

Hillcrest/Highpoint

*2016/2017 NYSED Special Education
Quality Assurance Comprehensive
Residential Program Review*

Compliance Assurance Plan

Status Report



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

The Office of Special Education
Special Education Quality Assurance
Nondistrict Unit
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July 6, 2018

Ms. Diane Parks
Director of Education
Hillcrest - Highpoint
242 West Mountain Rd
Lenox, MA 01240

Dear Ms. Parks:

Enclosed is the status report for the 2016-17 Special Education Quality Assurance Comprehensive Residential Review – No CSE. The Hillcrest Highpoint campus has completed all corrective actions in the Compliance Assurance Plan, as indicated in the enclosed status report. As a result, all identified compliance issues are now resolved.

You may contact me at (518) 473-1185 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Carla Nolan".

Carla Nolan
Regional Associate

Enclosure

c: Samuel Zimmerman
Kathleen Milliman
Eileen Borden
Jerry Burke, President & CEO
Shaun Cusson, Executive Director
Chris Smith, Senior Vice President
Ashley Kellogg, Program Director

June 26, 2018 Compliance Assurance Plan Status Report
Hillcrest - High Point Comprehensive Residential Review with No CSE 2016-17
Final Report Issued March 12, 2018

Citation	Required Corrective Action	Accepted Date
200.1(mmm)	The school will submit to the RA the revised BIPs for students 1, 3, 4, 5, 7, 8, 9, and 10 and the completed BIPs for students 11 and 12 to include 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. The school corrected this on 11/13/17.	03/13/2018
	Verification of Compliance	
	The RA, will review all the BIPs for students 1, 3, 4, 5, 7, 8, 9, 10, 11, and 12 to ensure that they are consistent with the regulatory definition.	

Citation	Required Corrective Action	Accepted Date
200.15(e)(5)	The school will develop and submit written procedures to the RA to include periodic observations by supervisors of employees and volunteers in interaction with students. The school corrected this on 6/16/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written procedures that the school submits to ensure that they include periodic observations by supervisors of employees and volunteers in interaction with students.	

Citation	Required Corrective Action	Accepted Date
200.15(e)(6)	The school will develop and submit written procedures to the RA to include periodic supervisory conferences for employees and volunteers. The school corrected this on 6/16/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written procedures that the school submits to ensure that they include periodic supervisory conferences for employees and volunteers.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(1)(ii)	The school will develop and submit written policy and procedures to the RA to include reporting any death of a New York State student attending an out-of-State residential school. Any death of a New York State student must be immediately reported to the New York State Justice Center for the Protection of People with Special Needs, in the form and manner prescribed by the Center, and to the commissioner or his or her designee. The school corrected this on 7/26/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written policy and procedures the school submits to the RA to ensure that they include reporting any death of a New York State student attending an out-of-State residential school. Any death of a New York State student must be immediately reported to the New York State Justice Center for the Protection of People with Special Needs, in the form and manner prescribed by the Center, and to the commissioner or his or her designee.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(i)	The school will develop and submit written policies and procedures to the RA to include a statement that the chief administrator or his/her designee will preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written policies and procedures that the school submits to ensure that they include a statement that the chief administrator or his/her designee will preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(ii)	The school will develop and submit written policies and procedures to the RA to include that the chief administrator or his/her designee will obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written policies and procedures the school submits to ensure that they include that the chief administrator or his/her designee will obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(iii)	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will, with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will, with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(iv)(b)	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse and neglect including such action as provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse and neglect including such action as provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(iv)(c)	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse, neglect, or significant incidents, including temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program. The policy must include that whenever a student is removed, pursuant to this subparagraph, from a special education program or service specified in his or her individualized education program, such action shall be immediately reported to the commissioner or his designee and referred to the appropriate committee on special education for review. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse, neglect, or significant incidents, including temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program. The RA will ensure that the policy includes that whenever a student is removed, pursuant to this subparagraph, from a special education program or service specified in his or her individualized education program, such action shall be immediately reported to the commissioner or his designee and referred to the appropriate committee on special education for review.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(2)(iv)(d)	The school will develop and submit policies and procedures to the RA to include that the provision of counseling will be provided to the student(s) involved in the report and any other students, as appropriate. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures to ensure that they include that the provision of counseling will be provided to the student(s) involved in the report and any other students, as appropriate.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(3)(i)	The school will develop and submit policies and procedures to the RA to include a statement that the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(3)(ii)	The school will develop and submit policies and procedures to the RA to include a statement that the school will promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the school will promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending.	

Citation	Required Corrective Action	Accepted Date
200.15(f)(4)(i)(b)	The school will develop and submit policies and procedures to the RA to include that in the event a report of abuse or neglect determines that such abuse or neglect may attribute in whole or in part to noncompliance by the facility, the school will implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance. The policy must include that the plan shall be developed and submitted for approval to the appropriate designee of the commissioner within 30 days of receipt of such a report. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include that in the event a report of abuse or neglect determines that such abuse or neglect may attribute in whole or in part to noncompliance by the facility, the school will implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance. The RA will ensure that the policy specifies that the plan shall be developed and submitted for approval to the appropriate designee of the commissioner within 30 days of receipt of such a report.	

Citation	Required Corrective Action	Accepted Date
200.15(g)(1)	The school will develop and submit policies and procedures to the RA to specify when there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they specify when there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student.	

Citation	Required Corrective Action	Accepted Date
200.15(g)(2)	The school will develop and submit policies and procedures to the RA to specify when there is an allegation of abuse or neglect of a New York State student, the residential school must comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the New York State Justice Center. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they specify when there is an allegation of abuse or neglect of a New York State student, the residential school must comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the New York State Justice Center.	

Citation	Required Corrective Action	Accepted Date
200.15(g)(3)	The school will develop and submit policies and procedures to the RA to specify if the investigation is not conducted by the New York State Justice Center, the out-of-State residential school shall forward the findings of such investigation to the New York State Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation. The school corrected this on 7/26/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they specify if the investigation is not conducted by the New York State Justice Center, the out-of-State residential school shall forward the findings of such investigation to the New York State Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation.	

Citation	Required Corrective Action	Accepted Date
200.15(g)(4)	The school will develop and submit policies and procedures to the RA to specify that failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part. The school corrected this on 6/16/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they specify that failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part.	

