



OFFICE OF SPECIAL EDUCATION
SPECIAL EDUCATION QUALITY ASSURANCE
EASTERN REGIONAL UNIT
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May 6, 2026
(Revised Compliance Assurance Plan- May 15, 2026)

Ben Barkley
Acting Superintendent
Salmon River Central School District
637 County Route 1
Fort Covington, New York 12937 - 2807

Dear Acting Superintendent Barkley:

In response to some concerns regarding content circulating on social media alleging that students with disabilities in the Salmon River Central School District (District) were being confined in wooden boxes, the New York State Education Department (NYSED) Office of Special Education (OSE) immediately directed the District to cease these practices. In a letter dated December 17, 2025, Associate Commissioner Christopher Suriano directed the District to immediately cease use of restraint and seclusion, including use of the boxes, and to remove the boxes from any buildings utilized for instructional purposes.¹

By letter dated December 29, 2025, OSE notified the District that it would conduct a Monitoring Review of the District's compliance with Section 19.5 of the Rules of the Board of Regents and Part 200 of the Regulations of the Commissioner of Education.

The Monitoring Review included classroom observations, staff interviews, review of records, and evaluation of the District's policies and procedures. Upon completion of the Monitoring Review the following areas of noncompliance were identified:

- deficiency in the design and operation of policies and procedures related to the use of timeout and physical restraint;
- use of a prohibited intervention (i.e. seclusion);
- improper use of physical restraints, which exceed the authorized limited use requirements; and
- behavioral intervention plans for students with disabilities did not contain the following required components:
 - baseline data;
 - frequency, duration, intensity, or latency of the targeted behaviors; and/or
 - progress monitoring of the effectiveness of interventions.

Enclosed is the compliance assurance plan (CAP) which outlines the prescribed actions the District must take, the documentation the District must submit to the NYSED

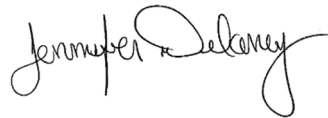
¹ The OSE conducted site visits on December 18 and 30, 2025, to verify that the boxes had been removed from classrooms and were no longer being used.

Eastern Regional Special Education Quality Assurance Unit, and the timelines to be followed to ensure correction of all identified areas of noncompliance. NYSED will closely monitor the District's timely resolution of the identified noncompliance.

Finally, NYSED thanks the District for participating in the training provided by the OSE Educational Partnership on February 25, 2026, and March 12, 2026. These district-wide training sessions were conducted by the North Country Regional Partnership Center. The training focused on classroom management and managing challenging behaviors, respectively, and provided district staff with foundational training on de-escalation strategies and increased staff understanding of the functions of behavior.

Please feel free to contact me at (518) 486-6366 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Delaney". The signature is fluid and cursive, with a large, stylized initial "J".

Jennifer Delaney
Regional Associate

Enclosure

c: Ceylane Meyers-Ruff
Angelique Johnson-Dingle
Christopher Suriano
David Frank
Caralee Kardash
Marie Proudman
Sean Dwyer
Sarah Parker
Dale Breault
Rebecca Stanley
Michael L. Conners
Donald Thompson Jr.
Ross Garrow

**Special Education Quality Assurance
Monitoring Review
Compliance Assurance Plan**

Institution Name: Salmon River Central School District

School Year: 2025-26

Regulatory Citation	Description of Noncompliance
§19.5(d)(8)	<p>The District’s Board written policy that establishes administrative practices and procedures governing the use of timeout and physical restraint (policy) do not:</p> <ul style="list-style-type: none"> • specify developmentally appropriate time limits for the use of timeout and physical restraint; and • mandate same-day parental notification following the use of these interventions. <p>The policy is not posted on the District’s website and available for review at the District or school administrative offices.</p>
Due Date	Required Corrective Action 1
August 31, 2026	<p>The District shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint. The policy shall be made publicly available.</p> <p>By June 30, 2026, the District will submit to the New York State Education Department (NYSED) its revised policy governing the use of timeout and physical restraint to ensure full compliance with §19.5 and §200.22 of the Regulations of the Commissioner of Education. The revised policy shall:</p> <ul style="list-style-type: none"> • define timeout in accordance with regulatory requirements and eliminate the use of alternative terminology such as “stations”; • include developmentally appropriate maximum time limitations for timeout and physical restraint; • clearly prohibit corporal punishment, aversive interventions, and seclusion; • establish plan for staff training on the policies and procedures related to the use of timeout room; • require same-day parental notification following each incident of timeout or physical restraint; • require that parents be provided with the District’s timeout and restraint policy and given the opportunity to view any designated timeout space prior to implementation; • require that the District verbally explain the District’s timeout and restraint policy to parents; and • describe how the policy is publicly available for review at the District or school administrative offices and posted on the District’s website. <p>By July 15, 2026, the Districts policy will be made publicly available for review at the District or school administrative offices and at each school building. It must also be posted on the District’s website.</p> <p>By September 11, 2026, the District will submit documentation to NYSED demonstrating that all staff have been trained on the District’s policy, administrative practices and procedures. The training must include:</p>

