



OFFICE OF P-12 EDUCATION: Office of Special Education  
ASSISTANT COMMISSIONER  
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February 2014

## SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo

SUBJECT: **Application Procedures for Summer 2014** Extended School Year  
(July/August) Special Education Programs

The purpose of this memorandum is to provide information and materials pertaining to Summer 2014 Extended School Year (ESY) Special Education Programs and to clarify programmatic and reimbursement policies relating to ESY programs.

### Application Guidance

**If you are currently approved to operate a Special Education Summer ESY Program, you will only need to complete a new application if you propose to:**

- establish a **new** full-day or half-day Special Class Program (9000 or 9010); or
- establish a **new** 9015 Specialized Instruction<sup>1</sup> and/or Related Service Program (9015-A, 9015-B, 9015-C and/or 9015-D).

**Submit a modification application to make any changes and/or modifications to the currently approved 9000 full-day or 9010 half-day programs.** Changes to these Special Class programs include any proposed changes to the approved staff/student ratio; adding an additional staff/student ratio to an existing program; modifying the approved age range; adding a disability classification; adding a related service or other services; or modifying the hours of operation. Please use the special class modification application form for these changes. If you are increasing or decreasing the number of classes at the currently approved staff/student ratio, you do not need to complete a modification application.

If you are anticipating applying for any new program or making any changes and/or modifications to previously approved programs, we recommend that you submit these applications as soon as possible. **The deadline for submission of any new program**

<sup>1</sup> Formally referred to as “specially designed instruction program.”

**application and/or any application for a program modification is June 2, 2014.** Any application received after that date will not be accepted. To be eligible for reimbursement of public funds, prior approval by the New York State Education Department (NYSED) is required for any new program or any program.

### Programmatic and Policy Guidance

***Operation of Approved Programs:*** All providers are reminded that they can only provide ESY services consistent with their approval from NYSED. STACs for students will not be processed if the services provided are not consistent with the conditions of NYSED approval.

***Specialized Instruction Only<sup>2</sup> (nonspecial class programs):*** The purpose of specialized instruction only programs are to provide students with disabilities deemed eligible for ESY services with the services of a special education teacher only in cases when the student needs such services on an itinerant basis (e.g., the student is enrolled in a program with nondisabled students such as a summer camp or recreational program or nonapproved educational program where the parents have enrolled the student or a summer school program in accordance with Part 110 of the Regulations of the Commissioner of Education). Specialized instruction only as a program model may not be established for the purpose of providing individual and/or small group instruction in a separate setting (i.e., separate building, school or class).

***Reimbursement for Specialized Instruction programs:*** For provision of ESY specialized instruction only programs (nonspecial class programs), the verified costs cannot exceed the actual costs of providing such services. When specialized instruction only programs are provided to more than one student at the same time, the cost must be prorated.

***Reimbursement for Related Services Only:*** Programs must ensure that they are only providing and billing for related services actually provided and consistent with the frequency and duration as indicated in the students' individualized education programs. Related services sessions provided in groups of two or more must be prorated.

***Program Operation:*** For any public school ESY program that has not submitted STACs showing that the program has operated for three or more years, NYSED will remove program code(s) from the Rate Setting records. This update to our records does not remove the program's approval to operate an ESY program. However, the district/BOCES would need to inform the Rate Setting Unit (via the email address [Rateweb@mail.nysed.gov](mailto:Rateweb@mail.nysed.gov)) if it reinitiates operations in order for the district to receive reimbursement for the program(s).

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<sup>2</sup> Or Specialized Instruction with Related Services

Please return each completed new application and/or special class modification application form to the following address:

**New York State Education Department  
P-12: Office of Special Education  
Attention: Section 4408 J/A Extended School Year Application Review  
89 Washington Avenue  
Room 309, Education Building  
Albany, NY 12234**

If you have any questions regarding this memorandum you may contact Linda Keech from the P-12: Office of Special Education at (518) 473-0170. For questions regarding reimbursement policy, please contact the STAC Unit at [omsstac@mail.nysed.gov](mailto:omsstac@mail.nysed.gov). Questions regarding Rate Setting should be directed to that unit at (518) 474-3227. Questions regarding your individual programs may be directed to your local Regional Associate at:

Western Regional Office	(585) 344-2002
Central (Syracuse) Regional Office	(315) 428-4556
Eastern (Albany) Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185
New York City Regional Office	(718) 722-4544
Long Island Regional Office	(631) 952-3352

#### Attachments

- Application for Approval of July/August Special Education Special Class Programs (Program Code 9000 and 9010) – New Programs
- Application for Approval of July/August Specialized Instruction and Related Services Programs (Program Code 9015) – New Programs
- Approved School-age Special Education Extended School Year July/August Special Class Programs – Program Modification Request Form
- Extended School Year Programs and Services – Questions and Answers