

**INITIAL APPLICATION FOR NEW YORK STATE EDUCATION DEPARTMENT APPROVAL  
TO OPERATE A PRIVATE SCHOOL-AGE (5-21) SPECIAL EDUCATION PROGRAM  
IN-STATE OR OUT-OF-STATE  
DAY/RESIDENTIAL**

**Evaluation Criteria – Standard for Acceptance**

**REGIONAL NEED CERTIFICATION STATEMENT**

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

**CERTIFICATION AND ASSURANCES STATEMENT**

- The original or electronic signature of the chief administrative officer of the proposed program must be provided on the certification and assurances statement.

**PART I: GENERAL INFORMATION**

- All fields in sections 1-3 must be completed unless information is clearly not applicable to the proposed program.
- Application must be typed; no handwritten applications will be accepted.

**PART II: PROGRAM DESCRIPTION**

**SECTION 1: PROGRAM MODEL**

<b>Evaluation Criteria – Standard for Acceptance</b>	
1.	The proposed population to be served is clearly described and consistent with identified regional need: <ul style="list-style-type: none"><li>• Disability categories</li><li>• Ages</li><li>• Number of students</li><li>• Student management needs.</li><li>• The program proposes to provide instruction to a minimum of 16 New York State (NYS) students with disabilities.</li></ul>
2.	The proposed number of special classes is consistent with projected numbers of students to be served.

3. 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:

- 12 students to one teacher (plus additional staff)
- 8 students to one teacher (plus additional staff)
- 6 students to one teacher (plus additional staff)

No other class size options will be considered (e.g., 7 students to one teacher plus additional staff).

The chronological age range within 12:1+1, 8:1+1 and 6:1+1 special classes of students with disabilities who are less than 16 years of age does not exceed 36 months. (There are no chronological age-range limitations for students in 12:1+(3:1) special classes or for students with disabilities in special classes who are 16 years of age or older.)

4. The plan describes how students will be grouped, for instructional purposes, based on similarity of needs.
5. The program provides a comprehensive list of related services it will provide that is sufficient to meet anticipated IEP needs of students enrolled in the program.

The projected caseloads of related service providers are consistent with the identified population to be served. The caseload of each teacher providing speech and language services does not exceed 65 students and is consistent with the population to be served.

6. The program proposes a daily schedule which reflects inclusion of meaningful and age-appropriate instructional activities from arrival to dismissal.

Related services are scheduled within the instructional day. The program is operational during regular business hours.

**SECTION 2: POLICIES, PROCEDURES AND PRACTICES**

Category	Evaluation Criteria – Standard for Acceptance
1. Agency Background Information	Applicant has relevant background in the field of P-12 education and/or special education or a related field (e.g., professions) and/or adult services for individuals with disabilities.
2. Mission Statement and Goals	<ul style="list-style-type: none"> <li>• Core mission of the agency is related to education and/or services to individuals with disabilities.</li> <li>• Mission statement and goals align with the design elements of the proposed program as identified throughout the application.</li> <li>• Goals and objectives are directed toward providing high quality, student-centered programs and services reflecting best practice procedures and</li> </ul>

Category	Evaluation Criteria – Standard for Acceptance
	core learning standards.
3. Preopening Plan	<ul style="list-style-type: none"> <li>• A clear and credible plan that identifies key preopening responsibilities consistent with the program’s educational, organizational and financial plans is articulated.</li> <li>• Timelines and actions are established that result in the program opening within a reasonable period of time to ensure regional need can be met.</li> <li>• Primary responsibilities are identified (by individual or position) and anticipated resource needs are indicated.</li> </ul>
4. Measure(s) of Outcomes and Effectiveness of Program	<p>A clear and credible plan for measuring both student outcomes and program effectiveness is articulated that includes, but is not limited to a description of:</p> <ul style="list-style-type: none"> <li>• the data the program will collect, the methods, and schedule for data collection;</li> <li>• how the program will measure and review its effectiveness in improving outcomes in the areas of literacy, behavior and communication;</li> <li>• how the program will evaluate its effectiveness in involving families;</li> <li>• how the program will obtain and consider feedback from school districts;</li> <li>• how the program will measure operational effectiveness and fiscal soundness; and</li> <li>• how the evaluation information will be used for continuous improvement.</li> </ul>
5. Operational Calendar (yearly)	<ul style="list-style-type: none"> <li>• School year calendar includes at least 180 instructional days between September 1 and June 30 and does not include more than four conference days, sessions on Saturdays or legal holidays, except general election day, Washington’s Birthday and Lincoln’s Birthday.</li> <li>• As applicable, July-August will be in operation for not less than 30 days.</li> </ul>
6. Curriculum	Curriculum aligns with New York State’s P-12 Common Core Learning Standards for the grade levels that the program is proposing to serve.
7. Credits and Diplomas	<ul style="list-style-type: none"> <li>• If the school is authorized to award credits and diplomas, a copy of the secondary school registration is attached to the application.</li> <li>• If the school is <u>not</u> authorized to award credits and diplomas, there is a clearly defined process used to ensure that course credit and diplomas are appropriately awarded to students with disabilities.</li> </ul>
8. Behavior Management Policies	<ul style="list-style-type: none"> <li>• Proposed school-wide, classroom, and small group interventions are identified and are age and developmentally appropriate for the population to be served.</li> </ul>

