

**SUMMARY OF PROPOSED AMENDMENTS TO PARTS 100, 200 AND 201
TO CONFORM TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
AS REAUTHORIZED IN 2004**

**PART 100
ELEMENTARY AND SECONDARY EDUCATION SCHOOL PROGRAM**

Regulatory Amendment	Substance	IDEA Citation
§100.2(x)(4)(iv)	Requires a school district to coordinate the transmittal of records of a student with a disability who is a homeless youth with section 200.4(e)(8), consistent with federal law.	§612(a)(11)(A)(iii)
§100.2(x)(7)(i)	Requires each school district to provide a free appropriate public education to a student with a disability who is a homeless youth , including services comparable to the student's individualized education program (IEP).	§612(a)(11)(A)(iii)
§100.2(x)(7)(v)	Requires the local education agency liaison for a homeless youth to assist in educational placement or enrollment decisions, including coordination with the committee on special education.	§612(a)(3)(A) §612(a)(11)(A)(iii)
§100.2(x)(7)(vi)	Requires each school district to coordinate implementation of the homeless youth requirements in section 100.2(x) with IDEA requirements.	§612(a)(11)(A)(iii)
§100.2(dd)(1)(iii)	Requires a school district to include, as part of its professional development plan , a description of the professional development activities provided to school personnel who work with students with disabilities.	§612(a)(14)(D) §613(a)(3)

**PART 101
EXEMPTIONS FROM ATTENDANCE**

Regulatory Amendment	Substance	IDEA Citation
Part 101	Repeals Part 101 relating to exemptions from attendance .	§602(9)

**PART 200
STUDENTS WITH DISABILITIES**

Section 200.1 – Definitions

Regulatory Amendment	Substance	IDEA Citation
§200.1(e)	Revises the definition of assistive technology service to exclude a medical device that is surgically implanted, or the replacement of such a device.	§602(2)
§200.1(x)	Revises the definition of impartial hearing officer to add that the impartial hearing officer possess knowledge of, and the ability to: understand federal and State law and regulations and legal interpretations; and knowledge of the ability to conduct hearings and render and write decisions in accordance with standard and appropriate standard legal practice.	§615(f)(3)(A)
§200.1(dd)	Revises the definition of mediator to add that the mediator must be knowledgeable in laws and regulations relating to the provision of special education services.	§615(e)(2)(C)
§200.1(ii)	Revises the definition of parent to add an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides).	§602(23)

Regulatory Amendment	Substance	IDEA Citation
§200.1(qq)	Revises the definition of related services to include interpreting services and the early identification and assessment of disabling conditions in students.	§602(26)
§200.1(ss)	Revises the definition of school health services to mean nursing services provided by a qualified school nurse or other health services provided by a qualified person designed to enable a student with a disability to receive a free appropriate public education as described in the IEP of the student.	§602(26)
§200.1(ww)	Revises the definition of special education , relating to consideration of a student's academic achievement and functional performance.	§614(d)(1)(A)(i)(I)
§200.1(zz)	Revises the definition of learning disability to repeal the that a student who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement must be deemed to have a learning disability.	§614(b)(6)
§200.1(ccc)	Revises the definition of surrogate parent to address appointment of a surrogate parent for an unaccompanied homeless youth.	§615(b)(2)(A)(ii)
§200.1(fff)	Revises the definition of transition services to be a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities.	§602(34)
§200.1(hhh)	Adds a definition of homeless youth .	§602(11)

Regulatory Amendment	Substance	IDEA Citation
§200.1(iii)	Adds a definition of limited English proficient student.	§602(18)
§200.1(jjj)	Adds a definition of universal design .	§602(35)
§200.1(kkk)	Adds a definition of ward of the State .	§602(36)
§200.1(s), (t) and (oo)	Makes technical amendments to the definitions of (s) guardian ad litem, (t) general curriculum and (oo) prior written notice.	§614(d) §615(c)

