



# A Resource to Special Education Support Services

FROM BIRTH TO THIRD GRADE

The University of the State of New York  
New York State Education Department







# Glossary of Acronyms

- BOCES:** Boards of Cooperative Educational Services
- BOE:** Board of Education
- CPSE:** Committee on Preschool Special Education
- CSE:** Committee on Special Education
- EIO/D:** Early Intervention Official/Designee
- EIP:** Early Intervention Program
- FACE:** Early Childhood Family and Community Engagement Centers
- FAPE:** Free Appropriate Public Education
- IDEA:** Individuals with Disabilities Education Act
- IEP:** Individualized Education Program
- IFSP:** Individualized Family Service Plan
- LRE:** Least Restrictive Environment
- MDE:** Multidisciplinary Evaluation
- NYSED:** New York State Education Department
- OEL:** Office of Early Learning
- OSE:** Office of Special Education
- SC:** Service Coordinator
- SEIS:** Special Education Itinerant Service
- SEQA:** Special Education Quality Assurance



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## Children with special needs are most successful when they receive services at a young age with early intervention.

Use this guide to navigate the special education system for children from birth to third grade. It includes an overview of the Early Intervention Program (EIP) and programs and services available to preschool children and school age students with disabilities in New York State. Some children who have diagnosed conditions, or disabilities that are medical, physical, developmental or psychological may need more support to progress in one or more developmental areas (i.e., cognitive functioning, language and communication, adaptive skills,

social-emotional skills and/or motor development). Young children who do not develop as their typical peers may be eligible for EIP or preschool special education programs and/or services. These services are provided at no cost to the parent of an eligible child, regardless of income, race, ethnicity or immigration status. The services a child receives are developed based on input from the child's parents, who know their child better than anyone else, and professionals, who have a broad range of experience working with and supporting children.

IN THIS DOCUMENT, "parent" means a parent or person in a parental relationship to a child.











# Early Intervention Program





# Early Intervention Program

**REFERRAL**

Infants and toddlers up to three years old can be referred to EIP by a parent, a health care professional, child care provider, social service provider, provider of early intervention service(s), or others involved in caring

for young children, who feel that a child is not developing in a typical way or thinks that a child may be at risk for or suspected of having a disability. Referrals may be made by calling the EIP office in the county in which the family resides. If the referral is made by an individual other than a parent, the parent has the right to object to the referral as the EIP is voluntary.

**EVALUATION**

Once the county receives an EIP referral, the Early Intervention Official/Designee (EIO/D) assigns an initial service coordinator to assist the family in obtaining an MDE, including two or more qualified professionals

from different disciplines to evaluate the child's strengths and needs in each area of development (physical, cognitive, communication, social-emotional and adaptive.) The MDE results will determine the child's eligibility for EIP services. Eligibility can be based on diagnosed conditions (such as autism, Down syndrome, motor disorders or vision and hearing impairments) which may result in a developmental delay.<sup>1</sup> If a child's eligibility is based on a diagnosed condition with a high probability of developmental delay, an MDE still must be completed as confirmation and to provide the basis to determine services to meet the child's and family's needs.

<sup>1</sup>) A complete list of diagnosed conditions can be found at: [health.ny.gov](http://health.ny.gov). Click "Search" in purple bar at the top of screen. Type: "Early Intervention Memoranda 2005" into search window. Click "Search" button.

**SERVICES**

Once a child is determined eligible for the EIP, a meeting is held to develop a plan, referred to as an Individualized Family Service Plan (IFSP). The child's parent(s), initial service coordinator (SC), the

evaluator(s), Early Intervention Official/Designee (EIO/D), and any other person who the parent(s) or the initial service coordinator invites, with the parent's consent, attend this meeting to collaboratively develop an IFSP that identifies the goals and objectives to support the unique needs of the child and family. The services in the IFSP may include, but are not limited to family training, parent support groups, assistive technology, occupational therapy, physical therapy, speech/language therapy, vision services, special instruction, and social work services. EIP services must be provided at no cost to the family.



- To determine a child's specific transition timeline, visit: [nysed.gov](http://nysed.gov). Type "EI to CPSE transition calculator" into the search bar.

**TRANSITION**

Children receiving services through EIP, may continue to receive services through the Committee on Preschool Special Education (CPSE) after the age of three. Transition from the EIP to the CPSE is a

collaborative process which includes the parent(s), EIP service coordinator, the EIO/D, the CPSE chairperson, and EIP service providers.