Category	Evaluation Criteria – Standard for Acceptance
	<ul style="list-style-type: none"> <li>● Policy demonstrates the capacity to: <ul style="list-style-type: none"> <li>○ conduct functional behavioral assessments (FBAs) consistent with State required policies and procedures, and</li> <li>○ develop behavioral intervention plans and ensure appropriate implementation and progress monitoring.</li> </ul> </li> <li>● Policy includes information, consistent with regulations, relating to development and implementation of behavioral intervention plans, use of a time out room (if applicable) and use of emergency interventions.</li> <li>● Policy ensures all staff will be trained on safe and therapeutic emergency physical interventions.</li> <li>● Plan ensures staff will be knowledgeable on how to identify antecedent behaviors and reinforcing consequences of behaviors, teach alternative skills or behaviors including functional communication training if appropriate; and collect data on the frequency, duration and latency (the time between the stimulus and the behavior) of behaviors for students.</li> <li>● Program is based on the use of positive behavioral supports and strategies.</li> <li>● Program explicitly states that no aversive interventions will be employed to manage challenging behaviors of students.</li> </ul>
9. Discipline Procedures	<ul style="list-style-type: none"> <li>● The student code of conduct identifies age and developmentally appropriate expectations for behavior.</li> <li>● Applicant demonstrates an understanding of a student’s rights to certain procedural safeguards relating to discipline consistent with requirements in federal and State law.</li> <li>● There is a clear process for communication with the Committee on Special Education (CSE) regarding disciplinary actions for a student.</li> </ul>
10. Programs for Students with Disabilities who have Limited English Proficiency	<ul style="list-style-type: none"> <li>● The program has a concrete plan and process to provide instruction and/or evaluations to students in their native language or other mode of communication, unless it is clearly not feasible to do so. The program minimally refers to a plan that defines staff qualifications, ongoing staff training and identifies available resources.</li> <li>● The program has a reasonable process whereby it can ensure that the parent understands information shared by teachers and evaluators about their child (e.g., use of interpreters, translation ability).</li> </ul>

