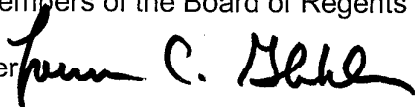




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Lawrence C. Gloeckler 

COMMITTEE: Vocational and Educational Services for Individuals with Disabilities

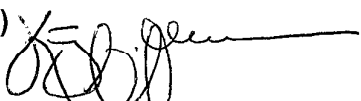

TITLE OF ITEM: Adoption of proposed amendment of sections 200.2, 200.4 and 200.16 of the Regulations of the Commissioner of Education (Individualized Education Programs)

DATE OF SUBMISSION: February 24, 2003

PROPOSED HANDLING: Approval

RATIONALE FOR ITEM: Compliance with Chapter 408 of the Laws of 2002

STRATEGIC GOAL: Goal 4

AUTHORIZATION(S)  

SUMMARY:

Attached is a proposed amendment of sections 200.2, 200.4 and 200.16 of the Regulations of the Commissioner of Education relating to individualized education programs (IEPs). The text of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

The purpose of the proposed amendment is to ensure that school districts provide teachers, related service providers and other service providers with a copy of the IEP of a student with a disability prior to the implementation of the student's IEP, in accordance with Chapter 408 of the Laws of 2002. The proposed amendment to section 200.2 of the Regulations of the Commissioner of Education establishes a requirement for a board of education policy relating to IEP implementation. The proposed amendments to sections 200.4 and 200.16 conform State regulations with the statute relating to a school's responsibility to implement a student's IEP.

A Notice of Revised Rule Making was published in the State Register on February 5, 2003. The proposed regulations were adopted through emergency action at the February 10-11, 2003 Regents Meeting.

RECOMMENDATION:

It is recommended that the Board of Regents take the following action:

VOTED:

That a new paragraph (11) be added to subdivision (b) of section 200.2 of the Regulations of the Commissioner; that paragraph (3) of subdivision (e) of section 200.4 of the Regulations of the Commissioner be repealed and that a new paragraph (3) of subdivision (e) of section 200.4 of the Regulations of the Commissioner be added; and that a new paragraph (6) be added to subdivision (e) of section 200.16 as submitted, effective April 17, 2003.

Attachments

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 4402, 4403 and 4410 of the Education Law and Chapter 408 of the Laws of 2002.

1. Subdivision (b) of section 200.2 of the Regulations of the Commissioner of Education is amended, effective April 17, 2003, by the addition of a new paragraph (11), to read as follows:

(11) establishes administrative practices and procedures to ensure that:

(i) each regular education teacher, special education teacher, related service provider and/or other service provider, as defined in clause (a) of this subparagraph, who is responsible for the implementation of a student's individualized education program (IEP), is provided a paper or electronic copy of such student's IEP prior to the implementation of such program.

(a) For purposes of this paragraph, "other service provider" means a representative of another public school district, charter school, board of cooperative educational services (BOCES) or school enumerated in articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services.

(ii) any copy of a student's IEP provided pursuant to this paragraph shall remain confidential and shall not be disclosed to any other person, in accordance with paragraph (6) of this subdivision; and

(iii) the chairperson of the committee on special education designates for each student one, or as appropriate, more than one professional employee of the school district with knowledge of the student's disability and education program to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service

provider, other service provider, paraprofessional, as defined
in section 200.1(hh) of this Part, and other provider and
support staff person of his or her responsibility to implement
the recommendations on a student's IEP, including the
responsibility to provide specific accommodations, program
modifications, supports and/or services for the student in
accordance with the IEP.

2. Paragraph (3) of subdivision (e) of section
200.4 of the Regulations of the Commissioner of Education is
repealed and a new paragraph (3) added, effective April 17,
2003, as follows:

[(3)]

(3) The school district shall ensure that the
recommendations on a student's IEP are implemented, including
but not limited to:

(a) ensuring that each regular education teacher, special education teacher, related service provider, and/or other service provider, as defined in section 200.2(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;

(b) ensuring that a paraprofessional, 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 paraprofessional or other provider works;

(c) ensuring that each regular education teacher, special education teacher, related service provider, other service provider, paraprofessional 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

(d) ensuring that a copy of the IEP is provided to the student's parents at no cost to the student's parents.

3. Paragraph (6) of subdivision (e) of section 200.16 of the Regulations of the Commissioner of Education is added, effective April 17, 2003, as follows:

(6) The IEP of a preschool student with a disability shall be implemented in accordance with section 200.4(e)(1)(i), (3), (4) and (7) of this Part, except that during the pendency of proceedings conducted pursuant to paragraphs (9) and (10) of subdivision (g) of this section, the placement of a preschool student shall be as provided in paragraph (3) of subdivision (g) of this section.