State and federal law set forth actions that the service coordinator, EIO/D, and school district officials must take for children in the EIP who are approaching their third birthday and who may be eligible for services under governing education law and regulations.<sup>2</sup>

The transition meeting provides parents the

opportunity to learn differences between the EIP and preschool special education, as well as program options and services available for preschoolers. It is here the parents may decide to have their child referred to the CPSE. The parents then participate in development of the transition plan. Parents who choose not to participate in this meeting will be notified by the service coordinator of the information that would otherwise be discussed at the transition meeting.

The CPSE meeting must be held before a child's third birthday to determine his or her eligibility for special education programs and services under the CPSE. If a child is found to be eligible for preschool special education, the parent must decide when their child will transition from EIP to preschool services. The child may continue receiving EIP services after their third birthday depending on their date of birth and unique educational needs.

## Timeline for Transitioning Child from EI to CPSE

|   |  |  |  |   |   |
|---|--|--|--|---|---|
| <p>SC provides written notification to the CPSE in the child's local school district if parent has not objected</p> | <p>Transition conference convened by SC. Attended by EI official, SC and CPSE chairperson or designee</p>  | <p>EI official receives consent for referral to CPSE</p> | <p>The CPSE requests parental consent for initial evaluation. Receipt of parental consent for CPSE evaluation starts CPSE timeline</p> | <p>CPSE meeting and eligibility determination prior to child's third birthday<br/>EI eligibility ends on the child's third birthday, unless eligible for CPSE</p> | <p>If CPSE-eligible, child begins receiving services under CPSE or continues in EI until:<br/><b>AUGUST 31ST</b><br/>If birthday is January 1st through August 31st<br/><b>JANUARY 2ND</b><br/>If birthday is September 1st through December 31st</p> |
| <p>No fewer than 90 days before the child's potential eligibility for CPSE services</p>                             | <p>At least 90 days before the child's eligibility for CPSE services, or no fewer than 90 days or no more than nine months before the child's 3rd birthday</p> | <p>When eligibility for CPSE begins</p>                  | <p>Child's birthday:<br/>January 1st—June 30th<br/>July 1st—December 31st</p>  | <p>CPSE begins:<br/>January 2nd<br/>July 1st</p>  |   |

<sup>2</sup>) The EIP service coordinator must notify the school district at least 90 days before a child is potentially eligible for preschool special education services, but this is not a referral. The primary point where EIP meets CPSE is at a transition conference which must be scheduled by the EIP official, minimally 90 days prior to the date the child would first be eligible for services under section 4410 of Education Law, or 90 days prior to the child's 3rd birthday, whichever is first.





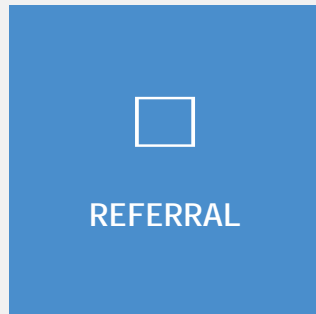


# Preschool Special Education





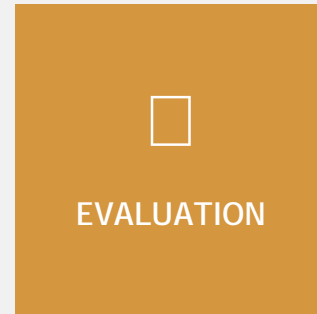
# Preschool Special Education



A three or four-year-old child suspected of having a delay may be referred to the CPSE for a multidisciplinary evaluation. A child must be referred in writing to the district's CPSE chairperson by his/her parent, designee of

the school district in which the student resides, a designee of a public agency with responsibility for education of the student and/or a designee of an education program affiliated with a child care institution with CPSE responsibility. A referral must specify any services the child has received.

The CPSE chairperson who receives the referral from anyone other than the child's parent must immediately notify the parents and request consent for an evaluation. When consent for an individual evaluation is not provided, the CPSE must implement the district's practices and procedures to ensure that parents have received and understood the request for consent.



The evaluation is conducted to determine the child's eligibility for services. The process begins by the parent selection of an evaluator from a list of NYSED-approved MDE programs. The initial CPSE meeting

and evaluation must be completed within 60 days of receipt of the consent to evaluate. The MDE must include a variety of assessment tools and strategies, conducted free of cost to the parent.

The individual evaluation must be administered in the student's native language or other preferred mode of communication most likely to yield accurate information and include, at a minimum, the following components: a physical examination, psychological evaluation, social history, observation of a child in an environment appropriate for his/her age and other appropriate assessments to evaluate physical, mental, behavioral and emotional factors that may be impacting a child's ability to learn.

