

**PRESCHOOL PROGRAM
 MODIFICATION REQUEST APPLICATION
 FOR APPROVAL TO EXPAND AND/OR MODIFY AN
 APPROVED PRESCHOOL SPECIAL EDUCATION AND/OR
 MULTIDISCIPLINARY EVALUATION PROGRAM**

EVALUATION CRITERIA – STANDARD FOR ACCEPTANCE

REGIONAL NEED CERTIFICATION STATEMENT

The Certification Statement verifying regional need for the proposed modification was signed by the Regional Associate and the Supervisor of the Special Education Quality Assurance (SEQA) regional office and is attached to the application.

SECTION 1: APPLICANT INFORMATION

- Application must be typed; no handwritten applications will be accepted.
- Contact Information Form must be completed. (page 1)
- The chief administrative officer of the program submitting the Preschool Modification Application must sign the certification and assurances statement. (page 3)
- Preschool Modification Application – Submission Requirements are identified. (page 4)
- Items 1 through 8 of the Applicant Information are completed.
- Items 9 through 15c are completed as applicable.

SECTION 2: SITE INFORMATION

Category	Evaluation Criteria – Standard for Acceptance
Narrative Rationale	There is a clear, sufficient and detailed description of the proposed change.

A: HEALTH AND SAFETY COMPLIANCE

Category	Evaluation Criteria – Standard for Acceptance
1. Certificate of Occupancy	There is a certificate of occupancy for each site which clearly shows the Agency or Municipality that issued the document; the acceptable uses for the space which must include educational purposes and building and room capacities that match the applicant's proposed use of the space.
2. Fire Inspection Report	<ul style="list-style-type: none"> • Fire inspection/safety check reports for each site are provided that were conducted by a New York State Division of Fire Prevention and Control Fire Safety Inspector and completed no more than one year prior to the date of application. • If the fire inspection report indicates noncompliance in any area, there is evidence that the noncompliance was resolved.

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3. Building Inspection Report	<ul style="list-style-type: none"> • Building inspection reports for each site are provided that show the inspection was conducted by an appropriate local Code Enforcement Official and completed no more than one year prior to the date of application. • If the building inspection report indicates noncompliance in any area, there is evidence that the noncompliance was resolved.
4. Fire/Disaster Evacuation Plan	<p>A Fire/Disaster evacuation plan is provided which:</p> <ul style="list-style-type: none"> • identifies and clearly posts all evacuation routes within each site where students are located; • identifies emergency sheltering locations for students, but notes that these specific locations may not be publicly posted; and • identifies the procedures to be implemented in the case of emergency evacuation of a nonambulatory disabled student.
5. Summer Building Use	<ul style="list-style-type: none"> • For each identified site which operates during the months of July and August, the description of how the climate will be controlled during the instructional day is reasonable to ensure students can comfortably and safely attend. • If the building is not air conditioned, it indicates what measures (e.g., fans, window air conditioning units) will be taken to ensure the safety and comfort of students and staff.

B: FLOOR PLANS

Category	Evaluation Criteria – Standard for Acceptance
Floor Plans	<ul style="list-style-type: none"> • Line drawings showing the floor plan for each applicable site are clear and legible. • All rooms/spaces utilized by the preschool special education program are individually labeled as to use; number of occupants; and square footage. These spaces include, but are not limited to: offices, related service/therapy spaces, classrooms (which also include student to staff ratio), large group areas and other spaces (e.g., record storage, staff lounge, maintenance, utilities, motor room). • Classrooms are of a size that allows a minimum of 50 square feet per student or 60 square feet per student for classrooms serving students who are nonambulatory. • The square footage requirement for preschool students includes space for a variety of recreational and instructional activities.

	<p>Consideration will be given to less than 50 square feet per student if other areas of the building have been allocated, outside of the special education classroom, for such activities.</p> <ul style="list-style-type: none"> • Building space utilized for purposes other than preschool special education is specified on the floor plans. These uses align with an educational purpose and/or will not compromise the health, safety or security of preschool students with disabilities.
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C: ACCESSIBILITY

Category	Evaluation Criteria – Standard for Acceptance
Accessibility	<ul style="list-style-type: none"> • There is evidence that the site and all functions and services are accessible and usable to individuals with disabilities. • For each site, accessible exterior routes are identified (e.g., handicapped parking, curb cuts, ramps, etc). • For each site accessible interior routes are identified (e.g., access to services, toilets, drinking fountains, etc). • Accessibility is documented through: <ul style="list-style-type: none"> ○ Architect’s letter submitted by architect or engineer or organization familiar with public building and the Americans Disabilities Act, ○ Evidence of resolution of the issues if any areas have been identified as noncompliant, and/or ○ A plan to accommodate persons with disabilities in accessing the building.

