

# **Continuum of Special Education Services for School-Age Students with Disabilities**

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**The University of the State of New York  
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# New York State's Continuum of Special Education Services for School- Age Students with Disabilities: Question and Answers

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## **General Information**

### **1. *How is special education defined in New York State (NYS)?***

*Special education* means specially designed individualized or group instruction or special services or programs and special transportation, provided at no cost to the parent, to meet the unique needs of students with disabilities.

- 1) Such instruction includes but is not limited to that conducted in classrooms, homes, hospitals, institutions and in other settings.
- 2) Such instruction includes specially

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.

**3. What special education services and programs are included in NYS' continuum of services?**

The **continuum of special education services** for school-age students with disabilities is an array of services to meet an individual student's needs that includes:

- consultant teacher services (direct and/or indirect);
- resource room services;
- related services;
- integrated co-teaching services; and
- special class.

Additional special education services that may be recommended for students include:

*Transition Services* are a coordinated set of activities for a student with a disability beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities.

*Transitional support services* are those temporary services, specified in a student's IEP, provided to a general or special education teacher to aid in the provision of appropriate services to a student with a disability transferring to a general education classroom or to another special education program or service in a less restrictive environment.

*Travel training* is instruction, as appropriate, provided to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

*Adapted physical education* is a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the activities of the regular physical



first consider the general education class as the location for the provision of special education services rather than a separate location in order to facilitate the student's maximum participation in general education programs and in the general education curriculum.

**5. *What does LRE mean***

- The social needs of a student cannot be the sole determinant of such placement.
- **physical development** - the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process.
  - The levels of physical development of such students may vary, provided that each student is given appropriate opportunities to benefit from such instruction.
  - Physical needs must be considered prior to determining placement to assure access to appropriate programs.
  - The physical needs of the student cannot be the sole basis for determining placement.
- **management needs** - the nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.
  - Management needs must be determined in accordance with the factors identified for a student in relation to the areas of academic achievement, functional performance and learning characteristics, social development and physical development.
  - The environmental modifications or adaptations and the human or material resources provided may not consistently detract from the opportunities of other students in the group to benefit from instruction.

**7. What does class size mean?**

*Class size* means the maximum number of students who can receive instruction together in a special class or resource room program and the number of teachers and supplementary school personnel assigned to the class.

**8. What is meant by "program modifications, accommodations, supplementary aids and services"?**

The terms program modifications, accommodations and supplementary aids and services are often used interchangeably and are documented together in the same section of the IEP, but they have different meanings requiring different considerations in the development of recommendations for individual students.

*Supplementary aids and services* means aids, services and other supports to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in the LRE (e.g., a note taker; assignment of paraprofessional staff; study guide outlines of key concepts).

*Accommodations* means adjustments to the environment, instruction or materials (e.g., instructional material

assignments; alternate grading system).

Supplementary aids and services, accommodations and/or program modifications can be provided in general education classes, special classes or other education-related settings, including extracurricular and non-academic settings.

**9. What is meant by "supports for school personnel on behalf of the student"?**

The IEP must describe the supports for school personnel that will be provided on behalf of the student in order for the student to advance toward attaining the annual goals, to be involved in and progress in the general curriculum and to participate in extracurricular and other nonacademic activities. Supports for school personnel are those that would help them to more effectively work with the student. These could include, for example, special training for a student's teacher to meet a unique and specific need of the student. These supports for school personnel are those that are needed to meet the unique and specific needs of the student.

Examples of supports that may be provided for school personnel include:

- information on a specific disability and implications for instruction;
- training in use of specific positive behavioral interventions;
- training in the use of American Sign Language;
- assistance with curriculum modifications;
- behavioral consultation with school psychologist, social worker or other behavioral consultant; and/or
- transitional support services.

**10. Can the district implement an innovative program for students with disabilities that varies from the regulatory continuum of service options?**

Yes. The Commissioner may grant a waiver from the continuum of services options upon a finding that such waiver willp4S(a)-5 (bi)-3.1 (l)7 (i)-3 (t)2 (i)-3 (e)-5 (s)5 ( (m)-3 (i)6 (s)4 (s)4 (i)







(resource room and CT) the frequency, duration and location. For example, the IEP of a student receiving a combination of services, based on the individual needs of the student, might indicate:

*Resource room services - 3 times a week, 40-minute sessions. Consultant teacher services (direct)- English class - 2 times per week, 40-minute sessions*

### **Resource Room Program**

#### **20. What is a resource room program?**

*Resource room program* is a special education program for a student with a disability registered in either a special class or general education class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day. Resource room programs are for the purpose of supplementing the general education or special education classroom instruction of students with disabilities who are in need of such supplemental programs. This means that instruction is not provided in place of the student's regular academic instruction.

#### **21. Must students with disabilities placed in a resource room program be grouped based on similarity of individual needs?**

Yes. The composition of instructional groups in a resource room program must be based on the similarity of the individual needs (see question and answer # 6) of the students according to:

- levels of academic or educational achievement and learning characteristics;
- levels of social development;
- levels of physical development; and
- the management needs of the students in the classroom.