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11. Use of Psychotropic Medication	<p>If a program plans to use psychotropic medication:</p> <ul style="list-style-type: none"> <li>• a copy of the policy has been attached to the application, and</li> <li>• there is an appropriate process identified to ensure that the agency provides a copy of the policy to the CSEs and parents prior to a student's acceptance into the program.</li> </ul>
12. Confidentiality	<p>The policies ensure:</p> <ul style="list-style-type: none"> <li>• the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages;</li> <li>• the designation of one agency official as being responsible for ensuring confidentiality of personally identifiable information;</li> <li>• maintenance of a list of names and positions of the employees within the agency who have access to personally identifiable information; and</li> <li>• a plan to safeguard student information in the event of technology failure or natural disasters.</li> </ul>
13. Individualized Education Program (IEP) Development	<p>The agency ensures:</p> <ul style="list-style-type: none"> <li>• professional staff will attend or participate in CSE meetings through such means as telephone conference calls, and</li> <li>• coverage for teachers who need to participate in CSE meetings.</li> </ul>
14. IEP Dissemination and Implementation	<ul style="list-style-type: none"> <li>• The explanation identifies how (by paper or electronic copy) IEPs will be provided to each teacher and related service provider of the student.</li> <li>• If the agency has a policy that the student's IEP is to be accessed electronically, the policy ensures that the individuals responsible for the implementation of a student's IEP are notified and trained on how to access such IEPs electronically.</li> <li>• The individual(s) who will be designated to inform the teachers and related service and other providers of their responsibilities to implement the recommendations in each student's IEP is identified (by title(s)).</li> </ul>
15. Professional Development	<ul style="list-style-type: none"> <li>• The program has submitted a list of topics and proposed schedule for staff orientation and professional development throughout the school year.</li> <li>• The list includes a variety of priority topics related to the proposed program and population to be served, including but not limited to, the following. <ul style="list-style-type: none"> <li>○ NYS' P-12 Common Core Learning Standards</li> <li>○ Positive behavioral supports and interventions</li> <li>○ Safe and therapeutic emergency interventions</li> <li>○ Privacy rights of students</li> <li>○ Child abuse prevention and identification</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ Health, safety and security procedures</li> <li>○ Staff code of conduct</li> <li>○ Whistleblower policies</li> <li>○ Working with parents</li> <li>○ Culturally responsive education</li> <li>○ Roles and responsibilities for participation in CSE meetings</li> <li>○ Record keeping</li> </ul>
16. Progress Monitoring and Reports to Districts	<p>There is a clear plan on the manner and frequency by which reports on the progress the student is making toward the annual goals (through the use of quarterly or other periodic reports) will be submitted to the CSE and the student's parents.</p>
17. Parent Involvement	<ul style="list-style-type: none"> <li>● The program will offer a range of activities to engage parents in the education of their children.</li> <li>● Clear channels of communication with families are established to provide ongoing communication and to address parental concerns.</li> <li>● The description of parent counseling and training includes a variety of options appropriate to the proposed population, to assist parents in understanding the special needs of their child and child development, and to acquire skills to support the implementation of their child's IEP.</li> </ul>
18. Procedures for the Protection of Students in Residential Schools	<ul style="list-style-type: none"> <li>● Staff training is described and includes, but is not limited to: <ul style="list-style-type: none"> <li>○ child abuse prevention and identification;</li> <li>○ safety and security procedures;</li> <li>○ principles of child development;</li> <li>○ characteristics of children in care;</li> <li>○ techniques of group and child management; and</li> <li>○ laws, regulations and procedures, including appropriate reporting responsibilities, governing the protection of students from reportable incidents.</li> </ul> </li> <li>● Staff orientation is provided to new employees or volunteers immediately upon commencement of duties, and includes policies and procedures regarding the protection of students from reportable incidents.</li> <li>● Custodians of students at residential schools are provided with a copy of the code of conduct developed by the Justice Center at the time of initial employment and at least annually thereafter.</li> <li>● Instruction is described in a written plan and is: <ul style="list-style-type: none"> <li>○ appropriate for the age, individual needs and particular circumstances</li> </ul> </li> </ul>

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	<p>of students;</p> <ul style="list-style-type: none"> <li>○ provided at different times throughout the year in a manner which will ensure that all students receive this instruction; and</li> <li>○ provided by individuals who possess appropriate knowledge and training.</li> </ul> <ul style="list-style-type: none"> <li>● The program plans to use an incident review committee to review reportable incidents and implement corrective actions, and describeshow: <ul style="list-style-type: none"> <li>○ the committee is composed of at least one member of the governing body of the residential school and includes, but is not limited to, direct support staff; a licensed health care practitioner; students or service recipients; and representatives of family, consumer and other advocacy organizations;</li> <li>○ members are trained in confidentiality laws and regulations;</li> <li>○ the committee meets on a regular basis; and</li> <li>○ the chief administrator submits a report of patterns and trends relating to reportable incidents to the State Education Department.</li> </ul> </li> </ul>

**SECTION 3: ORGANIZATIONAL STRUCTURE**

Category	Evaluation Criteria – Standard for Acceptance
Organizational Structure	The organizational structure provides clear roles and responsibilities and a direct line of reporting between the board, administration, staff and if applicable, individuals with an ownership interest in the program.