Section 200.2- Board of Education Responsibilities

Regulatory Amendment	Substance	IDEA Citation
§200.2(a)(1)	Adds child find requirements for students with disabilities who are homeless or wards of the State.	§612(a)(3)(A)
§200.2(a)(2)	Adds to data requirements other student information as required by IDEA and federal regulations, including but not limited to information relating to race, ethnicity, limited English proficiency status, gender and disability category.	§618(a) and (d)
§200.2(a)(7)	Revises the procedures to locate, identify and evaluate all nonpublic private elementary and secondary school students with disabilities relating to equitable participation, maintaining an accurate count of such students, the time period to complete child find activities, the consultation process and information that must be maintained and reported to the Commissioner for such students.	§612(a)(10)(A)

Regulatory Amendment	Substance	IDEA Citation
§200.2(b)(10)	Requires that the board of education (BOE) ensure that instructional materials for students with disabilities are in usable alternative formats that meet the National Instructional Materials Accessibility Standard when such standard is published.	§612(a)(23)
§200.2(b)(11)	Adds that amendments to IEPs that are made without rewriting the IEP are to be disseminated to teachers, related service providers and other service providers.	§614(d)(3)(D)
§200.2(b)(12)	Adds that the BOE identify and take measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.	§612(a)(14)(D)
§200.2(b)(13)	Adds that the BOE must develop guidelines for the provision of appropriate accommodations in the administration of districtwide assessments.	§612(a)(16)(B)
§200.2(b)(14)	Adds that the BOE must, to the extent feasible, use universal design principles in developing and administering any districtwide assessment programs.	§612(a)(16)(E)
§200.2(d)(1) and (2)	Requires recommendations for changes or amendments to IEPs made after the annual review meeting to be provided to the board of education.	§614(d)(3)(D)
§200.2(h)	Repeals requirements for a comprehensive system of personnel development and adds that schools must address personnel development activities for staff working with students with disabilities in the professional development plan pursuant to section 100.2 of the Commissioner's Regulations.	§612(a)(14)

Regulatory Amendment	Substance	IDEA Citation
§200.2(i)(a)	Requires boards of cooperative educational services (BOCES) to ensure materials in alternative formats meet the National Instructional Materials Accessibility Standard when such standard is published.	§612(a)(23)
§200.2(i)(b)	Requires BOCES to identify and take measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.	§612(a)(14)(D)

Section 200.3 - Committee on Special Education and Committee on Preschool Special Education

Regulatory Amendment	Substance	IDEA and other legal Citation
§200.3(a), (b) and (c)	Clarifies that not less than one regular education teacher and not less than one special education teacher or provider be members of the committee on special education (CSE), a subcommittee thereof, and the committee on preschool special education (CPSE).	§614(d)(1)(B)(ii) and (iii)
§200.3	Adds that the additional parent member of the CSE may be a parent of a student who has been declassified or who has graduated within a five-year period.	Ed.L. §4402.1 as amended by Chapter 194 of the Laws of 2004
§200.3(e)(1)	Authorizes the parent and school district representative on the committee to agree that, based on the purpose of the meeting, the attendance of a member is not necessary if that member's area is not being modified or discussed, provided that: <ul style="list-style-type: none"> • the parent receives meeting notice that includes a statement that the parent and school can reach an agreement that a 	§614(d)(1)(C)(i)

Regulatory Amendment	Substance	IDEA and other legal Citation
	<p>committee member's participation is not necessary; and</p> <ul style="list-style-type: none"> • whenever feasible, the agreement is reached prior to the day of the scheduled meeting; however the parent may provide his or her written agreement on the day of the meeting. 	
§200.3(e)(2)	<p>Authorizes the parent and school district to agree to allow a member of the committee to be excused from the meeting when the meeting involves a modification or discussion of the member's area, provided that:</p> <ul style="list-style-type: none"> • the parent and the school district representative on the committee agree; • the parent provides consent in writing to the excusal; • the member to be excused prepares a written summary of his or her input and recommendations; and • the written summary is submitted to the committee and parent at the same time the parent's consent to excuse the member is requested which must be prior to the day of the meeting, provided that the parent may confirm his or her agreement in writing on the day of the scheduled meeting. 	§614(d)(1)(C)(ii)

