

**SCHOOL-AGE APPROVED PRIVATE SCHOOL
MODIFICATION REQUEST APPLICATION
FOR NEW YORK STATE EDUCATION DEPARTMENT
APPROVAL TO EXPAND AND/OR MODIFY AN
EXISTING APPROVED PRIVATE SCHOOL FOR STUDENTS WITH DISABILITIES
IN-STATE OR OUT-OF-STATE
DAY/RESIDENTIAL PROGRAM**

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.

SECTION 1: APPLICANT INFORMATION

- Application must be typed; no handwritten applications will be accepted.
- All applicants must complete items 1-8. (Items 9-15 only need to be completed if applicant is indicating a change to any of those items.)
- If there are changes to items 14 and/or 16, the following documents must be attached to the application:
 - a copy of the Certification of Incorporation with purpose section or registration pursuant to New York Business Law;
 - Certificates or Amendments along with the related consent(s) of the Commissioner of Education;
 - Articles of Organization (for PLLC, LLC);
 - Regents Charter;
 - Regents Certificate of Incorporation;
 - other legal authorizing documents if operating under another State agency or another not-for-profit structure; and
 - any related amendments, certificates of assumed name, and tax exempt documentation from the Internal Revenue Service (IRS).

SECTION 2: SITE INFORMATION

Category	Evaluation Criteria – Standard for Acceptance
Description of proposed modification and rationale for change	<ul style="list-style-type: none"> • The proposed modification is clearly described and includes a narrative description of the conditions of any site changes. • The rationale clearly explains why this site change is necessary. • The justification makes sense and the proposed move is consistent with the justification.
Site Information	<p>Regional Associate conducts a site visit to verify that:</p> <ul style="list-style-type: none"> • address and contact information are accurate; • building use as described in the narrative proposal and the site information is consistent; and • building is appropriate for the population being served.

A: 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"> • Fire inspection/safety check reports for each site are provided that were conducted by a New York State (NYS) 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.
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 identifies:</p> <ul style="list-style-type: none"> • and clearly posts all evacuation routes within each site where students are located; • emergency sheltering locations for students, but notes that these specific locations may not be publicly posted; and • 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

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 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). • Special education classrooms meet the following space criteria: <table border="1" data-bbox="527 1297 1247 1564"> <thead> <tr> <th data-bbox="527 1297 889 1373">Type of Classroom Teacher/Student Ratio</th> <th data-bbox="889 1297 1247 1373">Minimum Classroom Size (Square Feet)</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 1373 889 1413">15:1</td> <td data-bbox="889 1373 1247 1413">770</td> </tr> <tr> <td data-bbox="527 1413 889 1453">12:1+1</td> <td data-bbox="889 1413 1247 1453">770</td> </tr> <tr> <td data-bbox="527 1453 889 1493">8:1+1</td> <td data-bbox="889 1453 1247 1493">550</td> </tr> <tr> <td data-bbox="527 1493 889 1533">6:1+1</td> <td data-bbox="889 1493 1247 1533">450</td> </tr> <tr> <td data-bbox="527 1533 889 1564">12:1+(3:1)</td> <td data-bbox="889 1533 1247 1564">900</td> </tr> </tbody> </table> • 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. 	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												

C: ACCESSIBILITY

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"> ○ an architect’s letter submitted by architect or engineer or organization familiar with public building and the Americans with 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
A. Program Types	Information is filled in completely to reflect the program type for the modification requested.
B. Description	
Narrative description of modification and rationale	<ul style="list-style-type: none"> • The proposed modification is clearly described and includes a narrative description of all components of the program which will be changed. • The rationale clearly explains why these program changes are necessary.

<p>Program Components</p>	<ol style="list-style-type: none"> 1. The proposed population to be served is clearly described and consistent with identified regional need: <ul style="list-style-type: none"> • Disability categories • Ages • Number of students • Student management needs. • <p>The program proposes to provide instruction to a minimum of 16 NYS students with disabilities.</p> 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: <ul style="list-style-type: none"> • 12 students to one teacher (plus additional staff) • 8 students to one teacher (plus additionalstaff) • 6 students to one teacher (plus additionalstaff) <p>No other class size options will be considered (e.g., 7 students to one teacher plus additional staff).</p>
	<p>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.)</p> <ol style="list-style-type: none"> 4. The program provides a comprehensive list of related services it will provide that is sufficient to meet anticipated the individualized education program (IEP) needs of students enrolled in the program. <p>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.</p> 5. The program proposes a daily schedule which reflects inclusion of meaningful and age-appropriate instructional activities from arrival to dismissal. <p>Related services are scheduled within the instructional day.</p> <p>The program is operational during regular business hours.</p> <ul style="list-style-type: none"> • School year calendar includes at least 180 instructional days

	<p>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.</p> <ul style="list-style-type: none"> • As applicable, July-August will be in operation for not less than 30 days.
--	--

SECTION 4: STAFFING

Category	Evaluation Criteria – Standard for Acceptance
Narrative questions 1-3	
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"> • The staffing plan demonstrates availability of other appropriately qualified individuals to provide instruction to students during staff absences. • There is a planned process to ensure related services providers reschedule nondelivered sessions that result from staff absences.
Staffing Summary Table	
Staffing Summary	<ul style="list-style-type: none"> • All staff have appropriate certification or professional licenses, as applicable. • Full-time equivalents (FTEs) reflect an adequate number of staff to implement the proposed program. • The total number of hours for each staff person does not exceed 40 hours per week (and does not exceed 1.0 FTE).

SECTION 5: BUDGET INFORMATION

Category	Evaluation Criteria – Standard for Acceptance
1. Projected Personal Services	<ul style="list-style-type: none"> • Program lists all positions in the appropriate Nondirect or Direct Care table, including proposed salary and FTE. • Total Salaries in Schedule 1 (Projected Personal Services) must reconcile with Schedule 3 (General Program Budget), Line 1 (Salaries)
2. Projected Contracted Services (other than Personal Services)	<ul style="list-style-type: none"> • Program lists its projected contracted services, including number of hours, whether services are direct or nondirect care. • Totals in Schedule 2 (Projected Contracted Services) must reconcile with Schedule 3 (General Program Budget), Line 9 (Contracted Services).
3. General Program Budget	<ul style="list-style-type: none"> • Program completes all applicable line items (Lines 1-29). • As applicable, amounts for lines 1 and 9 reconcile with Schedules 1 and 2.

SECTION 6: 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.

Category	Evaluation Criteria – Standard for Acceptance
Disclosures	<ul style="list-style-type: none"> • Information is provided for each owner/chief executive officer (CEO)/administrator who may fulfill the role and responsibilities of a Chief Administrator. • 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.

	<ul style="list-style-type: none"> • 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 amisdemeanor. • 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.
--	---

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

SECTION 7: GOVERNANCE AND INTERNAL CONTROLS

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	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"> • 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.
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/evaluation sites (one hour or less).

<p>8. Internal Controls</p>	<p>Provision of internal controls is clearly described and includes:</p> <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. <p>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).</p>
<p>9. Code of Ethics</p>	<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>