A summary report of the evaluation describing the child's needs is completed by the MDE evaluator and provided to the child's parents, the CPSE, and county designee (sometimes referred to as the municipality). The evaluator may not include any recommendation as to the type, frequency, location or duration of services and programs that should be provided; the manner in which the student should be provided with instruction or related services; or identify any specific provider of services or programs.



The CPSE meeting is conducted to determine eligibility based on specific criteria for a child to be identified as a preschool child with a disability. If the child is found eligible, the CSPE will develop an Individualized Education Program (IEP). The IEP is designed to provide the child with a Free Appropriate Public Education (FAPE) that meets his/her individual and unique educational needs. The child may continue receiving EIP services for a finite length of time following their third birthday depending on their date of birth.

## Who Attends the CPSE Meeting?

### REQUIRED PARTICIPANTS:

- **The student's parent** is always a member of the committee.
- **A general education teacher** is required if the student is currently in a general education class or if the student is being considered for a general education class.
- **A special education teacher**, or a special education provider of the child (i.e., speech pathologist, occupational therapist, physical therapist, social worker).

□ **A committee chairperson** is the appointed professional employed by the school district who is qualified and knowledgeable about the general curriculum of the school district and the availability of preschool special education programs and services and other resources in the school district and the municipality.

□ **An individual to interpret evaluation results**, unless this role is fulfilled by another member. It is essential that if a bilingual evaluation is conducted, the person must be trained to conduct evaluations, as well as being fluent in the child's home language and cultural experience.

### OPTIONAL PARTICIPANTS:

□ **Others with knowledge or expertise** may be identified by the parent or district.

□ **An additional parent member** may participate at the request of the parent or other member of the CPSE. The additional parent member should be requested by the child's parent or a member of the committee at least 72 hours prior to the meeting. The additional parent member is defined as the parent of a child with a disability residing in the district or a neighboring district.

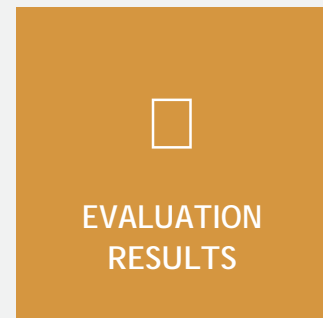
□ **A representative from the municipality** must be invited to CPSE meetings, however if such person cannot attend the meeting can proceed.

□ **A representative from the early intervention program** upon parent request must be invited by the CPSE when the child is transitioning from EI to CPSE.



## Determining Service Eligibility for Preschoolers

There are two ways a child may be found eligible for special education services.

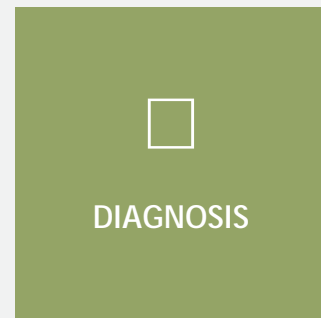


### Results of the Individual Evaluation

Evaluation results are compared to accepted milestones for child development. A child is eligible for preschool

special education programs and/or services if he/she shows evidence of:

- a 12-month delay in one or more functional area(s); or
- a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or
- a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

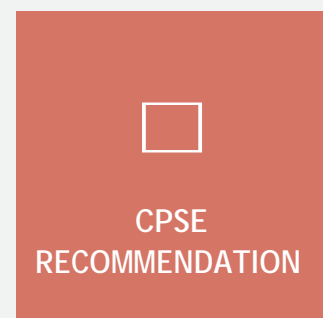


### Diagnosis with High Probability of Developmental Delay(s)

The child is diagnosed with a disorder or disability such as autism, deafness, deaf-blindness,

hearing impairment, orthopedic impairment, other health impairment, traumatic brain injury or visual impairment and the diagnosed condition impacts on a child's ability to learn and function age-appropriately.

Once a child is determined to be eligible through one of these two pathways, he or she is identified as "a Preschool Child with a Disability" and is now eligible to receive special services and supports.



### Services Recommendation Report

The CPSE is required to develop a written report of the recommendation to be forwarded to the Board of Education

(BOE), parents and municipality within 60 days of the date of receipt of consent to evaluate.

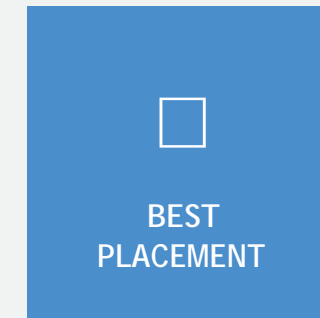
Special education services must be provided as soon as possible following the development of the IEP, but no later than 30 school days from the recommen-

dation of the CPSE, and within 60 school days from receipt of consent to evaluate, unless the parent chooses to continue in the EIP until the child ages out.