	<ul style="list-style-type: none"> • regulatory requirements governing timeout and physical restraint; • prohibition of aversive interventions and seclusion; • de-escalation and positive, proactive, evidence- and research-based behavioral supports; and • procedures regarding parent notification and provision of documentation. <p>Documentation must include training agenda(s), attendance records, and copies of training materials.</p>
	<p>Evidence to Verify Compliance</p>
	<p>NYSED staff will verify compliance by reviewing the submitted documentation.</p>

Regulatory Citation	Description of Noncompliance
§200.22(c)	<p>A review of education records for a sample of eleven students with disabilities indicated that the District utilized timeout without a behavior intervention plan (BIP), identifying it as a behavioral technique for five students. Instead, the District referenced the use of a “station,” which is not defined in regulation. Of those five students:</p> <ul style="list-style-type: none"> • two students had BIPs which identified the use of a “station” when the students were actually being removed from instruction to a wooden box for timeout; additionally, each student’s BIP failed to identify the maximum duration of time the student could remain in timeout; • two students had BIPs which identified the use of a “station” when the students were actually being removed from instruction to an alternative physical space -a make-shift cubby- within the classroom for timeout; additionally, each student’s BIP failed to identify the maximum duration of time the student could remain in timeout; • one student had a classroom management plan which identified the use of a “station” when the student was actually removed from instruction to a wooden box for timeout; the student did not have a BIP. (Students 5, 6, 7, 9, and 11)
Due Date	Required Corrective Action 2
August 31, 2026	<p>The District shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint. The policy shall be made publicly available.</p> <p>By June 1, 2026, the District will convene a committee on special education (CSE) meeting for each student for whom noncompliance was determined to review and/or revise the individualized education program (IEP) and/or BIP of each student to clearly identify behavioral intervention techniques and supports, including timeout, if appropriate, to be utilized with the student. If the CSE determines that timeout is a necessary behavior management technique, the District must revise each student’s IEP and/or BIP accordingly. If timeout is determined by the CSE to be an appropriate behavioral management technique, the District must conduct a functional behavior assessment (FBA) and develop a BIP for the student. Additionally, the revised IEP must indicate that the student needs a BIP. The BIP must clearly define timeout procedures, including:</p> <ul style="list-style-type: none"> • clearly defined behavior(s) that may result in timeout; • maximum duration per occurrence; and • specific criteria for initiating and ending timeout. <p>By June 15, 2026, the District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student’s CSE meeting, to minimally include:</p> <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion; • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate.

	<p>By June 30, 2026, the District will submit its revised policy governing the use of timeout and physical restraint to ensure that unless there is a situation that poses an immediate concern for the physical safety of a student or others, the use of timeout shall be used in conjunction with a BIP that is designed to teach and reinforce alternative appropriate behaviors; the policy shall identify spaces to be utilized for timeout purposes. NYSED will conduct a site visit to verify that spaces identified for timeout meet regulatory requirements.</p> <p>By August 17, 2026, the District will submit a list of all students with disabilities who have a BIP.</p> <p>By August 31, 2026, the District will submit a complete BIP for three students randomly be selected by NYSED. NYSED will then review the BIPs to verify that they include all required information.</p> <p>By September 11, 2026, the District will submit documentation to NYSED demonstrating that all staff have been trained on the District's policy, administrative practices and procedures. The training must include:</p> <ul style="list-style-type: none"> • regulatory requirements governing timeout and physical restraint; • prohibition of aversive interventions and seclusion; • de-escalation and positive, proactive, evidence- and research-based behavioral supports; and • procedures regarding parent notification and provision of documentation. <p>Documentation must include training agenda(s), attendance records, and copies of training materials.</p>
	Evidence to Verify Compliance
	NYSED staff will verify compliance by reviewing the submitted documentation and conducting a site visit .