Section 200.4 - Procedures for Referral, Evaluation, IEP Development, Placement and Review

Regulatory Amendment	Substance	IDEA Citation
§200.4(a)	<p>Conforms due process procedures with section 200.5 when a parent does not provide consent for an initial evaluation.</p>	§614(a)(1)(D)(ii)(I)
§200.4(b)(1)	<p>Requires the evaluation or reevaluation to include relevant academic information and assist in determining eligibility and the content</p>	§614(b)(2)(A)

Regulatory Amendment	Substance	IDEA Citation
	of the student's IEP.	
§200.4(b)(4)	Adds that the school must conduct a reevaluation if the educational or related services needs, including improved academic achievement and functional performance of the student warrant a reevaluation.	§614(a)(2)(A)
§200.4(b)(4)	Limits a reevaluation to not more frequently than once a year , unless the parent and the representative of the school district appointed to the CSE agree otherwise.	§614(a)(2)(B)(i)
§200.4(b)(4)	Requires a reevaluation at least once every three years , unless the parent and the representative of the school district appointed to the CSE agree in writing, pursuant to the requirements for prior written notice and parent consent, that a reevaluation is unnecessary.	§614(a)(2)(B)(ii)
§200.4(b)(4)	Requires the school district, to the extent possible, to consolidate reevaluation meetings with other CSE meetings for the student.	§614(d)(3)(E)
§200.4(b)(5)	Requires, in the determination of needed evaluation data , that: <ul style="list-style-type: none"> • existing evaluation data be reviewed, including local or State assessments and classroom-based observations of the student; and • that the CSE and other qualified personnel also determine whether additional data is needed to determine the present levels of academic achievement and related developmental needs of the student, including the four need areas as defined in section 200.1(w). 	§614(c)(1)(B)

Regulatory Amendment	Substance	IDEA Citation
§200.4(b)(6)	Revises the evaluation procedures to: <ul style="list-style-type: none"> • replace the terms ‘tests and other assessment procedures’ with ‘assessments and other evaluation materials’; • replace ‘native language’ with ‘form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally’; • require assessments and other evaluation materials to be used for the purposes for which the assessments or measures are valid and reliable; • repeal the federal citation to discrepancy factors in the evaluation of students suspected of having a learning disability; and • require assessments of students with disabilities who transfer between school districts in the same academic year to be coordinated with the students prior and subsequent schools. 	§614(b)(3)
§200.4(b)(7)	Establishes a time period of 60 calendar days by which the initial evaluation for eligibility determination must be completed with exceptions for a student who enrolls in a new school after the 60-day time has begun and prior to a determination of eligibility and for students for whom the parent repeatedly fails or refuses to produce the student for the evaluation.	§614(a)(1)(C)
§200.4(b)(8)	Adds that the screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered an evaluation for eligibility purposes.	§614(a)(1)(E)
§200.4(b)(9)	Adds a prohibition against requiring a student to obtain a prescription for medication covered under the Controlled Substances Act as a condition of receiving an	§612(a)(25)

Regulatory Amendment	Substance	IDEA Citation
	evaluation for special education services.	
§200.4(c)(2)	Adds that a student shall not be determined eligible for special education if the determinant factor is lack of appropriate instruction in reading , including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies.	§614(b)(5)(A)
§200.4(c)(4)	Adds a requirement that the school district provide the student with a summary of his/her academic achievement and functional performance , which must include recommendations on how to assist the student in meeting his or her postsecondary goals.	§614(c)(5)(B)(ii)
§200.4(c)(6)	Specifies that, in determining whether a student has a learning disability , the school may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures and that the CSE is not required to consider whether the student has a severe discrepancy between achievement and intellectual ability.	§614(b)(6)(B)
§200.4(d)(2)	IEP: Revises the contents of the IEP to: <ul style="list-style-type: none"> • identify academic, developmental and functional needs of the student; • identify when periodic reports on the progress the student is making toward the annual goals will be provided to the student's parents; • require short-term instructional objectives and benchmarks only for students who take alternate assessments aligned with alternate achievement standards and for all preschool students with disabilities; • require special education programs and services, to the extent practicable, to be 	§614(d)(1)(A)(i)

