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

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November 2015

SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo

SUBJECT: Amendment of Section 100.2(c)(11) of the Commissioner's Regulations to Allow an Exemption of a Student with a Disability from the Requirement for Instruction in Hands-only Cardiopulmonary Resuscitation and the Use of Automated External Defibrillators

Section 100.2(c)(11) of Commissioner's Regulations requires that all students complete hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of Automated External Defibrillators (AEDs) at least once between grades 9-12 prior to graduation. The standards for such instruction must be based on a nationally recognized instructional program that utilizes the most current guidelines for CPR and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization and be consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross. Instruction must be designed to:

- recognize the signs of a possible cardiac arrest and to call 911;
- provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only CPR; and
- provide awareness in the use of an AED.

Most students with disabilities have the ability to complete the required instruction in hands-only CPR and the use of AEDs described above. In recognition that there may be some students who, due to the nature of their disability, will not be able to physically or cognitively perform the tasks included in such instruction (e.g., demonstrating the psychomotor (hands-on) skills to perform CPR), the Board of Regents approved an amendment to section 100.2(c)(11) of the Commissioner's Regulations. This amendment allows the Committee on Special Education (CSE) or a Multidisciplinary Team (MDT) pursuant to Section 504 of the Rehabilitation Act to determine, on an individual student basis, if a student with a disability should be excused from the requirement for instruction in hands-only CPR and the use of AEDs.

A copy of the full text of the amendment may be found at http://www.regents.nysed.gov/common/regents/files/1115p12a1.pdf. The amendment allows the CSE or MDT to exempt a student identified as having a disability when the committee determines that the student's disability precludes his or her ability to participate

in instruction in hands-only CPR and the use of AEDs from the instruction requirement in section 100.2(c)(11) of the Commissioner's regulations. When a determination is made to excuse the student from this instructional requirement, the student's individualized education program (IEP) or Section 504 accommodation plan must include documentation of the Committee's decision. The determination of whether a student with a disability would require this exception should be made in the year in which the student would be expected to complete the instruction. Documentation that the student is excused from the CPR/AED instruction should be included in the following section of the IEP (example provided below):

PARTICIPATION WITH STUDENTS WITHOUT DISABILITIES
Removal from the general education environment occurs only when the nature or severity of the disability is such that, even with the use of supplementary aids and services, education cannot be satisfactorily achieved. **For the school-age student:** Explain the extent, if any, to which the student will not participate in regular class, extracurricular and other nonacademic activities (e.g., percent of the school day and/or specify particular activities): *Student is excused from the hands-on instructional requirement for cardiopulmonary resuscitation (CPR) / use of an automated external defibrillator (AED).*

These regulations became effective November 17, 2015. Prior to permanent adoption anticipated at the February 2016 Board of Regents meeting, the Department is accepting public comment on this amendment. Written comment may be submitted on or before January 19, 2016 to: James P. DeLorenzo, Assistant Commissioner, Office of Special Education, 89 Washington Avenue, Room 309 EB, Albany, NY 12234, Attention: Public Comment - Proposed Amendment Section 100.2(c)(11). Comments may also be faxed to 518-473-5387 or e-mailed to spedpubliccomment@nysed.gov.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE Chairpersons, Section 504 Compliance Officers, Guidance Counselors, Directors of Pupil Personnel and Parent Teacher Associations. Questions regarding this memorandum may be directed to the Office of Special Education's Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office	(315) 428-4556
Eastern Regional Office	(518) 486-6366
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Nondistrict Unit	(518) 473-1185