



THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY N.Y. 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

November 1996

**TO:** District Superintendents  
Presidents of Boards of Education  
Superintendents of Schools  
Superintendents of State-Operated and State-Supported Schools  
Superintendents of Special Act School Districts  
Nonpublic School Administrators and Educators  
Organizations, Parents and Individuals Concerned with Special Education  
State and Local Teacher Associations  
New York City Board of Education  
Developmental and Psychiatric Centers and State Agency Personnel  
Executive Directors of Approved Private Schools  
Principals of Public Schools  
Directors of Special Education  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education  
Directors of Pupil Personnel Services  
Directors of Approved Preschool Programs and Preschool Educators  
School Social Workers and School Psychologists  
Family Court Judges  
Early Childhood Direction Centers  
Colleges with Special Education Teacher Training  
Commissioner's Advisory Panel for Special Education Services  
Impartial Hearing Officers  
Directors of Community Dispute Resolution Centers  
SETRC Project Directors and Training Specialists  
Head Start Directors  
Chief Elected Officials of the Counties  
Independent Living Centers

**FROM:**

Lawrence C. Gloeckler

**SUBJECT:**

Procedures for Program Application and Expansion of In-State Private Schools and Center-Based Preschool Programs for Students with Disabilities



This memorandum provides updated procedures for application and approval of in-state private schools for school-age students with disabilities and publicly and privately operated center-based programs for preschool students with disabilities. These procedures also pertain to any currently approved school which seeks to expand the number of students served. These procedures supersede and consolidate the three previous Department memoranda on this topic:

- Procedures for Application and Approval of In-State Private Schools for School-Age Students with Disabilities - July 1995
- Procedures for Application and Approval of Center-Based Preschool Programs for Preschool Students with Disabilities - November 1995
- Procedures for Approval of Expansion of In-State Private Schools for School-Age Students with Disabilities - March 1996

Effective September 8, 1995, Section 200.7(a)(2)(I)(a) of the Regulations of the Commissioner was amended to require, for conditional approval of private schools and programs serving preschool students with disabilities, the submission of documentation of regional need and sufficient evidence to establish that the proposed program will serve only those students who, because of the nature or severity of their disability, would require placement in a special class and/or separate facility (i.e., facility serving primarily or exclusively students with disabilities).

Applications for approval of private school programs or center-based preschool programs or applications from an approved private school or center-based preschool program seeking to expand its existing program for students with disabilities will be considered only when there is a demonstrated need for the expansion of such services in that particular region of the State. Private day schools or center-based preschool programs should submit a letter of intent with supporting documentation to the appropriate regional special education office of the Office of Vocational and Educational Services for Individuals with Disabilities (see attached list). Private residential schools should submit such letter and documentation to the Residential Placement System (RPS) Unit (see attached list). This letter and documentation must include a description of the program the agency intends to open or expand and all required information noted below. Applications which do not address each of these factors will not be considered for approval.

The VESID Office for Special Education Services will determine whether there is a need for the proposed program and whether the program is consistent with the approved BOCES Special Education Space Requirements Plan or a proposed amendment to the plan. Justification sent to the Office for Special Education Services regarding the need for the proposed program must include:

- A comprehensive description of the characteristics and needs of the preschool or school-age students to be served by the proposed program. The description must indicate the intent of the program to serve students whose educational

needs are so severe that they cannot benefit from education in a less restrictive setting.

- A letter from the District Superintendent or, in New York City, the Superintendent of Clinical Services regarding the need for the proposed program.
- Written documentation from school districts that particular students with disabilities from these districts require the proposed program and that these students are unable to be appropriately served within the district, a neighboring district, BOCES education programs or other currently approved private school programs. For preschool center-based programs, documentation from school districts and municipalities in the geographic region which substantiates that preschool students with disabilities in the region require the proposed preschool special class program and that these students are unable to be appropriately served by the currently approved preschool programs in the geographic region.

Letters of documentation should include the projected number of students (the Department may request actual student names if deemed necessary) in the school district whose educational needs would be appropriately met by the program and for whom appropriate less restrictive public facilities or other private schools are not available. This number should include only students for whom there is:

- documentation of efforts to place the students in less restrictive public facilities or consideration of such placements;
  - documentation of efforts to enable the students to benefit from instruction in less restrictive settings using support services and supplementary aids and special education services; and, where applicable,
  - documentation of the student's lack of progress in previous less restrictive programs and placements.
- A description of the manner in which the proposed program will work with the students' home school districts and, for preschool programs with early childhood programs, on a plan to address students' needs for transition to less restrictive educational settings.
  - A plan describing how the proposed program will provide opportunities for students to participate in educational, extracurricular and other appropriate activities with students who are not disabled.
  - For applications seeking program expansion, information regarding effective practices and program results.

Other supportive information could include:

- Letters from parents, local social services districts, developmental disabilities services offices and/or coordinated children's service initiative committees which verify the need for the proposed program.

In addition to a review of the information submitted, a site visit may be conducted, as appropriate, and other interested parties will have the opportunity to comment on the proposed program. The Executive Coordinator for Special Education Services will notify the agency of the Department's decision to approve or disapprove the program. For new programs that are deemed approvable, the agency must complete a Program Information Record Form (Application Form for School-Age Program) or Preschool Packet (Application for Approval of Preschool Special Education Programs Pursuant to Section 4410 of Education Law), as appropriate. In addition, conditional approval is also dependent upon approval of the program tuition rate by the State Division of the Budget. New program tuition rates will be certified by the Program Services Reimbursement Unit (PSRU) as required by Section 200.9(f)(2)(viii) of the Commissioner's Regulations. Questions regarding tuition rates should be directed to the PSRU at (518) 474-3227.

Questions regarding school-age private residential schools should be directed to the RPS Unit at (518) 486-6260. Questions regarding school-age private day schools and center-based preschool programs should be directed to the VESID Office for Special Education Services regional offices listed.

## VESID OFFICE FOR SPECIAL EDUCATION SERVICES

Daniel H. Johnson, Upstate Regional Coordinator (518) 473-1185  
Dr. Rebecca Cort, New York City Regional Coordinator (718) 722-4544

### WESTERN REGIONAL OFFICE

NYS Education Department  
Office for Special Education Services  
Richmond Avenue  
Batavia, NY 14020  
(716) 344-2112  
(716) 343-2660 (fax)

### HUDSON VALLEY REGIONAL OFFICE

NYS Education Department  
Office for Special Education Services  
1950 Edgewater Street  
Yorktown Heights, NY 10598  
(914) 245-0010  
(914) 245-2952 (fax)

### EASTERN REGIONAL OFFICE

NYS Education Department  
Office for Special Education Services  
Room 1624 One Commerce Plaza  
Albany, NY 12234  
(518) 486-6366  
(518) 473-5769 (fax)

### LONG ISLAND REGIONAL OFFICE

NYS Education Department  
Office for Special Education Services  
Western Suffolk BOCES, Building C  
507 Deer Park Road  
Dix Hills, NY 11746  
(516) 549-4900, ext. 240  
(516) 549-5459 (fax)

### NEW YORK CITY OFFICE

NYS Education Department  
Office for Special Education Services  
55 Hanson Place, Room 545  
Brooklyn, NY 11217-1580  
(718) 722-4544  
(718) 722-2032 (fax)

### RESIDENTIAL PLACEMENT SYSTEM UNIT

NYS Education Department  
Office for Special Education Services  
Room 1619 One Commerce Plaza  
Albany, NY 12234  
(518) 486-6220  
(518) 473-5769 (fax)