Regulatory Amendment	Substance	IDEA Citation
	<p>based on peer-reviewed research;</p> <ul style="list-style-type: none"> • incorporate IEP requirements for preschool students consistent with section 200.16; • for students who will be assessed by an alternate assessment, require a statement of why a student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student; • require transition services to be address on the IEP beginning not later than the first IEP to be in effect when the student is age 15, and updated annually and include appropriate measurable postsecondary goals. 	
§200.4(d)(4)(i)(d)	Authorizes the parent and representative of the school district appointed to the CSE to agree to use alternative means of meeting participation for committee meetings.	§614(f)
§200.4(e)	IEP Implementation: Adds that a student with a disability must have an IEP in effect at the beginning of each school year and to require that, at the parent's request, a revised copy of the IEP with the amendments incorporated be provided to the student's parents.	§614(d)(2) § 614(d)(3)(F)
§200.4(e)(8)	Adds requirements to provide special education services to students with disabilities who transfer school districts , both within the State and from outside New York State, and requires the new school district to take reasonable steps to promptly obtain the student's records and the prior district to promptly respond to such requests.	§614(d)(2)(C)
§200.4(e)(9)	Prohibits a school from requiring a student with a disability to obtain a prescription for a controlled substance as a condition of receiving special education programs and	§612(a)(25)

Regulatory Amendment	Substance	IDEA Citation
	services.	
§200.4(f)	Annual review. Adds that academic, developmental and functional needs of the student must be considered at the annual review.	§614(b)(2)(A)
§200.4(g)	<p>Changes to the IEP after the Annual Review.</p> <ul style="list-style-type: none"> • Authorizes the school district representative to the CSE and the parent to agree not to convene a CSE meeting to make changes to the IEP and instead may develop a written document to amend or modify the student's IEP. • Provides that amendments to an IEP made after the annual review may be made by rewriting the IEP or by developing a written document to amend or modify the IEP, provided that the parent receive prior written notice of any changes to the IEP and upon request, the parent shall be provided a revised copy of the IEP with the amendments incorporated. 	§614(d)(3)(D)
§200.4(h)	Requests to the CSE pursuant to section 4005 of the Education Law. Makes amendments consistent with the revised due process procedures in federal law and section 200.5 of the Commissioner's Regulations.	§615

Section 200.5 - Due Process Procedures

Regulatory Amendment	Substance	IDEA Citation
§200.5(a)	<p>Prior written notice. Revised to:</p> <ul style="list-style-type: none"> • use the term 'prior written notice' to replace 'prior notice;' 	§615(b)(3); 615(n)

Regulatory Amendment	Substance	IDEA Citation
	<ul style="list-style-type: none"> • separate out other notification requirements that are not prior written notice; and • authorize the parent to elect to receive prior written notice by an electronic mail communication if the school district makes this option available. 	
§200.5(b)	<p>Consent. Revised to:</p> <ul style="list-style-type: none"> • specify that the school district may (repeals "shall") initiate an impartial hearing if a parent refuses or fails to respond to an evaluation; • require parental consent prior to excusing a CSE member from attending a committee meeting; • specify that if a parent refuses to consent or fails to respond to a request to provide consent to the provision of special education programs and services, the school district can not use the due process procedures to challenge the parent's refusal to consent and, in such case, the school district is not in violation of providing a free appropriate public education to the student and is not required to convene a CSE meeting or develop an IEP for the student. 	§614(a)(1)(D)(ii) §614(d)(1)(C)(ii)
§200.5(b)(4)	<p>Consent for a ward of the State.</p> <ul style="list-style-type: none"> • Adds that if the student is a ward of the State and is not residing with the student's parents, the school district must make reasonable efforts to obtain the informed consent from the parent of the student for an initial evaluation. • Provides an exception that the school district is not required to obtain parental consent if the district cannot discover the whereabouts of the parent, the rights of the parents have been terminated, or if the rights of the parent to make educational 	§614(a)(1)(D)(iii) §615(b)(2)

