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To: Chairpersons of Committees on Preschool Special Education  
Municipality Representatives of the Education Law

From: James P. DeLorenzo

Subject: Reimbursement to Counties for Transportation Costs for Preschool Students  
with Disabilities (Revised from June 2002)

This memorandum replaces the June 2002 memorandum regarding the requirements for processing reimbursement claims by counties for the costs of transporting preschool students with disabilities pursuant to section 4410 of Education Law and the Part 200 Regulations of the Commissioner of Education. This memorandum also details the responsibilities of municipalities regarding the approval of certain transportation costs.

## Policy

Section 200.16(e)(5) of the Regulations of the Commissioner of Education requires the Committee on Preschool Special Education (CPSE), when developing its recommendation for a preschool student with a disability to receive programs and services, to identify transportation options for the student. The municipality in which a preschool student resides is responsible to provide suitable transportation, as determined by the board of education. This begins with the first day of service and is provided once daily from the child care location to the special service or program and once daily from the special service or program to the child care location for distances of up to 50 miles from the child care location. If the board determines that a student must receive special education services and programs at a location greater than 50 miles from the child care location, it must first request approval of the Commissioner of Education through a letter to the appropriate Special Education Quality Assurance (SEQA) Regional Office. Contact information for each SEQA Regional Office is listed at the end of this memorandum.

Consistent with section 200.16(e)(5) of the Regulations of the Commissioner of Education, parents are to be encouraged to transport their preschool child at public expense where cost effective and at a rate established per mile or at a public service fare established by the municipality and approved by the Commissioner. Section 4410(8) of Education Law, further establishes that the parents' inability or declination to transport their child shall in no way effect the municipality's or board's responsibility to provide recommended services.

In general, special education itinerant teacher (SEIT) and/or related services, as determined by the board of education, are provided by a teacher or service provider who travels to a site in the community. Programs and services may be provided at sites including but not limited to: an approved or licensed pre-kindergarten or head start program; the work site of the provider; the student's home; a hospital; a State facility or a child care location. The costs for staff travel in delivering SEIT services are included in the approved rate established by the New York State Education Department (NYSED) and approved by the New York State Division of Budget. Similarly, municipalities establish rates for related services that should include the cost for staff travel in the delivery of these services. Pursuant to section 4410(5)(c) of Education Law, "in the event that the special service or program will be provided in the child's home or another care setting for which the parent has made or subsequently makes arrangements, no transportation shall be indicated for the student."

### **Procedures for STAC Reimbursement Processing**

A STAC-1 form must be prepared by the school district and submitted to the municipality to request reimbursement for transportation for a student receiving SEIT and or related services. Municipalities may electronically submit STAC-1 forms that request reimbursement for a student's transportation to an approved SEIT program and/or related services provided the municipality receives and maintains the written report of the CPSE recommendation on file.

Acceptable circumstances for preschool students to be provided transportation when receiving SEIT and/or related services may include, but not be limited to:

- The CPSE has recommended transportation to the work site of the related service provider for the preschool student to use specialized equipment or for cost-effectiveness.
- SEIT and/or related services can not be provided in the preschool student's home, due to health, safety or environmental concerns.

The municipality's signature on the STAC-1 or the electronic equivalent of the signature will be viewed as the municipality's assurance to the State that all conditions for approval of the student's transportation service to SEIT and/or related services have been met. Municipalities may contact the Special Education Policy Unit in cases where the municipality may have questions on the approvability of the district's request. It should be noted that the required documentation should be kept on file by the municipality for seven years and such documentation will be reviewed during audits performed by NYSED or by the Office of the State Comptroller.

### **General Note on Transportation - Special Transportation Considerations**

In the course of reviewing the needs of preschool students with disabilities, the CPSE may identify students who require special transportation accommodations that may exceed the cost of typical transportation arrangements.

Examples of special considerations are: a motorized lift for a student in a wheel chair or a transportation aide to support a student's physical or behavioral needs when a student is being transported between the special education program and service and the child care location. These types of considerations must be identified on the student's individualized education program (IEP) and reflected in the transportation costs listed on the STAC-1 form for State reimbursement to the county. Further information to assist CPSEs in developing IEP recommendations for students with disabilities with special transportation needs is provided in a guidance document "Special Transportation for Students with Disabilities" - Rebecca H. Cort, March 2005 at: <http://www.p12.nysed.gov/specialed/publications/policy/specialtrans.htm>.

### **For Further Information**

Additional questions regarding transportation for preschool students with disabilities may be directed to the Special Education Policy Unit (for clarification of State law, regulations and policy) at (518) 473-2878; the Program Services Reimbursement Unit (for information regarding rate setting for transportation, and special education programs and services) at (518) 474-3227; or the STAC and Special Aids Unit (for clarification of the reimbursement process) at (518) 474-7116. You may also contact the following SEQA Regional Offices (for information regarding law, policy and practice and approvals at the local level):

Eastern Regional	(518) 486-6366
Hudson Valley Regional	(518) 473-1185
Western Regional	(585) 344-2002
New York City Regional	(718) 722-4544
Central Regional	(315) 476-5081
Long Island Regional	(631) 884-8530