### What if Child is Not Eligible to Receive Special Education Services?

If a child is found to be ineligible for preschool special education programs and services, the recommendation must indicate the reasons for ineligibility. A copy of such recommendation must be provided to the parent. Parents also must be informed of their right to request mediation or an impartial hearing to challenge such determination.

## Least Restrictive Environment (LRE)



### BEST PLACEMENT

When a child is determined eligible for special education services, federal and State law and regulations require that the student be placed in the least restrictive environment to meet his or her needs.

Least restrictive environment means that placement of students with disabilities in special classes, separate schools or in another placement outside of the regular educational environment occurs only when the nature or severity of the disability is such that even the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability must:

- provide the special education needed by the student;
- provide for education of the student, to the maximum extent appropriate to the needs of the student, with other students who do not have disabilities; and
- be as close as possible to the student's home.

## Approved Preschool Special Education Providers in New York State

The New York State Education Department approves entities to operate preschool special education and/or multidisciplinary evaluation programs and provide programs and services to children ages three to five found eligible for such services. Preschool special education programs and services are provided through school districts, Boards of Cooperative Educational Services (BOCES) and private agencies. An approval of related service only providers (e.g., speech-language pathologist, physical therapist, occupational therapist etc.) is the responsibility of the municipality of the preschool child's residence.





## Preschool Programs and Services

### Continuum of Services

If the CPSE determines that a preschool child has a disability, the committee then recommends special programs and/or services and the frequency, duration, location and intensity of such service(s) based on the child's individual needs. A child's transportation needs also must be considered and, if needed, provided by the county of the child's residence. Preschool special education programs and services must be provided at no cost to parents.

Based on a child's individual needs, the committee is required to consider providing services from least to most restrictive:

- Related services in typical classroom setting or home only**
- SCIS/Full Day:** No less than five hours of instruction
- Special education itinerant service (SEIS)**
- Special Class/ Half-day:** A class consisting of students with disabilities. No more than 2 1/2 hours per day of instruction
- Related services in combination with SEIS**
- Special Class in an Integrated Setting (SCIS)/Half-day:** A class consisting of preschool students with disabilities and preschool students without disabilities, receiving an early childhood education program. No more than 2 1/2 hours per day of instruction
- Special Class/ Full Day:** No less than five hours of instruction



## Transition and Special Education for School-Age Children

A parent of a child who has been receiving preschool special education programs or services needs to discuss the child's school program with the CPSE prior to the child entering kindergarten. If the CPSE

determines that the child continues to require special education programs or services, the CPSE will make a referral to the Committee on Special Education (CSE).

### Timeline for Transitioning Child from CPSE to CSE

Prior to entering kindergarten, at the annual review meeting the CPSE will determine to declassify the student or refer the student to the CSE.

#### Ineligible for Special Education Services

If the CPSE is considering that the child is no longer eligible for special education services, the CPSE will take the following steps.

##### The CPSE will:

- inform parents of the CPSE's intent to declassify the child and provide parents with the procedural safeguard notice which includes information on parental rights to appeal such determination
- provide parents with prior written notice for reevaluation for the purpose of declassification
- schedule a meeting to review the reevaluation and make a recommendation of continued eligibility or to declassify

#### Eligible for Special Education Services

The CPSE refers a child to CSE to determine continued eligibility for school age special education programs and services.

##### The CSE will:

- determine what, if any, assessments need to be conducted for the reevaluation and schedule a meeting to determine eligibility for programs and/or services
- develop an IEP
- discuss a Free Appropriate Public Education placement
- identify the least restrictive environment
- discuss whether a 10-month program will meet the child's needs or if a 12-month program is necessary to prevent substantial regression
- arrange for delivery of programs and/or services



## Eligibility for Special Education Services

To qualify for school-age special education programs and services, the CSE must determine that a child meets criteria for one of the following classifications and that such disability adversely affect the child's ability to learn.

### QUALIFYING CLASSIFICATIONS:

- |  |  |
|--|--|
| <input type="checkbox"/> Autism                  | <input type="checkbox"/> Multiple Disabilities         |
| <input type="checkbox"/> Blindness               | <input type="checkbox"/> Orthopedic Impairment         |
| <input type="checkbox"/> Deaf-blindness          | <input type="checkbox"/> Other Health-Impaired         |
| <input type="checkbox"/> Emotional Disturbance   | <input type="checkbox"/> Speech or Language Impairment |
| <input type="checkbox"/> Hearing Impairment      | <input type="checkbox"/> Traumatic Brain Injury        |
| <input type="checkbox"/> Learning Disability     | <input type="checkbox"/> Visual Impairment             |
| <input type="checkbox"/> Intellectual Disability |  |

If eligible, at age five, a child may be recommended to receive special education programs and/or services in the district's kindergarten program or other educational setting(s). However, enrollment in a district kindergarten is not compulsory at age five; therefore, parents are not required to enroll their child in the district's kindergarten program to receive special education services.