Regulatory Citation	Description of Noncompliance
§19.5(d)(3) §19.5(d)(4)(i)	<p>A review of the education records for a sample of eleven students with disabilities indicated that the District failed to provide documentation of parental notification or document the use of timeout for five of the eleven students. While the District did not identify the use of a station as timeout, the practice being used meets the regulatory definition of timeout, as students were removed from instruction and placed in a separate area for behavioral management purposes. The District failed to provide any evidence that parents were provided:</p> <ul style="list-style-type: none"> • same-day notification; • written documentation within three school days; and • the opportunity to meet to discuss the use of timeout. (Students 5, 6, 7, 8, and 11)
Due Date	Required Corrective Action 3
November 15, 2026	<p>The District shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint. The policy shall be made publicly available.</p> <p>By June 1, 2026, the District will convene a CSE meeting for each student for whom noncompliance was determined to review and/or revise the IEP and/or BIP of each student to clearly identify behavioral intervention techniques and supports, including timeout, if appropriate, to be utilized with the student. If the CSE determines that timeout is a necessary behavior management technique, the District must revise each student's IEP and/or BIP accordingly. If timeout is determined by the CSE to be an appropriate behavioral management technique, the District must conduct an FBA and develop a BIP for the student. Additionally, the revised IEP must indicate that the student needs a BIP. The BIP must clearly define timeout procedures, including:</p> <ul style="list-style-type: none"> • clearly defined behavior(s) that may result in timeout; • maximum duration per occurrence; and • specific criteria for initiating and ending timeout. <p>By June 15, 2026, the District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student's CSE meeting, to minimally include:</p> <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion; • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate. <p>By June 30, 2026, the District will submit to NYSED its revised policy and administrative practices and procedures governing the use of timeout to ensure that requirements for parental notification are met.</p>

	<p>By August 17, 2026, the District will submit to NYSED a list of all students who have timeout identified as a behavior management technique on their IEP.</p> <p>By August 31, 2026, the District will submit a complete BIP for three students randomly be selected by NYSED. NYSED will then review the BIPs to verify that they include all required information.</p>
	<p>Evidence to Verify Compliance</p>
	<p>NYSED staff will verify compliance by reviewing the submitted documentation.</p>

Regulatory Citation	Description of Noncompliance
§19.5(d)(2) §19.5(d)(2)(iv)	<p>A review of education records for a sample of eleven students with disabilities indicated that for four of the eleven students in the sample there is no documentation demonstrating that physical restraint was used only in situations requiring immediate intervention involving reasonable physical force to prevent imminent danger of serious physical harm to the student or others.</p> <p>Physical restraint was identified as a planned intervention in these students' BIPs. The inclusion of physical restraint as a planned strategy is inconsistent with regulatory requirements, which only permits the use of reasonable physical force when it is necessary to prevent imminent danger or serious physical harm to the student or others and when less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; there is no known medical contraindication to its use on the student; and school staff using such interventions have been trained in its safe and appropriate application in accordance with regulatory requirements. (Students 5, 6, 7, and 11)</p>
Due Date	Required Corrective Action 4
September 30, 2026	<p>Districts must ensure that physical restraint is used only in situations in which less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others and not as a planned intervention or behavior management technique.</p> <p>By June 1, 2026, the District will convene a CSE meeting for each student for whom noncompliance was determined to review and/or revise the IEP and/or BIP of each student to remove any language identifying physical restraint as a planned intervention.</p> <p>By June 15, 2026, the District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student's CSE meeting, to minimally include:</p> <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion; • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate. <p>By June 30, 2026, the District will submit to NYSED its revised policy and administrative practices and procedures governing the use of physical restraint; this revision must include a process for determining which staff may be called upon to implement physical restraint and how such staff will receive the required training.</p> <p>By September 11, 2026, the District will submit documentation to NYSED demonstrating that staff who may be called upon to perform physical restraints have received annual, evidence-based training in safe and effective developmentally appropriate physical restraint procedures. Documentation must include training agenda(s), attendance records, and copies of training materials.</p>

	Evidence to Verify Compliance
	NYSED staff will verify compliance by reviewing the submitted documentation.