Citation	Required Corrective Action	Accepted Date
200.15(i)(1)	The school will develop and submit policies and procedures to the RA to include how each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents. The school corrected this on 6/21/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policies and procedures the school submits to ensure that they include how each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents.	

Citation	Required Corrective Action	Accepted Date
200.22(b)(4)(i)	By May 9, 2018, the school will submit to the RA the revised BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, and 10 and the completed BIPs for students 11 and 12 to include all required components.	06/11/2018
	Verification of Compliance	
	The RA will review the revised BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, and 10 and the completed BIPs for students 11, and 12 to ensure that they include all required components.	

Citation	Required Corrective Action	Accepted Date
200.22(b)(4)(ii)	The school will submit to the RA the BIPs for students 11 and 12 including 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). The school corrected this on 11/13/17.	03/13/2018
	Verification of Compliance	
	The RA will review the BIPs for student 11 and 12 to ensure that they include 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).	

Citation	Required Corrective Action	Accepted Date
200.22(b)(4)(iii)	The school will submit to the RA the BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to include a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals. The school corrected this on 11/13/17.	03/13/2018
	Verification of Compliance	
	The RA will review the BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 to ensure that they include a schedule to measure the effectiveness of the interventions, including frequency, duration, and intensity of targeted behaviors at scheduled intervals.	

Citation	Required Corrective Action	Accepted Date
200.22(b)(5)	By May 9, 2018, the school will submit to the RA evidence of progress monitoring for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to include 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.	06/11/2018
	Verification of Compliance	
	The RA will review the documentation the school submits to ensure that progress monitoring for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 includes 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.	

Citation	Required Corrective Action	Accepted Date
200.22(d)(2)(ii)	The school will ensure that if BIPs for New York State students refer to the use of physical interventions, the BIPs clearly must state that such interventions are only to be used in emergency situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. The school must ensure that physical interventions are never used as punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior. Determinations to incorporate physical interventions into BIPs strictly as emergency interventions must be based on each student's individual behavioral and physical needs and must be clearly labeled as "emergency interventions". By May 9, 2018, the school will submit to the RA revised BIPs for students 1, 3, 4, 6, 7, 8, 9 and 10 to ensure that emergency interventions are not used as a planned intervention. The school will revise and submit the written policies and procedures to ensure that they include that emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior. The school corrected this on 5/25/17. The school will submit documentation that all staff who work with New York State students whose BIPs include the use of physical interventions have been trained that these physical interventions are to be used on an emergency basis and not as a planned intervention. The school corrected this on 5/25/17.	05/16/2018
	Verification of Compliance	

	The RA will review the revised BIPs the school submits to ensure that they clearly indicate that physical interventions are only used in emergency situations and not as planned interventions. The RA will review the revised policies and procedures the school submits to ensure that they include that emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior. The RA will review the training documentation the school submits to ensure all staff who work with New York State students whose BIPs include the use of physical interventions have been trained that physical interventions are only to be used on an emergency basis and not as a planned intervention.	
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Citation	Required Corrective Action	Accepted Date
200.22(d)(4)	The school will revise and submit to the RA their documentation form on the use of emergency interventions to include the student's date of birth, a statement as to whether the student has a current behavioral intervention plan, and parental notification for all emergency interventions for New York State students. The school corrected this on 6/16/17.	03/13/2018
	Verification of Compliance	
	The RA will review the revised documentation form on the use of emergency interventions that the school submits to ensure that it includes the student's date of birth, a statement as to whether the student has a current behavioral intervention plan, and parental notification for all emergency interventions for New York State students.	

Citation	Required Corrective Action	Accepted Date
200.4(e)(4)	The school will develop written policies and procedures to ensure that if the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree. This was corrected on 7/26/17.	03/13/2018
	Verification of Compliance	
	The RA will review the policy and procedures the school submits to ensure that they include that if the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree.	

Citation	Required Corrective Action	Accepted Date
200.7(b)(3)	The school will develop a policy on school conduct and discipline consistent with the provisions of section 100.2(l)(1)(i)(a)-(d), (f)-(g) of this Title. Such a policy shall be developed locally in consultation with teachers, administrators, other school service professionals, students and parents and shall include: • a bill of rights and responsibilities of students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis; • a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents; • strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law; • procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having a disability, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee on special education for review and modification if appropriate of the student's individualized education program; • disciplinary measures for violation of the school policies developed in accordance with subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and where applicable to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and • guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline.	05/04/2018
	Verification of Compliance	

	The RA will review the policy on school conduct and discipline the school develops and submits to ensure that it consistent with the provisions of section 100.2(l)(1)(i)(a)-(d), (f)-(g) of this Title.	
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Citation	Required Corrective Action	Accepted Date
200.7(c)(2)	The school will revise and submit the written policies and procedures to the RA to include that no New York State student with a disability shall be removed or transferred from an approved out-of-state school without such recommendation by the committee on special education. The school corrected this on 7/26/17.	03/13/2018
	Verification of Compliance	
	The RA will review the written policies and procedures the school submits to ensure that they include that no New York State student with a disability shall be removed or transferred from an approved out-of-state school without such recommendation by the committee on special education.	

Hillcrest/Highpoint
2016/2017 NYSED Special Education
Quality Assurance Comprehensive
Residential Program Review

Final Report Narrative



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

The Office of Special Education
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March 12, 2018

Ms. Diane Parks
Director of Education
Hillcrest - Highpoint
242 West Mountain Rd
Lenox, MA 01240

Dear Ms. Parks:

Enclosed is the final report of the 2016-17 Special Education Quality Assurance Comprehensive Residential Review of the Hillcrest Highpoint Program. The final report is a public document and must be available upon request.

The final report includes a narrative of review activities, the Compliance Summary, and the Compliance Assurance Plan. The Office of Special Education, Special Education Quality Assurance will be closely monitoring the school's timely resolution of the identified noncompliance.

You may contact me at (518) 473-1185 if you have any questions.

