



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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March 20, 2020

To: Administrators of Nonpublic Schools with Approved Special Education Programs (853 Schools)
Superintendents of the Special Act School Districts
Administrators of the State-Supported Schools (4201 Schools)
Administrators of approved private preschool Special Class and Special Class in an Integrated Setting programs

From: Phyllis Morris, Chief Financial Officer
Christopher Suriano, Assistant Commissioner, Office of Special Education

Subject: NYSED Guidance to Approved Special Education Schools Regarding Novel Coronavirus and Executive Order 202.4

The Board of Regents and NYSED continue to work with our partners at the state, local, and federal levels to keep school leaders informed and provide updated guidance as the situation relating to the Novel COVID-19 continues to evolve, and we will update and disseminate additional guidance as necessary. Please refer to the resources on the [Coronavirus webpage](#) for the latest guidance and information from NYSED and other vetted sources. You are encouraged to visit this web page frequently for the latest updates.

Executive Order 202.4

On March 16, 2020, the Governor issued [Executive Order 202.4](#) that included the following language:

Notwithstanding any prior directives, every school in the state of New York is hereby directed to close no later than Wednesday, March 18, 2020, for a period of two weeks, ending April 1, 2020. The state shall reassess at that time whether to extend such closure beyond this date.

This directive includes public school districts (including Special Act School Districts), Charter Schools, Nonpublic Schools with an Approved Special Education Program subject to Articles 81 and/or 89 of the Education Law, and State-Supported Schools pursuant to Article 85 of the Education Law; except the residential component of those

programs as noted below. Approved preschool Special Class and Special Class in an Integrated Setting programs pursuant to section 4410 of the education law are included in this directive unless such programs are licensed by the New York State Office of Children and Family Services (OCFS) or the New York City Department of Health and Mental Hygiene (DOHMH). Preschool Special Class and Special Class in an Integrated Setting programs licensed by OCFS or DOHMH must follow the direction of their licensing agencies.

Residential agencies should continue to follow the directives of OCFS, New York State Office for People with Developmental Disabilities (OPWDD), and the New York State Office of Mental Health (OMH), as applicable, with respect to their licensed residential program components.

Notice of School Closure to NYSED

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, and all private preschool Special Class and Special Class in an Integrated Setting programs¹ are to follow the guidance titled [Notification Regarding Closure of a Nonpublic School](#).

Special Act School Districts are to follow the guidance titled [Notification Regarding Closure of a School](#).

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, Special Act School Districts, and all preschool Special Class and Special Class in an Integrated Setting programs must also notify students' placing school district and/or county regarding school closures and transportation.

Preschool Special Class and Special Class in an Integrated Setting programs should continue to follow applicable directives relating to notice of closure issued by OCFS and DOHMH.

Tuition Billing

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, Special Act School Districts, and preschool Special Class and Special Class in an Integrated Setting programs are authorized, pursuant to New York State Education Regulation section 175.6, to charge for educational placements based on enrollment. Therefore, schools should continue to bill their authorized tuition rate and per pupil charge for enrolled students during the period their school program is closed due to COVID-19, or period in which they provide distance learning due to COVID-19, as applicable.

¹ private preschool Special Class and Special Class in an Integrated Setting programs, and school-age programs that are unable to access the NYSED Business Portal should utilize the option of sending closure notification through email to SORIS@NYSED.gov

180 Session Day Requirement

The requirement under Commissioner's Regulations 200.7(b)(5) and 200.20(a)(6) to operate for not less than 180 days during the 10 month school year shall not apply to any closure during the period of March 18, 2020 through March 31, 2020 of a nonpublic school with an approved special education program subject to articles 81 and/or 89 of the education law, Special Act School District, state supported school pursuant to article 85 of the education law, or approved preschool Special Class and Special Class in an Integrated Setting program pursuant to section 4410 of the education law.

The Division of the Budget has agreed to provide 2019-20 reconciliation rate waivers via a streamlined approval process to hold providers harmless for the impact of reduced care days due to the 10-month session operating less than 180 days as a result of closures during the period of March 18, 2020 through March 31, 2020.

Please to submit questions to SPECED@nysed.gov and continue to visit the [NYSED Coronavirus webpage](#) to keep informed regarding further issued guidance.

Thank you.