Regulatory Citation	Description of Noncompliance
§19.5(c)	A review of education records and monitoring activities for a sample of eleven students with disabilities indicated that, for five of the eleven students in the sample, they were subjected to seclusion when they were placed in “stations” with the door held shut. Since students were involuntarily confined alone in a space that they were physically prevented from leaving, this practice met the regulatory definition of seclusion. (Students 5, 6, 7, 8, and 11)
Due Date	Required Corrective Action 5
August 31, 2026	<p>Teachers, administrators, officers, employees, or agents of a school are prohibited from using corporal punishment, aversive interventions, and seclusion against a student.</p> <p>By June 1, 2026, the District will convene a CSE meeting for each student for whom noncompliance was determined to review and/or revise the IEP and/or BIP of each student to clearly identify behavioral intervention techniques and supports, including timeout, if appropriate, to be utilized with the student. If the CSE determines that timeout is a necessary behavior management technique, the District must revise each student’s IEP and/or BIP accordingly. If timeout is determined by the CSE to be an appropriate behavioral management technique, the District must conduct an FBA and develop a BIP for the student. Additionally, the revised IEP must indicate that the student needs a BIP. The BIP must be revised to remove any reference to use of seclusion, including the use of “stations,” and identify de-escalation techniques and positive, proactive, evidence- and research-based behavioral supports to be used with the student.</p> <p>By June 15, 2026, the District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student’s CSE meeting, to minimally include:</p> <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate. <p>By June 30, 2026, the District will submit to NYSED its revised policy governing the use of timeout and physical restraint to ensure that it prohibits the use of seclusion. Additionally, the policy should identify positive, proactive, evidence and research based strategies through a multi-tiered system of supports including the use of student-initiated or student-requested breaks and the use of a room or a space for students to take those breaks to utilize coping skills, sensory input, or self-regulation strategies shall be used to prevent unauthorized seclusion, reduce</p>

	the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.
	Evidence to Verify Compliance
	NYSED staff will verify compliance by reviewing the submitted documentation.

Regulatory Citation	Description of Noncompliance
§200.22(b)(4)(i) §200.22(b)(4)(ii) §200.22(b)(4)(iii) §200.22(b)(5)	<p>A review of education records for a sample of eleven students with disabilities indicated that four students had BIPs which did not contain all required components.</p> <p>Specifically, the BIPs for Students 6, 7, 8, and 11, did not include:</p> <ul style="list-style-type: none"> • the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors; • strategies to teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s); • a schedule to measure the effectiveness of interventions, including the frequency, duration and intensity of the targeted behaviors at specified intervals; and • regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals.
Due Date	Required Corrective Action 6
August 31, 2026	<p>BIPs must identify a baseline measure of the problem behavior, specify intervention strategies designed to alter antecedent events to prevent the behavior, teach alternative and adaptive behaviors, and provide consequences for both inappropriate and alternative acceptable behavior. The implementation of the BIP must include regular progress monitoring of the behavioral interventions at the scheduled intervals specified in the BIP and on the student's IEP.</p> <p>By June 1, 2026, the District will convene a CSE meeting for each student for whom noncompliance was determined to review and/or revise the IEP and/or BIP of each student to:</p> <ul style="list-style-type: none"> • document evidence-based strategies within each BIP to teach students appropriate alternative behaviors that replace targeted problem behaviors; • consider the student's management and behavioral needs in developing the BIP; • include baseline measures of problem behaviors, including frequency, duration, intensity, and/or latency; and • establish and document a schedule to measure the effectiveness of interventions, specifying the frequency, duration, and intensity of the targeted behaviors at scheduled intervals to monitor student progress and make data-driven adjustments. <p>By June 15, 2026, the District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student's CSE meeting, to minimally include:</p> <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion; • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate.

