

**REVISED PROPOSED AMENDMENT OF SECTIONS 200.4, 200.16 and 200.20 OF THE  
REGULATIONS OF THE COMMISSIONER OF EDUCATION RELATING TO RECOMMENDATIONS  
FOR ONE-TO-ONE AIDES FOR PRESCHOOL AND SCHOOL-AGE STUDENTS WITH  
DISABILITIES AND PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES**

**PUBLIC COMMENT SUBMISSION COVER SHEET  
MUST BE RECEIVED NO LATER THAN May 6, 2016**

<b>MAIL TO:</b>	New York State Education Department Office of Special Education 89 Washington Avenue, Room 309EB Albany, New York 12234 Attention: Revised Amendment – Preschool Special Education	
<b>FAX TO:</b>	518-473-5387	
<b>EMAIL TO:</b>	<a href="mailto:SPEDPUBLICCOMMENT@NYSED.GOV">SPEDPUBLICCOMMENT@NYSED.GOV</a>	
<b>FROM:</b>  (Please Print or Type Requested Information)	<b>NAME</b>	Lori CeCarlo, Dr. Heidi McCarthy
	<b>TITLE</b>	Co-Presidents
	<b>ORGANIZATION</b>	New York Council of Administrators of Special Education (“NYCASE”)
	<b>ADDRESS</b>	P.O. Box 290
	<b>CITY</b>	Greenfield Center, N.Y.
	<b>ZIP</b>	12833
<b>Section of Regulations: 200.4 regarding <i>additional supplementary personnel (“one-to-one aides”)</i></b>		
XXX Support → Oppose → No Position		
Reasons/Recommendations: The revised proposed changes / additions to this regulation seem reasonable.		
<b>Section of Regulations: 200.16 regarding preschool SEIS</b>		
XXX Support → Oppose → No Position		

Comment Period: April 6, 2016 – May 6, 2016

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Reasons/Recommendations: We appreciate and support the fact that indirect SEIS have been recognized and reflected in this proposed revision to the regulations.

Section of Regulations: 200.6 clarifying preschool special class and related services requirements

XXX Support → Oppose → No Position

Reasons/Recommendations: We support this clarifying revision to the proposed changes to the regulations.

Section of Regulations: 200.20 (b) (6) regarding *make-up of missed preschool services*, and 220.20 (b) (7) (ii) (b) regarding *suspension of preschool students with a disability*

→ Support **XXX Oppose** → No Position

Reasons/Recommendations: *We are re-submitting here the pertinent aspects of our previous public comments that have not yet been publicly addressed by NYSED.*

- Regarding the proposed regulation that requires make up of missed preschool sessions: The language proposed is overbroad and unjustifiably burdensome. We support the *thrust* of the proposal, but it must be clarified that make-up of missed services is **only required when the provider has caused** the original session(s) to be missed. Furthermore, we propose that the obligation be triggered only after the provider has caused a lapse in service that the CPSE has determined could interfere with the student’s opportunities to meet his/her goals. The CPSE would also need to determine the associated, needed number of make-up sessions. We would also

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recommend that the regulation require the provider to notify the CPSE immediately, when it is unable to implement the IEP as written due to the unavailability of qualified staff. Additionally, because not all preschool students attend on a full-time basis, the 30 day limit for make-up services is too short a timeline, unless it is clarified to refer to a student’s expected days of attendance at school.

- We support the thrust of the proposal (seventh bullet of #5) related to limiting the behavior-based suspension, expulsion or removal of preschool students. However, because this proposed regulatory requirement may generate reluctance on the part of approved preschool special education providers to accept a preschool student for programming and/or services when that student has a history of difficult to manage behavior, it may be necessary for NYSED to monitor how approved preschools respond to this requirement. Additionally, since the term “expulsion” is nowhere found in law or regulation, we would suggest that it not be introduced here.

**Section of Regulations:**

→ Support    → Oppose    → No Position

**Reasons/Recommendations:**

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