Sincerely,

Carla Nolan

Carla Nolan
Regional Associate

Enclosure (s)

c: Eileen Borden
Jerry Burke, President & CEO
Shaun Cusson, Executive Director
Chris Smith, Senior Vice President
Ashley Kellogg, Program Director

Special Education Quality Assurance
Comprehensive Residential Review with No CSE
2016-17

Final Report Narrative

Cover Sheet

School: Hillcrest - Highpoint
Address: 242 West Mountain Rd
Lenox, MA 01240
Contact Person: Diane Parks
Telephone #: (413) 637-2845
Date of Report: March 12, 2018

Review Team Members:

Name	Title
Carla Nolan	Regional Associate
Beth Karalak	Regional Associate
Diane Parks	Director of Education
Ashley Kellogg	Highpoint Program Director
Tresa Devereaux	Education Compliance Administrator

Attachments:

- ☒ Narrative
- ☒ Compliance Summary List
- ☒ Compliance Assurance Plan

Final Report Narrative

The New York State Education Department's (NYSED) Office of Special Education completed a Comprehensive Review of Hillcrest - Highpoint on March 12, 2018. The final report identifies the program's compliance with specifically identified federal and State laws and regulations affecting the provision of special education programs and services for students with disabilities. The on-site review was conducted by the Special Education Quality Assurance (SEQA) Nondistrict Unit on March 6 – 10, 2017, and off-site review activities throughout the Fall of 2017.

Program Profile

Hillcrest - Highpoint is a New York State approved out-of-State school. The school operates middle and high school classes serving students ages 11-21 in classrooms with a 10:1+2 ratio. The program is approved to serve students with the following disabilities: Emotional Disturbance and Learning Disability. At the time of the review, 51 residential students were enrolled. 12 out of the 51 residential students were New York State students. The program also accepts students placed by local departments of social services. However, the school does not have committee on special education (CSE) responsibilities.

Review Design

The Regional Associate utilized a variety of activities, including a review of a representative sample of records of students with disabilities, multiple classroom visitations, review of selected program policies and procedures, and interviews. These activities were used to determine the program's compliance in the following review areas:

For ALL Approved Private Residential Programs

- Delivery of Special Education Programs and Services
- Behavioral Interventions
- Discipline/Suspension
- Operation of an Approved Private School Program
- Standards for the Protection of Students in Residential Programs

Description of Student Sample

The representative student sample included 12 students with disabilities in grades 6-12 whose special education services were provided by the program. These students were selected to assist the Regional Associate in identifying trends and patterns regarding students with disabilities receiving special education programs and services. Of the 12 students in the representative student sample, 11 had behavioral intervention plans (BIPs) and 0 were identified as English language learners.

Summary of Review Activities

As noted above, the review consisted of several activities where information and evidence were collected and reviewed by the Regional Associate to determine

compliance with specific special education laws and regulations.

Review of Student Records

The student record review provided the Regional Associate with information regarding the representative sample of individual students with disabilities. The record review provided information regarding individual evaluations and the development and implementation of individualized education programs (IEPs) and, for some students, BIPs.

Classroom Visitations

The Regional Associate chose a subset of the representative student sample for classroom visitations in order to examine the relationship between the recommendations of the CSE and how the IEP is implemented in the classroom. Prior to the visitation, the Regional Associate reviewed the IEPs of the students in the subset of the representative student sample, looking for alignment between students' needs, accommodations, modifications, and annual goals. While in the classroom, the Regional Associate looked for evidence that the IEPs were being implemented, as well as how students functioned in relation to the provision of explicit and specially designed instruction.

Program Record Review

The program record review provided the Regional Associate with information regarding the program's policies and procedures related to the operation of a special education program and the protection of rights of students with disabilities. These areas included discipline/suspension, standards for the protection of students in residential programs, and requirements of individual evaluations.

Behavioral Interventions

Understanding and management of behavioral needs is an important part of some students' special education programs. The Regional Associate reviewed the program's use of behavioral interventions to address the behavior needs of students in the representative student sample. This included examining students' BIPs, which were developed to address behaviors that impeded their learning or that of others. The Regional Associate reviewed records to determine if BIPs were regularly progress monitored and whether the parents and CSE were provided with the updated data regarding students' behaviors identified in the BIPs.

Surveys and Interviews

Information obtained from teachers, related service providers, and administrators provided the Regional Associate with individual perspectives and experiences regarding the effectiveness of the program's practices as they related to students with disabilities. This material was gathered through the use of surveys disseminated to staff who worked with the students in the subset of the representative student sample. In addition to program staff, students with disabilities in the subset of the representative sample, as well as their parents, were interviewed in order to provide the Regional Associate with their perspectives and experiences. A survey of school districts that place students in the program was distributed to provide the Regional Associate with information on how the program meets the needs of students with disabilities and the program's ability to work

cooperatively with the placing public school districts.

Findings

Based on the evidence collected and reviewed during this Comprehensive Review, the SEQA Nondistrict Unit has determined that the program is not in full compliance with specifically identified federal and State laws and regulations affecting the provision of special education programs and services for students with disabilities. To address the identified areas of noncompliance, a compliance assurance plan (CAP) is included with this report. The CAP identifies the noncompliance and includes the date(s) by which the program must submit evidence of correction of the noncompliance. This final report and the enclosed compliance summary are public documents, and the program must maintain them accordingly.

I wish to formally thank the staff and parents of the program for their participation in this review process and their efforts to improve outcomes for students with disabilities.

SEQA Regional Associate: Carla Nolan 3/12/18
Signature Date

Hillcrest/Highpoint

*2016/2017 NYSED Special Education
Quality Assurance Comprehensive
Residential Program Review*

Compliance Assurance Plan

**Special Education Quality Assurance
Comprehensive Residential Review with No CSE
Compliance Assurance Plan**

Institution Name: Hillcrest – High Point		School Year: 2016-17
Regulatory Citation	Description of Noncompliance	
200.1(mmm)	Behavioral intervention plans (BIPs) that the school developed for students 1, 3, 4, 5, 7, 8, 9, and 10 were not consistent with the regulatory definition. Issues such as lacking a description of the problem behavior or multiple behaviors described within one behavior (for students 3, 4, 5, 7, 8, 9, and 10) and global and specific hypotheses as to why the problem occurs (for students 1, 3, 4, 5, 8, 9, and 10) were noted. Students 11 and 12 require a BIP according to IEP, but the BIPs were not provided.	
Due Date	Required Corrective Action	
06/11/2018	The school will submit to the RA the revised BIPs for students 1, 3, 4, 5, 7, 8, 9, and 10 and the completed BIPs for students 11 and 12 to include 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. The school corrected this on 11/13/17.	
	Verification of Compliance	
	The RA, will review all the BIPs for students 1, 3, 4, 5, 7, 8, 9, 10, 11, and 12 to ensure that they are consistent with the regulatory definition.	