	<p>By June 30, 2026, District administrators and special education staff will participate in training on FBA and BIP development and implementation and progress monitoring provided by the OSE Educational Partnership North Country Regional Partnership Center. The District will submit documentation to NYSED with evidence of completion of the training, including agendas, attendance records, and copies of training materials.</p> <p>By August 17, 2026, the District will submit a list of all students with disabilities who have a BIP.</p> <p>By August 31, 2026, the District will submit a complete BIP for three students randomly be selected by NYSED. NYSED will then review the BIPs to verify that they include all required information.</p>
	Evidence to Verify Compliance
	NYSED staff will verify compliance by reviewing the submitted documentation.

**Salmon River Central School District
Compliance Assurance Plan (CAP) Checklists**

Policies and Procedures Checklist	
<p>Due dates: June 30, 2026: Written Policy due to New York State Education Department (NYSED) July 15, 2026: Policy to be made publicly available on the District's website and at the District or school administrative offices</p>	
<p>The District shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint. The revised policy shall:</p>	
<p>Required Corrective Action 1 §19.5(d)(8)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> clearly prohibit corporal punishment, aversive interventions, and seclusion; <input type="checkbox"/> define timeout in accordance with regulatory requirements and eliminate the use of alternative terminology such as "stations"; <input type="checkbox"/> include developmentally appropriate maximum time limitations for timeout and physical restraint;
<p>Required Corrective Action 3 §19.5(d)(3) §19.5(d)(4)(i)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> require same-day parental notification following each incident of timeout or physical restraint; <input type="checkbox"/> require that parents be provided with the District's timeout and restraint policy and given the opportunity to view any designated timeout space prior to implementation; <input type="checkbox"/> require that the District verbally explain the District's timeout and restraint policy to parents; and <input type="checkbox"/> describe how the policy is publicly available for review at the District or school administrative offices and posted on the District's website.
<p>Required Corrective Action 2 §200.22(c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Identify that except for situations that pose an immediate concern for the physical safety of a student or others, the use of timeout shall be used in conjunction with a behavioral intervention plan (BIP) that is designed to teach and reinforce alternative appropriate behaviors; and <input type="checkbox"/> Identify spaces to be used for timeout purposes
<p>Required Corrective Action 4 §19.5(d)(2) and §19.5(d)(2)(iv).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> identify procedures for identifying staff who may be called upon to implement physical restraints; and <input type="checkbox"/> identify procedures for training staff who may be called upon to implement physical restraints in the use of safe and effective physical restraints
<p>Required Corrective Action 5 §19.5(c)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> prohibit the use of seclusion; <input type="checkbox"/> identify positive, proactive, evidence and research based strategies through a multi-tiered system of supports including the use of student-initiated or student-requested breaks and the use of a room or a space for students to take those breaks to utilize coping skills, sensory input, or self-regulation strategies shall be used to prevent unauthorized seclusion, reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Documentation of Staff Training	
Due: September 11, 2026	
NOTE: Documentation of staff training in revised administrative practices and procedures shall address each component of written policy. Documentation <i>must include training agenda(s), attendance records, and copies of training materials</i>	
Required Corrective Action	Documentation of provision of training to staff on the revised written policy that establishes administrative practices and procedures regarding use of timeout and physical restraint. Training must include:
1	<ul style="list-style-type: none"> <input type="checkbox"/> regulatory requirements governing timeout and physical restraint; <input type="checkbox"/> prohibition of aversive interventions and seclusion; <input type="checkbox"/> de-escalation and positive, proactive, evidence- and research-based behavioral supports; and <input type="checkbox"/> procedures regarding parent notification and provision of documentation.
2	<ul style="list-style-type: none"> <input type="checkbox"/> identify that the use of timeout shall only be used in conjunction with a behavioral intervention plan (BIP) that is designed to teach and reinforce alternative appropriate behaviors, except for situations that pose an immediate concern for the physical safety of a student or others; and <input type="checkbox"/> Identify spaces to be used for timeout purposes.
4	<ul style="list-style-type: none"> <input type="checkbox"/> staff who may be called upon to perform physical restraints have received annual, evidence-based training in safe and effective developmentally appropriate physical restraint procedures.