**SECTION 4: STAFFING**

Category	Evaluation Criteria – Standard for Acceptance
<b>Narrative questions 1-6</b>	
1. Staffing Plan	The instructional staffing plan is appropriate and adequate to meet the needs of the students in the proposed program(s).
2. Reduce Reliance on 1:1 Aides	The numbers and types of staff will meet the needs of the students without reliance on additional one-to-one aides.
3. Staff Availability	<ul style="list-style-type: none"> <li>● The staffing plan demonstrates availability of other appropriately qualified individuals to provide instruction to students during staff absences.</li> </ul>

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	<ul style="list-style-type: none"> <li>• There is a planned process to ensure related services providers reschedule nondelivered sessions that result from staff absences.</li> </ul>
4. Hiring Procedures - Staff Qualifications	<ul style="list-style-type: none"> <li>• Procedures are sufficient to ensure that staff are appropriately screened and qualified; including licensed and/or certified, in accordance with their proposed positions.</li> <li>• For residential programs, procedures are sufficient to ensure that staff are appropriately screened and qualified pursuant to section 200.15(c) of the Regulations of the Commissioner of Education, including: <ul style="list-style-type: none"> <li>○ a summary of the applicant’s employment history and references who can verify this information;</li> <li>○ a summary of applicant’s educational experience and contact information of educational institutions who can verify this experience;</li> <li>○ special skills or completed training possessed by the applicant that is relevant to the position;</li> <li>○ contact information for at least two personal references who can attest to the applicant’s character;</li> <li>○ a sworn statement by the applicant indicating whether he or she has ever been convicted of a crime; and</li> <li>○ information required by the Justice Center to determine whether the applicant is included on the staff exclusion list.</li> </ul> </li> </ul>
5. Personnel Screening (For Residential Programs Only)	<p>Procedures include a verification process to determine if an applicant is on either the Justice Center Staff Exclusion List or the State’s Central Registry of Child Abuse and Neglect and describes how the agency will consider such information in its decisions whether to hire such individuals.</p>
6. Staff Supervision	<ul style="list-style-type: none"> <li>• The plan for staff supervision provides an appropriate level of staff supervision. Supervision includes a combination of direct and indirect supervision, including on-site observation, scheduled supervision sessions, review of lesson plans and daily notes and annual performance reviews.</li> <li>• Staff who provide staff supervision have the appropriate supervisory experience. If staff is functioning as a supervisor for more than 25 percent of their scheduled time, the program requires administrative certification (i.e., SAS or SBL; SDA or SDL certification).</li> <li>• Administrators of instructional programs have appropriate administrative certification and experience to oversee special education services.</li> </ul>
<b>Staffing Summary Table</b>	
1. Staffing Summary	<ul style="list-style-type: none"> <li>• All staff have appropriate certification or professional licenses, as</li> </ul>



Category	Evaluation Criteria – Standard for Acceptance
	<p>applicable.</p> <ul style="list-style-type: none"> <li>• Full-time equivalents (FTEs) reflect an adequate number of staff to implement the proposed program.</li> <li>• The total number of hours for each staff person does not exceed 40 hours per week (and does not exceed 1.0 FTE).</li> </ul>
2. Student/Staff Data	<p>The maximum class sizes must be consistent with section 200.6(h)(4) of the Regulations of the Commissioner of Education and be proposed as one or more of the following:</p> <ul style="list-style-type: none"> <li>• 12 students to one teacher (plus additional staff)</li> <li>• 8 students to one teacher (plus additional staff)</li> <li>• 6 students to one teacher (plus additional staff)</li> </ul> <p>No other class size options will be considered (e.g., 7 students to one teacher plus additional staff).</p>

## PART III – PHYSICAL PLANT

### SECTION 1: HEALTH AND SAFETY COMPLIANCE

Category	Evaluation Criteria – Standard for Acceptance
1. Certificate of Occupancy	<p>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.</p>
2. Fire Inspection Report	<ul style="list-style-type: none"> <li>• Fire inspection/safety check reports for each site are provided that were conducted by a NYS Division of Fire Prevention and Control Fire Safety Inspector and completed no more than one year prior to the date of application.</li> <li>• If the fire inspection report indicates noncompliance in any area, there is evidence that the noncompliance was resolved.</li> </ul>
3. Building Inspection Report	<ul style="list-style-type: none"> <li>• 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.</li> <li>• If the building inspection report indicates noncompliance in any area, there is evidence that the noncompliance was resolved.</li> </ul>