Regulatory Citation	Description of Noncompliance
200.22(b)(4)(i)	BIPs that the school developed for students 1, 3, 5, 7, and 8 do not include a baseline measure of the problem behavior to include the frequency, duration, intensity and/or latency of the targeted behavior. BIPs that the school developed for students 1, 3, 4, 5, 6, 7, 8, 9, and 10, do not include data taken across activities, settings, people and times of the day. Students 11 and 12 require a BIP according to the IEP, but a BIP was not provided.
Due Date	Required Corrective Action
06/11/2018	By May 9, 2018, the school will submit to the RA the revised BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, and 10 and the completed BIPs for students 11 and 12 to include all required components.
	Verification of Compliance
	The RA will review the revised BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, and 10 and the completed BIPs for students 11, and 12 to ensure that they include all required components.

Regulatory Citation	Description of Noncompliance
200.22(b)(4)(ii)	Students 11 and 12 require a BIP according to the IEP, but a BIP was not provided.
Due Date	Required Corrective Action
06/11/2018	The school will submit to the RA the BIPs for students 11 and 12 including 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). The school corrected this on 11/13/17.
	Verification of Compliance
	The RA will review the BIPs for student 11 and 12 to ensure that they include 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).

Regulatory Citation	Description of Noncompliance
200.22(b)(4)(iii)	BIPs that the school developed for students 1, 3, 4, 5, 6, 7, 8, 9, and 10 include a schedule to review/modify and monitor the implementation plan quarterly. However, the BIP does not have a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals. Students 11 and 12 require a BIP according to IEP, but BIPs were not provided.
Due Date	Required Corrective Action
06/11/2018	The school will submit to the RA the BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to include a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals. The school corrected this on 11/13/17.
	Verification of Compliance
	The RA will review the BIPs for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 to ensure that they include a schedule to measure the effectiveness of the interventions, including frequency, duration, and intensity of targeted behaviors at scheduled intervals.

Regulatory Citation	Description of Noncompliance
200.22(b)(5)	The school did not provide evidence of progress monitoring for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to include 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.
Due Date	Required Corrective Action
06/11/2018	By May 9, 2018, the school will submit to the RA evidence of progress monitoring for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to include 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.
	Verification of Compliance
	The RA will review the documentation the school submits to ensure that progress monitoring for students 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 includes 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.

Regulatory Citation	Description of Noncompliance
200.22(d)(2)(ii)	BIPs for students 1, 3, 6, 8, and 10 state, "Interventions: If student continues to demonstrate persistent high risk behaviors that pose an imminent risk of injury to himself or others please utilize emergency protocol as outlined by Hillcrest Educational Centers". BIPs for students 4, 9, and 7 state, "Intervention: TCI Physical Interventions appropriate for student (when indicated by HEC's Behavior Management Policy)".
Due Date	Required Corrective Action

06/11/2018	The school will ensure that if BIPs for New York State students refer to the use of physical interventions, the BIPs clearly must state that such interventions are only to be used in emergency situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. The school must ensure that physical interventions are never used as punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior. Determinations to incorporate physical interventions into BIPs strictly as emergency interventions must be based on each student's individual behavioral and physical needs and must be clearly labeled as "emergency interventions". By May 9, 2018, the school will submit to the RA revised BIPs for students 1, 3, 4, 6, 7, 8, 9 and 10 to ensure that emergency interventions are not used as a planned intervention. The school will revise and submit the written policies and procedures to ensure that they include that emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior. The school corrected this on 5/25/17. The school will submit documentation that all staff who work with New York State students whose BIPs include the use of physical interventions have been trained that these physical interventions are to be used on an emergency basis and not as a planned intervention. The school corrected this on 5/25/17.
	Verification of Compliance

The RA will review the revised BIPs the school submits to ensure that they clearly indicate that physical interventions are only used in emergency situations and not as planned interventions.

The RA will review the revised policies and procedures the school submits to ensure that they include that emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

The RA will review the training documentation the school submits to ensure all staff who work with New York State students whose BIPs include the use of physical interventions have been trained that physical interventions are only to be used on an emergency basis and not as a planned intervention.

Regulatory Citation	Description of Noncompliance
200.22(d)(4)	The school completed documentation on the use of emergency interventions for students 3, 5, 6, 7, 8, 9, 11, and 12. However, the documentation is missing the student's date of birth and a statement as to whether the student has a current behavioral intervention plan. Parental notification was not always documented. The form that the school uses to document emergency interventions states that "Parent is contacted only if restraint is in school".
Due Date	Required Corrective Action
06/11/2018	The school will revise and submit to the RA their documentation form on the use of emergency interventions to include the student's date of birth, a statement as to whether the student has a current behavioral intervention plan, and parental notification for all emergency interventions for New York State students. The school corrected this on 6/16/17.
	Verification of Compliance
	The RA will review the revised documentation form on the use of emergency interventions that the school submits to ensure that it includes the student's date of birth, a statement as to whether the student has a current behavioral intervention plan, and parental notification for all emergency interventions for New York State students.

Regulatory Citation	Description of Noncompliance
200.4(e)(4)	The school does not have a written policy that establishes administrative practices and procedures to refer a student back to the CSE if the program or placement recommended on the IEP is no longer appropriate.
Due Date	Required Corrective Action
06/11/2018	The school will develop written policies and procedures to ensure that if the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree.
	This was corrected on 7/26/17.
	Verification of Compliance
	The RA will review the policy and procedures the school submits to ensure that they include that if the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree.

Regulatory Citation	Description of Noncompliance
200.7(b)(3)	The school did not provide evidence of a policy on school conduct and discipline consistent with the provisions of section 100.2(l)(1)(i)(a)-(d), (f)-(g) of this Title.
Due Date	Required Corrective Action

06/11/2018	The school will develop a policy on school conduct and discipline consistent with the provisions of section 100.2(l)(1)(i)(a)-(d), (f)-(g) of this Title. Such a policy shall be developed locally in consultation with teachers, administrators, other school service professionals, students and parents and shall include: • a bill of rights and responsibilities of students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis; • a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents; • strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law; • procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having a disability, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee on special education for review and modification if appropriate of the student's individualized education program; • disciplinary measures for violation of the school policies developed in accordance with subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and where applicable to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and • guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline. The school developed a policy on school conduct and discipline on 5/25/17. Currently, the school is revising the policy to include the school's code of conduct. The school's code of discipline will remain in effect until the adoption of the school's code of conduct.
	Verification of Compliance
	The RA will review the policy on school conduct and discipline the school develops and submits to ensure that it consistent with the provisions of section 100.2(l)(1)(i)(a)-(d), (f)-(g) of this Title.