SECTION 3: PROGRAM OPERATION MODIFICATION(S)

Category	Evaluation Criteria – Standard for Acceptance
Multidisciplinary Evaluation Programs (MDE)	<ol style="list-style-type: none"> 1. There is a clear, sufficient and detailed description of the proposed change. 2. The number of additional projected multidisciplinary evaluations to be conducted annually is consistent with the regional need identified by the program and certified by the New York State Education Department (NYSED) SEQA Regional Office. 3. Overall staffing and types of evaluations to be conducted show that the program employs and/or contracts with evaluators in a variety of professional areas to provide a range of assessments based on individual student needs (e.g., social histories, psychological evaluations, physical therapy evaluations, occupational therapy

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	<p>evaluations, functional behavior assessments and speech and language evaluations).</p> <p>4. If the agency is proposing to expand services to an additional geographic area, the plan for supervisory and clinical review of the evaluation process includes regular onsite observations, supervisory meetings and review of written evaluation reports.</p> <p>Individuals responsible for direct supervision of MDE staff evidence an appropriate level of experience in providing evaluations or services to preschool or kindergarten-aged children with disabilities.</p> <p>5. The program’s hours of operation are clearly identified within the table.</p> <p>The program will provide evaluations during regular business hours.</p> <p>6. The counties listed are consistent with the approved regional need.</p>
Special Education Itinerant Services (SEIS)	<p>1. There is a clear, sufficient and detailed description of the proposed change.</p> <p>2. The additional projected number of students to be served by the program is consistent with the regional need identified by the program and certified by the NYSED SEQA Regional Office.</p> <p>3. Proposed additional projected population to be served is clearly described:</p> <ul style="list-style-type: none"> • Levels of functioning are identified in relation to social-emotional skills; early language/communication and early literacy and use of appropriate behaviors to meet their needs. • Student management needs. <p>4. The proposed number of teachers to be hired is consistent with the proposed number of students to be served.</p> <p>The sample weekly schedule provides reasonable planning and travel time, while maximizing case load efficiencies.</p> <p>5. Each projected SEIS teacher’s caseload does not exceed 20 students.</p> <p>6. The program is operational during regular business hours, five days per week.</p> <p>If services extend beyond regular hours (e.g., 8 am to 5 pm), the described circumstances are reasonable given the population and/or geographic area to be served.</p> <p>7. The additional district/region to be served is consistent with identified</p>

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	<p>regional need.</p> <p>The program ensures it will be able to provide SEIS at the locations determined by the district, including approved or licensed prekindergarten or Head Start programs, the student’s home, a hospital, a State facility, or a child care location where the parent enrolled the child. The program does not propose to provide SEIS at the site of another of its approved programs (e.g., same site as a Special Class program).</p>
Special Class in an Integrated Setting (SCIS)	<ol style="list-style-type: none"> 1. There is a clear, sufficient and detailed description of the proposed change. 2. The proposed population to be served is clearly described and consistent with identified regional need: <ul style="list-style-type: none"> • Number of students; • Levels of functioning are identified in relation to social-emotional skills; early language/ communication and early literacy and use of appropriate behaviors to meet their needs; and • Student management needs. 3. The proposed additional number of SCIS classes is consistent with projected numbers of students to be served and consistent with the regional need identified by the program and certified by the NYSED SEQA Regional Office. 4. The proposed class size(s) for preschool students does not exceed enrollment of 12 students with disabilities. <p>The proposed number of students with disabilities is generally equal to students without disabilities.</p> 5. The applicant identified changes in regular early childhood program (e.g., Head Start, day care, universal prekindergarten (UPK)) which affect the need for this modification. <p>The program and fiscal collaboration agreement includes components such as:</p> <ul style="list-style-type: none"> • Description of the shared mission, goals and outcomes, • Definition of the programmatic and financial responsibilities of the collaborative partners, • Delineation of leadership roles and responsibilities by title and/or position, • Description of services to be provided by each collaborative partner,