Category	Evaluation Criteria – Standard for Acceptance
4. Fire/Disaster Evacuation Plan	<p>A Fire/Disaster evacuation plan is provided which identifies:</p> <ul style="list-style-type: none"> <li>• and clearly posts all evacuation routes within each site where students are located;</li> <li>• emergency sheltering locations for students, but notes that these specific locations may not be publicly posted; and</li> <li>• the procedures to be implemented in the case of emergency evacuation of a nonambulatory disabled student.</li> </ul>
5. Summer Building Use	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>

**SECTION 2: FLOOR PLANS**

Floor Plans	<ul style="list-style-type: none"> <li>• Line drawings showing the floor plan for each applicable site are clear and legible.</li> <li>• All rooms/spaces utilized by the 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).</li> <li>• Special education classrooms meet the following space criteria: <table border="1" data-bbox="610 1413 1328 1677"> <thead> <tr> <th data-bbox="610 1413 971 1486">Type of Classroom Teacher/Student Ratio</th> <th data-bbox="971 1413 1328 1486">Minimum Classroom Size (Square Feet)</th> </tr> </thead> <tbody> <tr> <td data-bbox="610 1486 971 1526">15:1</td> <td data-bbox="971 1486 1328 1526">770</td> </tr> <tr> <td data-bbox="610 1526 971 1566">12:1+1</td> <td data-bbox="971 1526 1328 1566">770</td> </tr> <tr> <td data-bbox="610 1566 971 1606">8:1+1</td> <td data-bbox="971 1566 1328 1606">550</td> </tr> <tr> <td data-bbox="610 1606 971 1646">6:1+1</td> <td data-bbox="971 1606 1328 1646">450</td> </tr> <tr> <td data-bbox="610 1646 971 1686">12:1+(3:1)</td> <td data-bbox="971 1646 1328 1686">900</td> </tr> </tbody> </table> </li> <li>• Building space utilized for purposes other than 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 students with disabilities.</li> </ul>	Type of Classroom Teacher/Student Ratio	Minimum Classroom Size (Square Feet)	15:1	770	12:1+1	770	8:1+1	550	6:1+1	450	12:1+(3:1)	900
Type of Classroom Teacher/Student Ratio	Minimum Classroom Size (Square Feet)												
15:1	770												
12:1+1	770												
8:1+1	550												
6:1+1	450												
12:1+(3:1)	900												

**SECTION 3: ACCESSIBILITY**

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

**SECTION 1: NARRATIVE**

<p><b>Category</b></p>	<p><b>Evaluation Criteria – Standard for Acceptance</b></p>
<p>1. Access to Financial Records</p>	<ul style="list-style-type: none"> <li>• The agency is able to identify a finite list of individuals, by title, who will have direct access to financial records.</li> <li>• It is appropriate for the listed individuals to have access to the financial records.</li> </ul>
<p>2. Chief Financial Officer/Business Manager Minimum Qualifications</p>	<p>List of minimum qualifications includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• background in financial management, with preference given to experience directly related to school settings,</li> <li>• familiarity with accepted accounting principles, and</li> <li>• solid knowledge of common business practices.</li> </ul>
<p>3. Building Lease/Amortization Schedule</p>	<ul style="list-style-type: none"> <li>• The building lease or amortization schedule (as appropriate) for each site is submitted.</li> <li>• Costs associated with Lease or Mortgage payments are reasonable and affordable for the region.</li> </ul>
<p>4. Financial Internal Control</p>	<ul style="list-style-type: none"> <li>• The financial internal control system ensures that accounts are maintained in accordance with generally accepted accounting principles</li> </ul>

Category	Evaluation Criteria – Standard for Acceptance
System	<p>and the NYSED Reimbursement Cost Manual.</p> <ul style="list-style-type: none"> <li>Accounts are maintained in a manner such that financial reports can be generated on demand and allow analysis of revenues and expenses by each program area including, but not limited to, enrollment and staffing data.</li> </ul>
5. Liability Insurance	<ul style="list-style-type: none"> <li>Program provides proof that it carries liability insurance which is current and up-to-date on payments.</li> <li>Carrier's name and address are provided.</li> </ul>
6. First Year Operation	The operational budget is reasonable and demonstrates the program has sufficient resources, funding options and financial means to operate for the first year.
7. Enrollment Fluctuations	Provide a clear financial plan describing how costs will be managed during times of enrollment fluctuations that ensures fiscal viability (e.g., decreasing staff hours, supply ordering prioritization)
8. Whistleblower Policy	<ul style="list-style-type: none"> <li>The policy protects employees who report inappropriate behavior from retaliation.</li> <li>All employees are made aware of the Whistleblower policy through orientation or ongoing training opportunities.</li> <li>The policy is readily accessible to all employees (e.g., website, employee handbooks, and training materials).</li> </ul>
9. Plan for Safeguarding Financial Information	<ul style="list-style-type: none"> <li>The plan includes an up-to-date business impact analysis.</li> <li>Critical processes are documented and included in the plan.</li> </ul>
10. Cost Allocations	<ul style="list-style-type: none"> <li>The description details the process that will be used to ensure that expenses incurred in operating the agency, and revenues received, can be specifically tracked to agency programs.</li> <li>Include a description of the process used to ensure only allowable directly charged and allocated expenses, as defined by NYSED, will be claimed for reimbursement.</li> </ul>