Regulatory Citation	Description of Noncompliance
200.7(c)(2)	The school's policy, Suspension and Termination of Residential Students, states, "When it is necessary to use either of these procedures for students in residential care, Hillcrest will follow the regulations of the Massachusetts Department of Education as set forth in Chapter 603 CMR 18:02(2)(q)5&6."
Due Date	Required Corrective Action
06/11/2018	The school will revise and submit the written policies and procedures to the RA to include that no New York State student with a disability shall be removed or transferred from an approved out-of-state school without such recommendation by the committee on special education. The school corrected this on 7/26/17.
	Verification of Compliance
	The RA will review the written policies and procedures the school submits to ensure that they include that no New York State student with a disability shall be removed or transferred from an approved out-of-state school without such recommendation by the committee on special education.

Regulatory Citation	Description of Noncompliance
200.15(e)(5)	There are no written procedures of periodic observations by supervisors of employees and volunteers in interaction with students.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit written procedures to the RA to include periodic observations by supervisors of employees and volunteers in interaction with students.
	The school corrected this on 6/16/17.
	Verification of Compliance
	The RA will review the written procedures that the school submits to ensure that they include periodic observations by supervisors of employees and volunteers in interaction with students

Regulatory Citation	Description of Noncompliance
200.15(e)(6)	The school does not have written procedures for periodic supervisory conferences for employees and volunteers. The school's procedures include that an employee receives supervision on a regular basis and is evaluated after one year of employment and annually thereafter. Procedures for volunteers do not include supervisory conferences.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit written procedures to the RA to include periodic supervisory conferences for employees and volunteers.
	The school corrected this on 6/16/17.
	Verification of Compliance
	The RA will review the written procedures that the school submits to ensure that they include periodic supervisory conferences for employees and volunteers.

Regulatory Citation	Description of Noncompliance
200.15(f)(1)(ii)	The school has policy and procedures on reporting the death of a student. It identifies informing the President/Executive Director/Senior VP and local police. It does not include reporting the death of a New York State student to the New York State Justice Center.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit written policy and procedures to the RA to include reporting any death of a New York State student attending an out-of-State residential school. Any death of a New York State student must be immediately reported to the New York State Justice Center for the Protection of People with Special Needs, in the form and manner prescribed by the Center, and to the commissioner or his or her designee. The school corrected this on 7/26/17.
	Verification of Compliance
	The RA will review the written policy and procedures the school submits to the RA to ensure that they include reporting any death of a New York State student attending an out-of-State residential school. Any death of a New York State student must be immediately reported to the New York State Justice Center for the Protection of People with Special Needs, in the form and manner prescribed by the Center, and to the commissioner or his or her designee.

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(i)	The school does not have written policies and procedures to specify that the chief administrator or his/her designee will preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit written policies and procedures to the RA to include a statement that the chief administrator or his/her designee will preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the written policies and procedures that the school submits to ensure that they include a statement that the chief administrator or his/her designee will preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(ii)	The school does not have written policies and procedures to specify that the chief administrator or his/her designee will obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit written policies and procedures to the RA to include that the chief administrator or his/her designee will obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the written policies and procedures the school submits to ensure that they include that the chief administrator or his/her designee will obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident.

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(iii)	The school does not have written policies and procedures to specify that the chief administrator or his/her designee will, with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will, with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will, with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program.

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(iv)(b)	The school does not have written policies and procedures that specify that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse and neglect including such action as provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse and neglect including such action as provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse and neglect including such action as provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect.

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(iv)(c)	The school does not have written policies and procedures that specify that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse, neglect, or significant incidents, including temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse, neglect, or significant incidents, including temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program. The policy must include that whenever a student is removed, pursuant to this subparagraph, from a special education program or service specified in his or her individualized education program, such action shall be immediately reported to the commissioner or his designee and referred to the appropriate committee on special education for review. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the chief administrator or his/her designee will take such additional action as is necessary to prevent future acts of abuse, neglect, or significant incidents, including temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program. The RA will ensure that the policy includes that whenever a student is removed, pursuant to this subparagraph, from a special education program or service specified in his or her individualized education program, such action shall be immediately reported to the commissioner or his designee and referred to the appropriate committee on special education for review.

Regulatory Citation	Description of Noncompliance
200.15(f)(2)(iv)(d)	The school does not have written policies and procedures to include that the provision of counseling will be provided to the student(s) involved in the report and any other students, as appropriate.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include that the provision of counseling will be provided to the student(s) involved in the report and any other students, as appropriate. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures to ensure that they include that the provision of counseling will be provided to the student(s) involved in the report and any other students, as appropriate.

Regulatory Citation	Description of Noncompliance
200.15(f)(3)(i)	The school does not have written policies and procedures to specify that the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include a statement that the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation.

Regulatory Citation	Description of Noncompliance
200.15(f)(3)(ii)	The school does not have written policies and procedures to specify that the school will promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include a statement that the school will promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include a statement that the school will promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending.

Regulatory Citation	Description of Noncompliance
200.15(f)(4)(i)(b)	In the event a report of abuse or neglect determines that such abuse or neglect may attribute in whole or in part to noncompliance by the facility, the school does not have written policies and procedures to implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include that in the event a report of abuse or neglect determines that such abuse or neglect may attribute in whole or in part to noncompliance by the facility, the school will implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance. The policy must include that the plan shall be developed and submitted for approval to the appropriate designee of the commissioner within 30 days of receipt of such a report. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include that in the event a report of abuse or neglect determines that such abuse or neglect may attribute in whole or in part to noncompliance by the facility, the school will implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance. The RA will ensure that the policy specifies that the plan shall be developed and submitted for approval to the appropriate designee of the commissioner within 30 days of receipt of such a report.

Regulatory Citation	Description of Noncompliance
200.15(g)(1)	The school does not have written policies and procedures to specify that when there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to specify when there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they specify when there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student.

Regulatory Citation	Description of Noncompliance
200.15(g)(2)	The school does not have written policies and procedures to specify that when there is an allegation of abuse or neglect of a New York State student, the residential school shall comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the New York State Justice Center.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to specify when there is an allegation of abuse or neglect of a New York State student, the residential school must comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the New York State Justice Center. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they specify when there is an allegation of abuse or neglect of a New York State student, the residential school must comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the New York State Justice Center.