Regulatory Amendment	Substance	IDEA Citation
	decisions have been subrogated by a judge.	
§200.5 (b)(5)	<p>Consent for an unaccompanied homeless youth. Adds that, if the student is an unaccompanied homeless youth, consent for the initial evaluation may be provided by a surrogate parent or, to the extent authorized by federal law and regulations, by an employee of a temporary housing facility that is operated or approved by a local social services district or a residential facility for runaway and homeless youth, provided that such a role is temporary until a surrogate parent can be appointed and the role of the representative of the homeless program does not conflict or is not in derogation of the provision of FAPE to the homeless youth.</p>	§615(b)(2)(A)(ii)
§200.5(c)	<p>Notice of meetings. Adds that:</p> <ul style="list-style-type: none"> • the parent may elect to receive the notice of meetings by an electronic mail communication if the school district makes this option available; and • includes a statement that the parent and school district may agree in writing that the attendance of a committee member is not necessary or that a committee member can be excused from the meeting. 	<p>§615(n)</p> <p>§614(d)(1)(C)(ii)</p>
§200.5(d)	<p>Parent participation in CSE meetings. Adds that, when conducting a meeting of the CSE, the school district and parent may agree to use alternative means of participation, such as videoconferences or conference telephone calls.</p>	§614(f)
§200.5(f)(3)	<p>Procedural safeguards notice. Requires the notice to be provided to the parent at least once a year and upon initial referral or parental request for an evaluation, first filing of a due</p>	§615(d)(1)(A)

Regulatory Amendment	Substance	IDEA Citation
	process hearing request notice to request mediation or an impartial hearing, and upon parental request.	
§200.5(f)(4)	Procedural safeguards notice - contents. Revised to require the notice to include the opportunity to present and resolve due process complaints, including the time period in which to request an impartial hearing, the opportunity for the school district to resolve the complaint and the availability of mediation; and the time period in which to file a request for civil action.	§615(d)(2)
§200.5(f)(5)	Procedural safeguards notice – website posting. Allows the school district to place a current copy of the procedural safeguards notice on its Internet website if such a web site exists.	§615(d)(1)(B)
§200.5(f)(6)	Procedural safeguards notice - electronic mail. Allows the parent to elect to receive the procedural safeguards notice by an electronic mail communication if the school district makes such option available.	§615(n)
§200.5(h)(1)	Adds that mediation must be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial hearing.	§615(e)(1)
§200.5(h)(1)(iii)	Mediation must be conducted by a qualified and impartial mediator who is knowledgeable in laws and regulations relating to the provision of special education services.	§615(e)(2)(C)
§200.5(h)(1)(vi)	Adds that, in the case that an agreement is reached to resolve the complaint through the mediation process, the agreement must be executed in a legally binding written agreement , enforceable in court, and that is	§615(e)(2)(F)

Regulatory Amendment	Substance	IDEA Citation
	signed by both the parent and a representative of the school district who has the authority to bind the district.	
§200.5(h)(2)	Parents must have the opportunity to meet with a disinterested party with the opportunity to encourage the parents to use the mediation process.	§615(e)(2)(B)
§200.5(h)(3)	The IEP must be immediately amended if the written mediation agreement is inconsistent with the student's current IEP.	§615(e)(2)(F)
§200.5(h)(5)	When conducting mediation meetings and carrying out administrative matters relating to mediation, the parent and the school district may agree to use alternative means of meeting participation .	§615(f)
§200.5(i)(1)	Due process hearing request notification requirements. Adds a new subdivision to require the party requesting an impartial hearing to submit a written request that must include the student's name, address or contact information, name of the school the student is attending, a description of the nature of the problem and the facts relating to the problem and a proposed solution of the problem.	§615(b)(7)(A)(ii) §615(c)
§200.5(i)(2)	Specifies that an impartial hearing cannot commence until the party submits a complete notice and identifies the process and timelines for disputing the sufficiency of the notice.	§615(b)(7)(B) §615(c)(2)(E)(ii)
§200.5(i)(3) §200.5(i)(4) §200.5(i)(5)	School district and other party response. Requires the school district to respond to the parent, through prior written notice (if prior notice has not already been given to the parent) and requires the other party to send a written response within 10 days that specifically	§615(c)(2)(B)