**SECTION 2: BUDGET INFORMATION**

Category	Evaluation Criteria – Standard for Acceptance
1. Projected Personal Services	<ul style="list-style-type: none"> <li>Program lists all positions in the appropriate Nondirect or Direct Care table, including proposed salary and FTE.</li> </ul>

	<ul style="list-style-type: none"> <li>Totals in Schedule 1 must reconcile with Schedule 3, Line 1.</li> </ul>
2. Projected Contracted Services	<ul style="list-style-type: none"> <li>Program lists its projected contracted services, including number of hours, whether services are direct or nondirect care.</li> <li>Totals in Schedule 2 must reconcile with Schedule 3, Line 9.</li> </ul>
3. General Program Budget	<ul style="list-style-type: none"> <li>Program completes all applicable line items (Lines 1-29).</li> <li>As applicable, amounts for lines 1 and 9 reconcile with Schedules 1 and 2.</li> </ul>

## PART V: CHARACTER AND COMPETENCE REVIEW

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"> <li>Information is provided for each owner/chief executive officer (CEO)/administrator who may fulfill the role and responsibilities of a Chief Administrator.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>

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	<ul style="list-style-type: none"> <li data-bbox="521 247 1024 279">• The Statement is signed and notarized.</li> </ul>

Note: Concerns resulting from Character and Competence disclosures will be referred to the Office of Professions.

## PART VI: GOVERNANCE AND INTERNAL CONTROLS

Category	Evaluation Criteria – Standard for Acceptance
1. Governance Structure	<ul style="list-style-type: none"> <li data-bbox="521 674 1365 747">• There is a clear, sufficient and detailed description of the governance structure of the agency.</li> <li data-bbox="521 764 1382 837">• The role that executive and management staff will have in establishing policies is clearly articulated.</li> </ul>
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	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. (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.)
6. Periodic Financial Reviews	<ul style="list-style-type: none"> <li data-bbox="521 1430 1453 1503">• Independent periodic financial reviews will be conducted and reports submitted and reviewed by the agency's governing structure.</li> <li data-bbox="521 1520 1453 1698">• 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.</li> <li data-bbox="521 1740 1453 1881">• 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.</li> </ul>

Category	Evaluation Criteria – Standard for Acceptance
	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
7. Residence(s) of the Executive Director and Other Director Level Staff	Director level staff reside within a reasonable geographic distance from the proposed program administrative and instructional sites (one hour or less).
8. Internal Controls	<p>Provision of internal controls is clearly described and includes:</p> <ul style="list-style-type: none"> <li>• ensuring a quality control environment;</li> <li>• performing a risk assessment;</li> <li>• designing effective policies and procedures;</li> <li>• providing clear communication throughout the agency; and</li> <li>• conducting ongoing monitoring of policies and procedures.</li> </ul> <p>Internal controls include both <i>preventive</i> control activities (i.e., those that would deter the instance of noncompliance, errors or fraud such as thorough documentation and authorization practices); and <i>detective</i> control activities (i.e., those that identify undesirable "occurrences" after the fact such as reconciliation).</p>
9. Code of Ethics	<p>The Code of Ethics includes a:</p> <ul style="list-style-type: none"> <li>• Conflict of Interest policy,</li> <li>• policy outlining the procedure for reporting fraud, waste and abuse, and</li> <li>• 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.</li> </ul> <p>For a sample Code of Ethics and Conflict of Interest policy, see page 25 of <a href="https://www.irs.gov/pub/irs-pdf/i1023.pdf">https://www.irs.gov/pub/irs-pdf/i1023.pdf</a>.</p>