Regulatory Citation	Description of Noncompliance
200.15(g)(3)	The school does not have written policies and procedures to specify that if the investigation is not conducted by the New York State Justice Center, the out-of-State residential school shall forward the findings of such investigation to the New York State Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to specify if the investigation is not conducted by the New York State Justice Center, the out-of-State residential school shall forward the findings of such investigation to the New York State Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation. The school corrected this on 7/26/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they specify if the investigation is not conducted by the New York State Justice Center, the out-of-State residential school shall forward the findings of such investigation to the New York State Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation.

Regulatory Citation	Description of Noncompliance
200.15(g)(4)	The school does not have written policies and procedures to specify that failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to specify that failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part. The school corrected this on 6/16/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they specify that failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part.

Regulatory Citation	Description of Noncompliance
200.15(i)(1)	There are no written policies and procedures to include how each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents.
Due Date	Required Corrective Action
06/11/2018	The school will develop and submit policies and procedures to the RA to include how each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents. The school corrected this on 6/21/17.
	Verification of Compliance
	The RA will review the policies and procedures the school submits to ensure that they include how each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents.

Hillcrest/Highpoint

*2016/2017 NYSED Special Education
Quality Assurance Comprehensive
Residential Program Review*

Compliance Summary List

**Compliance Summary List for Hillcrest - High Point
Comprehensive Residential Review with No CSE 2016-17**

Determination of Compliance	Regulatory Citation	Regulatory Language
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.
Compliant	155.7	Health and safety in existing educational facilities. Facilities in school districts, other than city school districts in cities having 125,000 inhabitants or more, shall meet the following requirements and, in particular instances, such other requirements as may be deemed necessary by the commissioner to insure the health and safety and accident protection of occupants.
Not Applicable	175.5(a)(2)	The daily sessions for pupils in full-day kindergarten and grades one through six shall be a minimum of five hours including time spent by students in actual instructional or supervised study activities, exclusive of time allowed for lunch, and including hourly units of time spent by all teachers and other instructional staff within a grade level or school building attending upon staff development activities relating to implementation of new high learning standards and assessments as authorized by section 3604(8) of the Education Law.
Compliant	175.5(a)(3)	The daily sessions for pupils in grades seven through 12 shall be a minimum of five and one-half hours including time spent by students in actual instructional or supervised study activities, exclusive of time allowed for lunch, and including hourly units of time spent by all teachers and other instructional staff within a grade level or school building attending upon staff development activities relating to implementation of new high learning standards and assessments as authorized by section 3604(8) of the Education Law.

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.
Not Applicable	200.15(c)(2)	An in-state residential school shall check the staff exclusion list, pursuant to procedures developed by the Justice Center, before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor to have regular and substantial contact with a student. Consistent with applicable collective bargaining agreements, if a person is listed on the staff exclusion list, the school shall not hire such a person to have regular and substantial contact with a student. If the result of that inquiry is that the person about whom the inquiry is made is not on the staff exclusion list, the school shall make an inquiry of the Statewide Central Register of Child Abuse and Maltreatment pursuant to section 424-a of the Social Services Law.
Compliant	200.15(e)(1)	staffing patterns and the rationale for such;
Compliant	200.15(e)(2)	responsibilities of supervisors;
Compliant	200.15(e)(3)	the method by which staff and volunteers will be made aware of the identity of all supervisors, including designated on-site supervisors;
Compliant	200.15(e)(4)	provision of written supervisory guidelines to employees and volunteers;
Non-Compliant	200.15(e)(5)	periodic observations by supervisors of employees and volunteers in interaction with students;

Non-Compliant	200.15(e)(6)	periodic supervisory conferences for employees and volunteers; and
Compliant	200.15(e)(7)	written performance evaluations of staff to be conducted by supervisors in a manner consistent with applicable provisions of the Civil Service Law and existing collective bargaining agreements.
Not Applicable	200.15(f)(1)(i)(a)	ensure that allegations of reportable incidents, including any death for which there is any reason to believe that abuse or neglect may be involved, shall be identified and immediately reported to the Vulnerable Persons' Central Register upon discovery by a mandated reporter in accordance with the provisions of sections 491 and 492 of the Social Services Law. Nothing in this paragraph shall be construed to prohibit a mandated reporter from contacting or reporting to law enforcement or an emergency services organization as defined in section 155.17(c)(5) of this Title, before or after reporting to the Vulnerable Persons' Central Register.
Not Applicable	200.15(f)(1)(i)(b)	provide a student's parents with written information explaining the reporting requirements and processes regarding allegations of reportable incidents consistent with Article 11 of the Social Services Law, at the time the student is placed in such school. Such information shall also be made available upon request to any person.
Non-Compliant	200.15(f)(1)(ii)	Reporting deaths. The death of any New York State student attending an in-State or out-of-State residential school shall be immediately reported to the New York State Justice Center for the Protection of People with Special Needs, in the form and manner prescribed by the Center, and to the commissioner or his or her designee.
Non-Compliant	200.15(f)(2)(i)	preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred;
Non-Compliant	200.15(f)(2)(ii)	obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident;

Non-Compliant	200.15(f)(2)(iii)	with consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program; and
Non-Compliant	200.15(f)(2)(iv)(b)	provision of increased training and/or increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse, neglect and significant incidents;
Non-Compliant	200.15(f)(2)(iv)(c)	temporary removal of the student(s) from a program and reassignment of the student(s) within the facility, as an emergency measure, if it is determined that there is a risk to the health or safety of such student(s) in remaining in that program. Whenever a student is removed, pursuant to this subparagraph, from a special education program or service specified in his or her individualized education program, such action shall be immediately reported to the commissioner or his designee and referred to the appropriate committee on special education for review; and/or
Non-Compliant	200.15(f)(2)(iv)(d)	provision of counseling to the student(s) involved in the report and any other students, as appropriate.
Non-Compliant	200.15(f)(3)(i)	take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made in accordance with law and regulation;
Non-Compliant	200.15(f)(3)(ii)	promptly report to the Justice Center the resignation or termination of a subject of a report of alleged abuse or neglect from his or her position while an investigation is pending;
Not Applicable	200.15(f)(3)(iii)	if so directed, consistent with guidelines issued by the Department, promptly investigate a report of a significant incident and, within 60 days of the Vulnerable Persons' Central Register accepting a report of a significant incident, submit a report of the findings in writing to the Department; and