Regulatory Amendment	Substance	IDEA Citation
	addresses the issues raised in the notice.	
§200.5(i)(6) §200.5(i)(7)	Identifies the process and time period for an amended due process hearing request notice and that the applicable timelines for an impartial hearing, including the timelines for a resolution session, recommence at that time the party files an amended notice.	§615(c)(2)(E)
§200.5(j)(1)	Requires a party to submit a complete due process hearing request notice prior to the initiation of an impartial hearing.	§615(b)(7)(B)
§200.5(j)(1)(i)	Establishes a one year time period from the date the parent or agency should have known about the alleged action that forms the basis of the complaint, with an exception when a parent was prevented from requesting the hearing due to a specific misrepresentation by the school district that it had resolved the problem or the school district withheld information from the parent under this Part or Part 201.	§615(f)(3)(C)
§200.5(j)(1)(ii)	Limits the subject matter of the impartial hearing to those raised in the due process hearing request notice.	§615(f)(3)(B)
§200.5(j)(2)(i)	Adds requirements for a resolution session prior to the opportunity for an impartial due process hearing.	§615(f)(1)(B)(i)
§200.5(j)(2)(i)	Specifies the time period of 15 days to convene the resolution session meeting.	§615(f)(1)(B)(i)
§200.5(j)(2)(i)	Identifies the participants of the resolution meeting to include the parent, relevant members of the CSE who have specific knowledge of the facts identified in the complaint, and a representative of the school	§615(f)(1)(B)(i)

Regulatory Amendment	Substance	IDEA Citation
	district who has decision-making authority on behalf of the school district.	
§200.5(j)(2)(ii)	Provides the opportunity for the parent and the school district to agree to use alternative means of meeting participation .	§614(f)
§200.5(j)(2)(iii)	Provides that the resolution session may be waived or the parents and the school district may agree to use mediation rather than a resolution session.	§615(f)(1)(B)(i)
§200.5(j)(2)(iv)	Provides that an agreement reached in a resolution session be executed in a legally binding agreement , provided that a party may void the agreement within three business days.	§615(f)(1)(B)(iii) and (iv)
§200.5(j)(2)(v)	Requires an impartial hearing to begin if a resolution is not reached within 30 days.	§615(f)(1)(B)(ii)
§200.5(j)(3)	Adds that, in the event that a complaint is not resolved in a resolution session , the board of education shall arrange for an impartial due process hearing.	§615(f)(1)(B)(ii)
§200.5(j)(3)(i)(a)	Adds that the impartial hearing officer must be appointed immediately, but not later than two business days after the school district receives a due process hearing request notice from a parent or mails the notice to the parent.	§615(f)(1)(A) §615(c)(2)(D)
§200.5(j)(3)(iii)	Requires the hearing to commence with the first 14 days after either expiration of the 30-day resolution session if no agreement is reached or the date upon which the parent and school district agree to waive the resolution session.	§615(f)(1)(B)(ii)

Regulatory Amendment	Substance	IDEA Citation
§200.5(j)(3)(xvii)	Authorizes the parent and school district to agree to use alternative means of meeting participation when carrying out administrative matters relating to an impartial hearing.	§614(f)
§200.5(j)(4)	Decision of the impartial hearing officer. Requires that the decision of the impartial hearing officer be based on substantive grounds based on a determination of whether the student received a free appropriate public education, provided that the impartial hearing officer may order a school district to comply with procedural requirements.	§615(f)(3)(E)
§200.5(j)(5)	Timeline to render a decision. Requires the decision to be reached not later than 45 days after commencement of the hearing.	§615(f)(1)(B)(ii)
§200.5(n)(3)	Surrogate parents. Adds that a surrogate parent must be appointed for an unaccompanied homeless youth.	§615(b)(2)(A)(ii)

