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SPECIAL EDUCATION FIELD ADVISORY

TO: New York City Impartial Hearing Officers

FROM: James P. DeLorenzo *James P. DeLorenzo*

SUBJECT: **Provision of Related Services to Students with Disabilities Placed in Approved Private Schools in New York City**

The purpose of this memorandum is to remind you of State regulations relating to the provision of related services to students with disabilities who are placed in approved private schools and to notify you of corrective actions that the New York State Education Department (NYSED) has taken upon a finding that some approved private schools in New York City (NYC) were not providing related services to students placed in such programs by the Committee on Special Education as recommended in students' individualized education programs (IEPs). Rather, parents were obtaining "related service authorizations" (RSAs) from the NYC Department of Education (NYC DOE) in order for their children to receive related services.

8 NYCRR §200.6(j)(2) states that "no contract for the placement of a student with a disability shall be approved for purposes of State reimbursement unless the proposed placement offers the instruction and services recommended on the student's IEP." Further, 8 NYCRR §200.7(b)(4) requires that the length of a school day for a State approved private school must include instructional and related services (emphasis added). Approved private schools have been directed to hire staff necessary to provide related services and to accept only those students for whom they can provide the special education program and services recommended in students' IEPs. Further, NYSED has directed NYC DOE to ensure that it refers students to schools that are approved to meet the needs of the student, without having to receive related services beyond the school day through RSAs.

However, NYSED recognizes that students at approved private schools who currently receive related services through an RSA may need to continue to have the services provided until school-based services at the approved private school are available or an alternative program has been recommended that can implement the student's IEP. NYC DOE is reviewing individual cases to determine when the continuation of an RSA is needed for all or part of the 2012-13 school year.

Questions relating to this matter may be directed to the New York City Special Education Quality Assurance Regional Office at 718-722-4544.