District Training through Office of Special Education Educational Partnership North Country Regional Partnership Center	
Documentation <i>must include training agenda(s), attendance records, and copies of training materials</i>	
Required Corrective Action	
1	By September 15, 2026 , the District Administrators will participate in <i>Discipline Procedures for Students with Disabilities</i> (including timeout, seclusion, and restraint) training from the New York State Education Department Office of Special Education’s (OSE) Educational Partnership North Country Regional Partnership Center.
6	By June 30, 2026 , District administrators and special education staff will participate in training on functional behavior assessment (FBA) and BIP development and implementation and progress monitoring from the OSE Educational Partnership North Country Regional Partnership Center.

Student Specific Noncompliance

Documentation Submissions

(Students 5, 6, 7, 8, 9, and 11)

Due: June 1, 2026

Required Corrective Action	Required Corrective Action
2	The District will convene a committee on special education (CSE) meeting for each student for whom noncompliance was determined to review and/or revise the individualized education program (IEP) and/or BIP of each student to:
3	<ul style="list-style-type: none">• clearly identify behavioral intervention techniques and supports, including timeout, if appropriate, to be utilized with the student. If the CSE determines that timeout is a necessary behavior management technique, the District must revise each student's IEP and/or BIP accordingly. If timeout is determined by the CSE to be an appropriate behavioral management technique, the District must conduct an FBA and develop a BIP for the student. Additionally, the revised IEP must indicate that the student needs a BIP. The BIP must clearly define timeout procedures, including:<ul style="list-style-type: none">○ clearly defined behavior(s) that may result in timeout;○ maximum duration per occurrence; and○ specific criteria for initiating and ending timeout;
4	<ul style="list-style-type: none">• remove any language identifying physical restraint as a planned intervention;
5	<ul style="list-style-type: none">• remove any reference to use of seclusion, including the use of "stations," and identify de-escalation techniques and positive, proactive, evidence- and research-based behavioral supports to be used with the student;
6	<ul style="list-style-type: none">• document evidence-based strategies within each BIP to teach students appropriate alternative behaviors that replace targeted problem behaviors;• appropriately consider the student's management and behavioral needs in developing the BIP;• include baseline measures of problem behaviors, including frequency, duration, intensity, and/or latency, to guide intervention planning and evaluation; and• establish and document a schedule to measure the effectiveness of interventions, specifying the frequency, duration, and intensity of the targeted behaviors at scheduled intervals to monitor student progress and make data-driven adjustments.

Student Specific Noncompliance	
Documentation Submissions (cont.)	
(Students 5, 6, 7, 8, 9, and 11)	
Due: June 15, 2026	
Required Corrective Action	Required Corrective Action
2	District will submit to NYSED, for each student identified in the Description of Noncompliance, documentation resulting from each student's CSE meeting, to minimally include: <ul style="list-style-type: none"> • CSE meeting notices; • detailed documentation of CSE discussion; • prior written notice of CSE recommendation; and • the revised IEPs and/or BIP, if appropriate.
3	
4	
5	
6	
6	

Systemic Noncompliance	
Documentation Submissions	
Due: August 17, 2026	
Required Corrective Action	Required Corrective Action
2	The District will submit a list of all students with disabilities who <ul style="list-style-type: none"> • have a BIP; and • have timeout identified as a behavior management technique on their IEP.
6	
3	
Due: August 31, 2026	
2	The District will submit a complete BIP for three students randomly selected by NYSED.
3	
6	

Behavioral Intervention Plan (BIP) Checklist

Item 6- §19.5(d)(4)

The behavioral intervention plan shall identify:

- 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;
- 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);
- a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled interval; and
- 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 committee on preschool special education (CPSE) and shall be considered in any determination to revise a student's behavioral intervention plan or IEP.

Documentation of Timeout or Physical Restraint Checklist

Item 3- §19.5(d)(4)

Documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's BIP and/or physical restraint on a student shall include:

- the name and date of birth of the student;
- the setting and location of the incident;
- the name of the staff who participated in the implementation, monitoring and supervision of the use of timeout;
- and/or physical restraint and any other persons involved;
- a description of the incident including duration, and for physical restraint, the type of restraint used;
- whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the school;
- a list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint; and for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- the details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- the date and method of notification to the parent or person in parental relation and whether a meeting was held; and
- the date of the debriefing held consistent with the requirements of paragraph (5) of this subdivision.