Section 200.6 - Continuum of Services

Regulatory Amendment	Substance	IDEA Citation
§200.6(m)	Adds interim alternative educational settings to the required continuum of services for students with disabilities.	§615(k)(1) and (2)

Section 200.7 - Program Standards for Education Programs for Students and Preschool Students with Disabilities being Educated in Private Schools and State-operated or State-supported Schools

Regulatory Amendment	Substance	IDEA Citation
§200.7(c)(4) and (d)	Conforms to federal law relating to IEP development and due process procedures for students in State-operated and State-supported schools .	§614 §615

Section 200.14 - Day Treatment Programs Certified by the Office of Mental Health

Regulatory Amendment	Substance	IDEA Citation
§200.14	Conforms the State’s rule for IEP development for students in day treatment programs to be consistent to the amended requirements in section 200.4.	§614(d)

Section 200.16 - Educational Programs for Preschool Students with Disabilities

Regulatory Amendment	Substance	IDEA Citation
§200.16	Makes conforming changes relating to preschool students with disabilities , including CPSE membership, individual evaluation, eligibility determinations, reevaluations, IEP development, annual reviews, changes to the IEP, procedural safeguards and due process procedures.	§614 §615

**PART 201
PROCEDURAL SAFEGUARDS FOR STUDENTS WITH DISABILITIES SUBJECT TO
DISCIPLINE**

Section 201.2 - Definitions

Regulatory Amendment	Substance	IDEA Citation
§201.2	Conforms the definitions of interim alternative educational setting (IAES) to federal law and adds a definition of serious bodily injury .	§615(k)(1)(D) §615(k)(7)(D)

Section 201.3 - CSE Responsibilities for Functional Behavioral Assessments and Behavioral Intervention Plans

Regulatory Amendment	Substance	IDEA Citation
§201.3	Conforms the CSE responsibilities for functional behavioral assessments and behavioral intervention plans to federal law.	§615(k)(1)(F)

Section 201.4 - Manifestation Determinations

Regulatory Amendment	Substance	IDEA Citation
§201.4	Conforms to federal law to establish a manifestation team and identify factors to determine if the behavior of a student was or was not a manifestation of the student's disability.	§615(k)(1)(E)

Section 201.5 - Students Presumed to Have a Disability for Discipline Purposes

Regulatory Amendment	Substance	IDEA Citation
§201.5	Revises the basis of knowledge as to whether a student is presumed to have a disability for discipline purposes.	§615(k)(5)

Section 201.7 - General Procedures for Suspension and Removals of Students with Disabilities

Regulatory Amendment	Substance	IDEA Citation
§201.7	Makes technical changes relating to the manifestation team; adds serious bodily injury as a reason school personnel may change a student's placement to an IAES; and provides that school personnel may consider unique circumstances for students with disabilities relating to discipline decisions.	§615(k)(1)(F) §615(k)(1)(G)(iii) §615(k)(1)(A)

Section 201.8 - Authority of an IHO to Order a Change in Placement to an IAES in a Dangerous Situation

Regulatory Amendment	Substance	IDEA Citation
§201.8	Establishes the authority of an impartial hearing officer to order a change of placement to an IAES for up to 45 school days, consistent with federal law.	§615(k)(3)(B)

Section 201.9 - Coordination with Superintendent's Hearing and Other Due Process Procedures Applicable to All Students

Regulatory Amendment	Substance	IDEA Citation
§201.9	Changes the coordination with a superintendent's hearing and other due process procedures applicable to all students to federal requirements.	§615(k)

Section 201.10 - Provision of Services during Suspensions

Regulatory Amendment	Substance	IDEA Citation
§201.10	Redefines the services a student with a disability must receive during suspensions of 10 school days or more and specifies that the services shall be determined by the CSE.	§615(k)(1)(D) §615(k)(2)

Section 201.11 - Expedited Due Process Hearings

Regulatory Amendment	Substance	IDEA Citation
§201.11	Requires the pendency setting for students with disabilities during expedited impartial hearings to be the IAES.	§615(k)(4)(A)