#### **22. Is there a minimum amount of time that a student must receive resource room programs if this service is recommended in the student's IEP?**

Yes. Regulations require that each student with a disability requiring a resource room program shall receive not less than three hours of instruction per week in such program. However, if the student is also recommended to receive CT services, the minimum number of hours of the combined resource room and consultant teacher services is three hours per week. The IEP must specify the frequency, duration, and location for each service.

#### **23. Is there a maximum amount of time that a student can spend in a resource room program?**

Yes. Regulations prohibit students from spending more than 50 percent of their time during the day in the resource room program.

**24. What are the instructional grouping requirements that pertain to resource room programs?**

An instructional group which includes students with disabilities in a resource room program cannot exceed five students per teacher. The total number of students with disabilities assigned to a resource room teacher cannot exceed 20 students, except that the total number of students with disabilities assigned to a resource room teacher who serves students enrolled in grades seven through twelve or a multi-level middle school program operating on a period basis cannot exceed 25 students. The Commissioner may approve a variance increasing the size of a resource room instructional group and the number of students assigned to a resource room teacher.

In addition, New York City only may increase the number of students in a resource room program up to a maximum of eight students to one teacher; and may increase the maximum number of students with disabilities assigned to an elementary school resource room teacher to 30; and to a multi-level middle or secondary school program resource room teacher to 38.

**25. Can a resource room with one special education teacher assigned include more than five students at any one time period?**

No, except as noted above for variances to resource room instructional group size granted by the Commissioner, when there is only one special education teacher assigned to a resource room, the instruction group size cannot exceed five students.

**26. How can a teaching assistant assist in the delivery of resource room services?**











education class, usually daily for the identified class. In this model, a general education teacher and a special education teacher share responsibility for the delivery of primary

**47. What maximum class size ratios are allowed by regulation?**

The maximum class size for those students whose special education needs consist primarily of the need for specialized instruction which can best be accomplished in a self-contained setting cannot exceed 15 students (15:1), or 12 students in a State-operated or State-supported school (12:1), except that:





## Related Services

**56. *What types of services are included in the definition of related services?***

Related services are those that assist a student in benefiting from other special education services or assist the student in accessing the general curriculum. Related services means developmental, corrective, and other supportive services as are required to assist a student with a disability.

Related services include, but are not limited to speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, evaluative and diagnostic medical services to determine if the student has a medically related disability, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.

**57. *Are services for surgically implanted devices, including cochlear implants, a related service?***

The Individuals with Disabilities Education Act (IDEA) 2004 and federal regulations made it clear that related services are not services that "apply to children with surgically implanted devices, including cochlear implants." This means that the school district is not responsible for maintaining any medical device that is implanted, including optimizing the device's functioning or mapping it (e.g., cochlear implants), or replacing the device. However, this does not limit the right of a student with a surgically implanted device to receive related services that are determined by the CSE or committee on preschool special education to be necessary for the student to receive a free appropriate public education.

However, the school district is responsible to routinely check an external component of a surgically implanted device to make sure it is functioning properly. The school district is also responsible for monitoring and maintaining all medical devices that are needed to maintain the child's health and safety in school and during transportation to and from school. This includes devices that are needed to maintain breathing, nutrition, or other bodily functions (e.g., nursing services, suctioning a tracheotomy, urinary catheterization) if the services can be provided by trained personnel and are not the type of services that can only be provided by a licensed physician.

**58. *May orientation and mobility services include the use of a service animal?***

Yes.

59.

- utilizing their own special skills, and abilities by assisting in instructional programs in such areas as: foreign languages, arts, crafts, music and similar subjects;
- assisting in related instructional work as required; and
- assisting students with specific health related activities as appropriate.

**64. What roles can a teacher aide fulfill?**

**Teacher aides** perform noninstructional duties under supervision determined by the local school district in accordance with Civil Service Law. The following description of duties is provided as guidance in determining the appropriate role for teacher aides:

- preparing scripts for recording purposes;
- assisting in physical care tasks and health-related activities as appropriate;
- assisting students with behavioral/management needs;
- assisting in the set up of laboratory equipment, conduct experiments, and performing limited reviews of student laboratory reports;
- assisting in the technical preparation and production of media programs;
- reading to and playing audio-visual materials for children in lower grades;
- assisting in proctoring and other tasks related to the administration of examinations;
- assisting in the correction of test papers, recording of grades, maintaining of files and preparing statistical reports;
- managing records, materials and equipment; and
- supervising students (e.g., watching students during recess, hall transitions, etc.).

**65. Can a teacher aide or teaching assistant be the only service provided to a student with a disability?**

No. A teaching assistant or teacher aide can assist in the delivery of special education, but cannot be provided as the only special education service the student receives nor can they be the only provider of special education services to a student with a disability. A student who requires only this level of service (e.g., a health aide to assist with mobility and/or toileting) could be eligible for such service pursuant to [Section 504 of the Rehabilitation Act](#)<sup>9</sup>.