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	<ul style="list-style-type: none"> • Plan for communication, including schedule for meetings, • Procedures for conflict resolution, • Financial plan which clearly allocates costs based on the funding agency for each partner, • Description of how confidentiality of personally identifiable date, information and records pertaining to the students with disabilities will be ensured, • Specified time period of the agreement and the conditions for renewal. <p>If there is no collaboration with a regular early childhood program, the applicant provides a realistic description of how it will manage enrollment of students without disabilities to ensure that the numbers of students without disabilities is generally equal to the number of students with disabilities.</p> <p>6. The program provides a comprehensive list of related services it is able to provide that is sufficient to meet anticipated individualized education program (IEP) needs of students enrolled in the program.</p> <ul style="list-style-type: none"> • The projected caseloads of related service providers are consistent with the identified population to be served. • The caseload of teachers providing speech and language services does not exceed 65 students and is consistent with the population to be served. <p>7. The program proposes a daily schedule which reflects inclusion of instructional activities from arrival to dismissal.</p> <ul style="list-style-type: none"> • Related services are scheduled within the instructional day. • For half-day SCIS programs, not less than 2½ hours of instructional time are identified, excluding lunch and transportation. • For full-day SCIS programs, not less than 5 hours of instructional time are identified, excluding lunch and transportation. • For less than full-day, but more than half-day sessions, the program provides a justifiable rationale for this exception. • The half-day and full-day sessions are operational during regular business hours. <p>8. Programs proposing to serve three or more children for more than three hours a day have attached a Day Care license or Registration</p>

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	Certificate issued by the Office of Children and Family Services.
Special Class (SC)	<ol style="list-style-type: none"> 1. There is a clear, sufficient and detailed description of the proposed change. 2. The proposed population to be served is clearly described and consistent with identified regional need: <ul style="list-style-type: none"> • Number of students; • Levels of functioning are identified in relation to social-emotional skills; early language/ communication and early literacy and use of appropriate behaviors to meet their needs; and • Student management needs. 3. The proposed additional number of SC classes is consistent with projected numbers of students to be served and consistent with the regional need identified by the program and certified by the NYSED SEQA Regional Office. 4. The proposed class size(s) for preschool students does not exceed an enrollment of 12 students with disabilities. <p>The maximum class sizes are consistent with section 200.6(h)(4) of the Regulations of the Commissioner of Education and are proposed as one or more of the following:</p> <ul style="list-style-type: none"> • 12 students to one teacher (plus additional staff) • 8 students to one teacher (plus additional staff) • 6 students to one teacher (plus additional staff) <p>No other class size options will be considered (e.g., 7 students to one teacher plus additional staff).</p> 5. The program provides a comprehensive list of related services it is able to provide that is sufficient to meet anticipated IEP needs of students enrolled in the program. <p>The projected caseloads of related service providers are consistent with the identified population to be serviced. The caseload of each teacher providing speech and language services does not exceed 65 students and is consistent with the population to be served.</p> 6. The program proposes a daily schedule which reflects inclusion of meaningful and age-appropriate instructional activities from arrival to dismissal.

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	<ul style="list-style-type: none"> • Related services are scheduled within the instructional day. • For half-day SC programs, not less than 2½ hours of instructional time is identified, excluding lunch and transportation. • For full-day SC programs, not less than 5 hours of instructional time is identified, excluding lunch and transportation. • For less than full-day, but more than half-day sessions, the program provides its rationale explaining the need for this exception. • The half-day and full-day sessions are operational during regular business hours. <p>7. Programs proposing to serve three or more children for more than three hours a day have attached a Day Care license or Registration Certificate issued by the Office of Children and Family Services.</p>

SECTION 4: BUDGET INFORMATION

Category	Evaluation Criteria – Standard for Acceptance
1. Projected Personal Services (for SCIS and/or SC)	<ul style="list-style-type: none"> • Program lists all positions in the appropriate Nondirect or Direct Care table, including proposed salary and FTE. • Totals must reconcile with Schedule 4, Line 1.
2. Projected Contracted Services (for SCIS and/or SC)	<ul style="list-style-type: none"> • Program lists its projected contracted services, including number of hours, whether services are direct or nondirect care. • Totals must reconcile with Schedule 4, Line 9.
3. Projected Nondisabled Revenues (SCIS programs only)	<p>Program has entered information relating to programs with which it will collaborate, including number of student FTEs and projected revenues.</p>
4. General Program Budget	<ul style="list-style-type: none"> • Program completes all applicable line items (Lines 1-30). • As applicable, amounts for lines 1 and 9 reconcile with Schedules 1 and 2.

SECTION 5: CHARACTER AND COMPETENCE REVIEW

(A public school district, board of cooperative educational services, State agency or municipality is not required to complete this section of the application.)

Assessment of the character and competence of an applicant is based upon experience and past performance in operating a special education or related program including records of violations, if any, and whether a substantially consistent high level of care was maintained. Applicants without experience in education services are evaluated based on compliance with laws and practices pertinent to their professional experience.