Not Applicable	200.15(f)(3)(iv)	maintain all information, including information identifying the subject of the report of alleged abuse or neglect and other persons named in the report to the Vulnerable Persons' Central Register, in accordance with section 496 of the Social Services Law. All personally identifiable data information or records with respect to a student shall be subject to the requirements of section 200.2(b)(6) of this Part.
Non-Compliant	200.15(f)(4)(i)(b)	in the event a report of abuse or neglect determines that such abuse or neglect may be attributed in whole or in part to noncompliance by the facility with provisions of title 6 of article 11 of the Social Services Law, or sections 4212, 4314, 4358 or 4403(11)-(12) of the Education Law or the regulations of the Commissioner of Education, develop and implement a plan of prevention and remediation, which shall address, at minimum, those areas in which the facility has been found to be out of compliance and shall indicate the manner in which the facility will come into compliance. Such plan shall be developed and submitted for approval to the appropriate designee of the commissioner within 30 days of receipt of such a report.
Not Applicable	200.15(f)(4)(ii)	Significant incidents. Upon a determination of the need for preventative or remedial action associated with a report of a significant incident, the chief administrator of the residential school, after consideration of any recommendations of the State Education Department, shall develop and implement a written plan of prevention and remediation to address the investigative findings. Such plan shall be developed and submitted to the appropriate designee of the commissioner within 30 days of such determination.
Non-Compliant	200.15(g)(1)	When there is an allegation of abuse or neglect of a New York State student, the residential school shall immediately notify the Justice Center, the State Education Department and any local social services district and/or school district who placed the student in the residential school or state agency funding the placement of that student.
Non-Compliant	200.15(g)(2)	For allegations of abuse and neglect, the residential school shall comply with the procedures for the protection of students in subdivision 5 of section 490 of the Social Services Law and shall cooperate with any investigation conducted by the Justice Center.

Non-Compliant	200.15(g)(3)	If the investigation is not conducted by the Justice Center, the out-of-state residential school shall forward the findings of such investigation to the Justice Center, the State Education Department, the committee on special education and the social services district in New York State no later than 90 days from the report of the allegation.
Non-Compliant	200.15(g)(4)	Failure to comply with the requirements of this subdivision shall be grounds for revocation of approval to accept new admissions of New York State students or termination of private school approval pursuant to paragraph 200.7(a)(3) of this Part.
Compliant	200.15(h)(1)(i)	child abuse prevention and identification;
Compliant	200.15(h)(1)(ii)	safety and security procedures;
Compliant	200.15(h)(1)(iii)	principles of child development;
Compliant	200.15(h)(1)(iv)	characteristics of children in care;
Compliant	200.15(h)(1)(v)	techniques of group and child management, including crisis intervention and appropriate restraint training;
Compliant	200.15(h)(1)(vi)	laws, regulations and procedures, including appropriate reporting responsibilities, governing the protection of students from reportable incidents; and
Compliant	200.15(h)(1)(vii)	any relevant information provided by the department.
Not Applicable	200.15(h)(2)	The department may exempt administrators from such training requirements upon demonstration of substantially equivalent knowledge or experience.
Compliant	200.15(h)(3)	Such training shall include but not be limited to live training and supplemental courses accessible via the internet.
Non-Compliant	200.15(i)(1)	Each new employee or volunteer shall, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents.

Not Applicable	200.15(i)(2)	Each custodian shall, at the time of his or her initial employment and at least annually thereafter, be provided with a copy of the code of conduct developed by the Justice Center pursuant to article 20 of the Executive Law and acknowledge that he or she has read and understands such code of conduct. Such code of conduct shall govern the conduct of such custodians with respect to the safety, dignity and welfare of students in residential schools to whom they provide care and is enforceable consistent with appropriate collective bargaining agreements.
Compliant	200.15(j)(1)(i)	appropriate for the age, individual needs and particular circumstances of students;
Compliant	200.15(j)(1)(ii)	provided at different times throughout the year in a manner which will ensure that all students receive such instruction; and
Not Applicable	200.15(k)(2)	Members of the incident review committee shall be trained in confidentiality laws and regulations, and shall comply with section seventy-four of the Public Officers Law.
Not Applicable	200.15(k)(3)(i)	review the timeliness, thoroughness and appropriateness of the residential school's response to reportable incidents;
Not Applicable	200.15(k)(3)(ii)	recommend additional opportunities for improvement to the chief administrator of the residential school, if appropriate;
Not Applicable	200.15(k)(3)(iii)	review incident trends and patterns concerning reportable incidents; and
Not Applicable	200.15(k)(3)(iv)	make recommendations to the chief administrator of the residential school to assist in reducing reportable incidents.
Not Applicable	200.15(k)(4)	The chief administrator of the residential school shall submit a report of incident patterns and trends, and patterns and trends in the reporting and response to reportable incidents to the State Education Department in the form and manner required by the Justice Center.

Compliant	200.2(b)(6)	for the purpose of ensuring the confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information shall not be disclosed by any officer or employee of the State Education Department or any school district, or member of a committee on special education or committee on preschool special education to any person other than the parent of such student, except in accordance with sections 300.500 through 300.536 and sections 300.610 through 300.625 and Part 99 of title 34 of the Code of Federal Regulations (Code of Federal Regulations, 2009 edition, title 34, sections 300.500 - 300.536, sections 300.610 through 300.625, and Part 99, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-0001; 2009 - available at the Office of Counsel, New York State Education Department, State Education Building Room 148, 89 Washington Avenue, Albany, NY 12234);
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;
Non-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.

Non-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)(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)(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	200.22(d)(2)(i)	Emergency interventions shall be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed.
Non-Compliant	200.22(d)(2)(ii)	Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.
Compliant	200.22(d)(3)	Staff training. Staff who may be called upon to implement emergency interventions shall be provided with appropriate training in safe and effective restraint procedures in accordance with section 100.2(l)(1)(i)(g) of this Title and section 200.15(h)(1) of this Part as applicable.

