at each committee on special education meeting or are afforded the opportunity to participate, including

Compliant	200.6(a)(1)	Students with disabilities shall be provided special education in the least restrictive environment, as defined in section 200.1(cc) of this Part. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, providing related services, resource room programs and special class programs within the general education classroom.
Non-Compliant	200.6(a)(2)	A student with a disability shall be provided the special education specified on the student's IEP to be necessary to meet the student's unique needs.
Compliant	200.6(b)(3)	Related services shall be provided by individuals with appropriate certification or license in each area of related service.
Compliant	200.6(b)(4)	Special education instruction shall be provided by individuals appropriately certified or licensed pursuant to Part 80 of this Title.
Not Applicable	200.6(b)(6)	When specially designed reading instruction is included in the individualized education program, such instruction may be provided by individuals qualified under section 80-2.7 or sections 80-3.3, 80-3.7(a)(3)(iv) and 52.21(b)(3)(xi) of this Title, as applicable. For purposes of this paragraph, specially designed reading instruction shall mean specially designed individualized or group instruction or special services or programs, as defined in subdivision 2 of section 4401 of the Education Law, in the area of reading and which is provided to a student with a disability who has significant reading difficulties that cannot be met through general reading programs.

Non-Compliant	200.6(d)	Consultant teacher services. Consultant teacher services, as defined in section 200.1(m) of this Part, shall be for the purpose of providing direct and/or indirect services to students with disabilities who attend regular education classes, including career and technical education classes, and/or to such students' regular education teachers. Such services shall be recommended by the committee on special education to meet specific needs of such students and the student's individualized education program (IEP) shall indicate the regular education classes in which the student will receive consultant teacher services. Consultant teacher services shall be provided in accordance with the following provisions:
Compliant	200.6(d)(1)	The total number of students with disabilities assigned to a consultant teacher shall not exceed 20.
Compliant	200.6(d)(2)	Each student with a disability requiring consultant teacher services shall receive direct and/or indirect services consistent with the student's IEP for a minimum of two hours each week, except that the committee on special education may recommend that a student with a disability who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week.
Compliant	200.6(e)(1)	The frequency, duration and location of each such service shall be in the IEP, based on the individual student's need for the service.
Compliant	200.6(e)(2)	For students with disabilities determined to need speech and language services, the total caseload of such students for teachers providing such services shall not exceed 65.
Compliant	200.6(e)(3)	When a related service is provided to a number of students at the same time, the number of students in the group shall not exceed five students per teacher or specialist except that, in the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of five students per teacher or specialist.

Compliant	200.6(f)	Resource room programs. Resource room programs shall be for the purpose of supplementing the regular or special classroom instruction of students with disabilities who are in need of such supplemental programs.
Non-Compliant	200.6(f)(1)	Each student with a disability requiring a resource room program shall receive not less than three hours of instruction per week in such program except that the committee on special education may recommend that for a student with a disability who also needs consultant teacher services in addition to resource room services may receive a combination of such services consistent with the student's IEP for not less than three hours per week.
Compliant	200.6(f)(2)	Students shall not spend more than 50 percent of their time during the day in the resource room program.
Non-Compliant	200.6(f)(3)	An instructional group which includes students with disabilities in a resource room program shall not exceed five students per teacher except that, in the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of five students per teacher.
Compliant	200.6(f)(4)	The composition of instructional groups in a resource room program shall be based on the similarity of the individual needs of the students according to:
Compliant	200.6(f)(5)	The total number of students with a disability assigned to a resource room teacher shall not exceed 20 students or, for the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of 20 students per teacher; except that the total number of students with a disability assigned to a resource room teacher who serves students enrolled in grades seven through twelve or a multi-level middle school program operating on a period basis shall not exceed 25 students or, for the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of 25 students per teacher.

Compliant	200.6(g)(1)	The maximum number of students with disabilities receiving integrated co-teaching services in a class shall be determined in accordance with the students' individual needs as recommended on their IEPs, provided that the number of students with disabilities in such classes shall not exceed 12 students, unless a variance is provided pursuant to subparagraph (i) or (ii) of this paragraph.
Compliant	200.6(g)(2)	School personnel assigned to each class shall minimally include a special education teacher and a general education teacher.
Not Applicable	200.6(g)(3)	Additional personnel, including supplementary school personnel, assigned to such classes by the district, may not serve as the special education teacher pursuant to paragraph (2) of this subdivision.
Not Applicable	200.6(h)(3)	A special class shall be composed of students with disabilities with similar individual needs.
Compliant	200.6(h)(4)	Special class size for students with disabilities. The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting shall not exceed 15 students, or 12 students in a State-operated or State-supported school, except that:
Not Applicable	200.6(h)(4)(i)	The maximum class size for special classes containing students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, shall not exceed 12 students, with one or more supplementary school personnel assigned to each class during periods of instruction.
Not Applicable	200.6(h)(4)(ii)(a)	The maximum class size for special classes containing students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, shall not exceed six students, with one or more supplementary school personnel assigned to each class during periods of instruction.

Compliant	200.6(h)(4)(ii)(b)	The maximum class size for special classes containing students whose management needs are determined to be intensive, and requiring a significant degree of individualized attention and intervention, shall not exceed eight students, with one or more supplementary school personnel assigned to each class during periods of instruction.
Not Applicable	200.6(h)(4)(iii)	The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, supplementary school personnel and/or related service providers.
Not Applicable	200.6(h)(5)	The chronological age range within special classes of students with disabilities who are less than 16 years of age shall not exceed 36 months. The chronological age range within special classes of students with disabilities who are 16 years of age and older is not limited. However, there shall be no chronological age-range limitations for groups of students placed in special classes as described in subparagraph (4)(iii) of this subdivision.