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Disclosures	<ul style="list-style-type: none"> • Information is provided for each owner/chief executive officer (CEO)/administrator and for additional individuals who may, in practice, fulfill the role and responsibilities of a Chief Administrator or a portion of those duties, e.g., Co-director, Assistant Executive Director, etc. • There are no affiliations with community service, philanthropic endeavors, human service facility(ies) or vendors which would present a conflict of interest in the operation of the proposed program. • The owner(s)/CEO/administrator has not disclosed any employment by or membership of a board of an agency that has been cited for or had allegations brought against it for waste, fraud, abuse or wrongdoing. If instances are reported, provides the details of that indicate a nonactive role during the time of the citations and/or allegations. • There are no instances in which the owner(s)/ CEO(s)/ administrator(s) have or had affiliation with a program whose approval was revoked or suspended by NYSED or another State agency (in this State or another state). If instances are reported, include the name of the program and State oversight agency and his/her affiliation with that program. • The owner(s)/CEO(s)/administrator(s) report no instances in which he/she was convicted of a crime. If instances are reported, approval will be considered if the criminal offense is identified and noted as a misdemeanor. • There are no criminal charges pending in federal or State court. If pending charges are identified and explained, consideration of the application may be deferred until such court proceedings are concluded if the nature or circumstances of the charges are likely to impact the programmatic or fiscal oversight of the program. • The Statement is signed and notarized.

SECTION 6: GOVERNANCE AND INTERNAL CONTROLS

(A public school district, board of cooperative educational services, State agency or municipality is not required to complete this section of the application)

Category	Evaluation Criteria – Standard for Acceptance
1. Governance Structure	<ul style="list-style-type: none"> • There is a clear, sufficient and detailed description of the governance structure of the agency. • The role that executive and management staff will have in establishing policies is clearly articulated.
2. Conflict of Interest procedures	The agency’s procedures for actions of its governing structure would preclude the advancement of an individual’s personal or business interests.
3. Impermissible Nepotism	The agency’s policy prohibits impermissible nepotism in hiring and other institutional business. (Nepotism is favoritism granted to relatives or friends regardless of intent.)
4. Affiliations	Potential arm’s-length transactions are disclosed.
5. Management Principles and Decision Making	<p>No conflict of interest is evident in the described role of the board and/or individuals filling executive and management roles, and as applicable individuals with ownership interest, in establishing policies that define management principles and decision making.</p> <p>(A conflict of interest exists when a board member or executive manager’s personal or business interests may be advanced by an action of the governing structure.)</p>
6. Periodic Financial Reviews	<ul style="list-style-type: none"> • Independent periodic financial reviews will be conducted and reports submitted and reviewed by the agency’s governing structure. • The description identifies how the agency's governing structure will review payments made, including payroll, to ensure the existence of proper itemization and documentation necessary for the approval of the agency's expenditures as reasonable and necessary for the operation of the program. • The description outlines the format and frequency of the reports that will be made to the agency's governing structure, including the position of the person or persons who will be responsible for preparing the financial reviews and reports. • In order to maintain a level of independent review, the review of payments function (to be performed by the agency's governing structure) and the preparation of the necessary materials for such review will not be conducted solely by the same individual.

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7. Residence(s) of the Executive Director and Other Director Level Staff	<ul style="list-style-type: none"> • Director level staff reside within a reasonable geographic distance from the proposed program administrative and instructional/evaluation sites. • Reasonable distance generally indicates a commute time of less than one hour; however, determinations will be made on a case by case basis based on circumstances such as geographic area and transportation situations/options.
8. Internal Controls	<ul style="list-style-type: none"> • Provision of internal controls is clearly described and includes: <ul style="list-style-type: none"> ○ Ensuring a quality control environment; ○ Performing a risk assessment; ○ Designing effective policies and procedures; ○ Providing clear communication throughout the agency; and ○ Conducting ongoing monitoring of policies and procedures. • Internal controls include both preventive control activities (i.e., those that would deter the instance of noncompliance, errors or fraud such as thorough documentation and authorization practices); and detective control activities (i.e., those that identify undesirable "occurrences" after the fact such as reconciliation).
9. Code of Ethics	<p>The Code of Ethics includes a:</p> <ul style="list-style-type: none"> • Conflict of Interest policy, • Policy outlining the procedure for reporting fraud, waste and abuse, and • Whistleblower policy protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance or other inappropriate behavior. The policy addresses reporting responsibility and procedures, no retaliation, confidentiality and handling of reporting violations. <p>For a sample Code of Ethics and Conflict of Interest policy, see page 25 of https://www.irs.gov/pub/irs-pdf/i1023.pdf.</p>