The child may be recommended to receive special education services at home or a district school while attending a nursery school, day care center or other early childhood program in which parents have enrolled him/her at the parents' expense.



## Resources

### New York State Education Department, Office of Early Learning (OEL)

[P12.NYSED.GOV/EARLYLEARNING](http://P12.NYSED.GOV/EARLYLEARNING)

OEL was established as part of the Race to the Top (RttT) grant and is tasked with ensuring that RttT Priority 3, Innovations for Improving Early Learning Outcomes, initiatives were complete.

OEL provides administrative oversight, training, and technical assistance to state and federally funded prekindergarten programs. OEL distributes an early learning newsletter to programs across the state that shares best practices, resources, OEL program updates, and other news pertaining to pre-k to third grade education.

### New York State Early Intervention Program (EIP)

[HEALTH.NY.GOV/COMMUNITY](http://HEALTH.NY.GOV/COMMUNITY)

EIP is administered by the New York State Department of Health through the Bureau of Early Intervention.

## New York State Office of Special Education

[P12.NYSED.GOV/SPEIALED](http://P12.NYSED.GOV/SPEIALED)

The Office of Special Education (OSE) provides assistance to parents, advocacy groups, and schools related to services and programs for students with disabilities. Staff work together across various units to provide the most up to date policy and guidance, technical assistance, professional development, and monitoring to attain equal opportunities and positive results for students with disabilities across New York State.

### Special Education Quality Assurance (SEQA) Regional Offices

[P12.NYSED.GOV/SPEIALED/QUALITY](http://P12.NYSED.GOV/SPEIALED/QUALITY)

The Office of Special Education includes regional SEQA offices, overseeing preschool and school-age special education programs and services, and as a resource to parents, school district personnel and private providers. Each SEQA office conducts quality assurance reviews and responds to complaints of public and private special education programs to ensure programs comply with federal and state laws and regulations concerning the education of students with disabilities.



### Office of Special Education (OSE) Educational Partnership

[P12.NYSED.GOV](http://P12.NYSED.GOV)

The OSE Educational Partnership is a coordinated and cohesive network of support, funded by the New York State Education Department (NYSED), focused on enhancing services and supports for students with disabilities ages birth to 21. The Partnership network is a community of practitioners working together to support students and families and increase district capacity by consistently collaborating on technical assistance and professional development throughout New York State.

### EARLY CHILDHOOD FAMILY AND COMMUNITY ENGAGEMENT (FACE) CENTERS

The Early Childhood FACE Centers are part of the OSE Educational Partnership. They use a team approach to provide technical assistance and professional development to promote meaningful family involvement within the educational system, build collaborative community relationships, and provide information and training

about available service options and delivery systems for children from birth to age five. Families with children birth to age five can use the resource and referral services provided by the Early Childhood FACE Centers. There are 14 Early Childhood FACE Centers serving different regions of the State.

RESOURCES CONTINUE



## Laws & Regulations

### Individuals with Disabilities Act (IDEA)

[IDEA.ED.GOV](http://IDEA.ED.GOV)

Governs the early intervention program (Part C of IDEA). IDEA also includes provisions related to providing a free appropriate education in the least restrictive environment for children with disabilities ages through 21.

[HEALTH.NY.GOV/COMMUNITY](http://HEALTH.NY.GOV/COMMUNITY)

New York State Public Health Law Title II-A of Article 25 governs the Early Intervention Program.

### New York State Education Law section 4410

[LAW.JUSTIA.COM/CODES/NEW-YORK/2013/EDN/TITLE-6/ARTICLE-89/4410](http://LAW.JUSTIA.COM/CODES/NEW-YORK/2013/EDN/TITLE-6/ARTICLE-89/4410)

New York State Education Law section 4410 sets out the process by which preschool center-based programs and Special Education Itinerant Services are approved by the New York State Education Department.

### Part 200 of the Regulations of the Commissioner of Education

[P12.NYSED.GOV/SPEIALED/LAWSREGS](http://P12.NYSED.GOV/SPEIALED/LAWSREGS)

Part 200 of the Regulations of the Commissioner of Education provide specific requirements for the provision of special education in New York State.



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