Non-Compliant	200.22(d)(4)	Documentation. The school must maintain documentation on the use of emergency interventions for each student, which shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. The parent of the student shall be notified and documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.
Non-Compliant	200.4(e)(4)	If the student's parent, teacher or an administrator of the school or agency believes that the program or placement recommended in the IEP is no longer appropriate, such party may refer the student to the committee on special education for review, provided that the student shall remain in the current placement pending a new recommendation of the committee on special education, unless the board and parent otherwise agree.
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(a)(3)(i)	The range of academic or educational achievement of such students shall be limited to assure that instruction provides each student appropriate opportunities to achieve his or her annual goals. The learning characteristics of students in the group shall be sufficiently similar to assure that this range of academic or educational achievement is at least maintained.
Compliant	200.6(a)(3)(ii)	The social development of each student shall be considered prior to placement in any instructional group to assure that the social interaction within the group is beneficial to each student, contributes to each student's social growth and maturity, and does not consistently interfere with the instruction being provided. The social needs of a student shall not be the sole determinant of such placement.

Compliant	200.6(a)(3)(iii)	The levels of physical development of such students may vary, provided that each student is provided appropriate opportunities to benefit from such instruction. Physical needs shall be considered prior to determining placement to assure access to appropriate programs. The physical needs of the student shall not be the sole basis for determining placement.
Compliant	200.6(a)(3)(iv)	The management needs of such students may vary, provided that environmental modifications, adaptations, or, human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.
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(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.

Not Applicable	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.
Compliant	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.
Not Applicable	200.6(h)(8)	For parents of students placed in special classes described in subparagraphs (4)(ii) and (iii) of this subdivision, provision shall be made for parent counseling and training as defined in section 200.1(kk) of this Part for the purpose of enabling parents to perform appropriate follow-up intervention activities at home.
Compliant	200.7(b)(1)	Parents of students attending schools governed by this section shall not be asked to make any payments in lieu of, in advance of or in addition to, State, school district or county payments for allowable costs for students placed according to New York State procedures.
Compliant	200.7(b)(2)	The confidentiality of pupil records at schools governed by this Part shall be maintained, and parental access to such records shall be permitted, in a manner comparable to that required of school districts pursuant to section 200.2(b)(6) of this Part.

Non-Compliant	200.7(b)(3)	Policy on school conduct and discipline. An approved private school, a State-operated school, and a State-supported school shall develop a policy on school conduct and discipline. The content of such policy shall be consistent with the provisions of section 100.2(f)(1)(i)(a)-(d), (f)-(g) of this Title. The discipline of students with disabilities attending any school governed by this section shall be consistent with Part 201 of this Title. The code of conduct developed by the Justice Center pursuant to article 20 of the Executive Law shall govern the conduct of custodians, as such term is defined in section 200.15(b)(1) of this Part, with respect to the safety, dignity and welfare of students attending in-state residential schools governed by this section.
Compliant	200.7(b)(4)	The length of the school day shall be comparable to that required by section 175.5 of this Title. The school day shall include instructional services and related services, as required, but shall not include transportation.
Compliant	200.7(b)(5)	Instruction for not less than 180 days each year shall be provided for each student. Approved private schools and State-operated and State-supported schools shall submit calendars of such days in session to the commissioner for approval by July first of the preceding school year. All approved private schools shall comply with the Education Law regarding attendance. Attendance registers shall be available for inspection by appropriate personnel of the contracting school districts, the department, and the school district in which the school is located.
Compliant	200.7(b)(7)	An approved private school, a State-operated school, or a State-supported school shall conform to all applicable fire and safety regulations of the State and municipality in which it is located. Each such school shall cause an annual inspection to be made in the manner set forth in subdivision 3 of section 807-a of the Education Law. A report of such inspection shall be made upon forms supplied by the commissioner and shall be maintained on file at the school. For schools subject to provisions of section 807-a of the Education Law, the report prepared pursuant thereto shall be deemed equivalent.

Compliant	200.7(b)(8)(i)	Except as provided in section 200.22(e) of this Part, an approved private school serving school age students with disabilities, a State-operated school, or a State-supported school is prohibited from using aversive interventions to reduce or eliminate maladaptive behaviors of students.
Non-Compliant	200.7(c)(2)	No student with a disability shall be removed or transferred from an approved in-state school without the approval of the school district contracting for education of such student pursuant to section 4402 of the Education Law. No student with a disability shall be removed or transferred from an approved out-of-state school without such recommendation by the committee on special education.
Compliant	200.7(c)(4)	An educational progress report on each student, which describes such student's progress toward meeting the annual goals, shall be provided by the approved school to the committee on special education of the referring district or the referring agency at least annually. Other required data and/or reports shall be made available by the private school to the referring district or agency on request.
Not Applicable	201.2(k)(1)	continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
Not Applicable	201.3(b)	if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.
Not Applicable	201.7(a)	Parental notice of disciplinary removal. No later than the date on which a decision is made to change the placement of a student with a disability to an IAES pursuant to subdivision (e) of this section or pursuant to section 201.8 of this Part, or a decision is to impose a suspension or removal pursuant to this Subpart that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural safeguards notice in accordance with section 200.5(f) of this Title.

Not Applicable	201.7(b)	Five school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, the trustees or board of education of any school district, a district superintendent of schools or a building principal with authority to suspend students pursuant to Education Law section 3214(3)(b) and (g), shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed 5 consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.
Not Applicable	201.7(c)	Ten school day suspension or removal. Except as otherwise provided in subdivision (d) of this section, a superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing pursuant to Education Law section 3214(3)(c) and (g), may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed pursuant to subdivision (b) of this section for the same behavior, where the superintendent determines in accordance with the procedures set forth in Education Law section 3214(3)(c) that the student has engaged in behavior that warrants a suspension, provided that the duration of any such suspension or removal shall not exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior. Except as otherwise provided in subdivision (d) of this section, a superintendent of schools may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

Not Applicable	201.7(d)	Exception for pattern of suspensions or removals. A student with a disability may not be removed pursuant to subdivision (b) or (c) of this section if imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(e)(2) of this Part, except where the manifestation team pursuant to section 201.4 of this Part has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES as authorized under subdivision (e) of this section.
Not Applicable	201.7(f)	School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the other requirements of this Part is appropriate for a student with a disability who violates a school district's code of conduct.
Not Applicable	201.9(c)(2)	Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined in the same manner as a nondisabled student, except that such student shall continue to receive services in accordance with section 201.10 of this Part. Upon receipt of notice of such determination, the superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer in the superintendent's hearing shall dismiss the superintendent's hearing, except as otherwise provided in paragraph (3) of this subdivision.