



New York City Public Schools
Policies and Procedures for IDEA Consultation

Table of Contents

Using This Guide.....	3
Limitations	3
Document History	3
Introduction	4
Consultation with Representatives of Nonpublic Schools and Parents.....	5
Nonpublic School Standing Committee Roles & Purpose.....	5
Parent Representation	6
Timeline of Consultation	6
1. Spring	6
2. Summer	7
3. Fall.....	7
4. Winter	7
Topics for Consultation	8
Child Find	8
Child Count.....	9
Use of Federal Funds.....	9
Provision of Equitable Special Education Services.....	9
Parent Consent for Initial Evaluation and Reevaluations	9
Parent Consent to Share Information between NYCPS and the Nonpublic School.....	9
Parent Consent to Share Information between NYCPS and the Nonpublic School’s Representative	10
Parent Consent to Share Information with Officials in the Public School District of Residence Where Parent Does Not Reside in New York City.....	10
Control of Funds and Property.....	10
Development of an IESP for NYS resident students or SP for out-of-state resident students	10
Defining Special Education.....	11
Information Regarding Academic Programs and Services	11



Participation of Parent and Nonpublic School at IEP meetings	11
Types and Range of Equitable Special Education and Related Services	12
Qualifications for Special Education Teachers and Related Service Providers.....	12
Location of Service	13
Transportation	13
Final Decision	13
Refusal of Services or Access by Nonpublic School	13
Parent Request for Special Education Services.....	14
Documentation of Consultation	15
Disagreement Between NYCPS and Nonpublic School	16
Due Process Rights of Parents	16



Using This Guide

New York City Public Schools (NYCPS) publishes and maintains a Standard Operating Procedures Manual ([SOPM](#)) to set forth the procedural framework necessary to deliver supportive, inclusive education programs citywide, based on each student's individual needs. While sections of the [SOPM](#) apply to students placed by their parents in nonpublic (private or parochial) elementary or secondary schools at their parents' own cost ("parentally-placed students"), the process of consultation between NYCPS and nonpublic schools regarding the provision of equitable services to parentally-placed students requires further clarification of roles, responsibilities, and procedures. This Guide is a supplement to the [SOPM](#). Like the [SOPM](#), the Guide is a "living" resource, and will be updated on an ongoing basis.

In addition, the sample documents in the Appendix are for reference, and may be used by staff to develop the letters and forms needed each school year to support the consultation process.

Limitations

This document is intended to provide guidance to the management and staff of NYCPS to work with nonpublic schools located in NYC where students are parentally-placed at private cost. Nothing in this document is intended to, nor does it create, diminish or alter any current enforceable contractual or other rights, remedies, entitlements, or obligations. NYCPS reserves its right to change or suspend any or all parts of this document.

Document History

Revision Date: April 17, 2025



Introduction

New York City Public Schools (NYCPS) serves as the local education agency (LEA) for students with disabilities in New York City (NYC), including for parentally-placed students attending nonpublic schools located in NYC. Parentally-placed students with disabilities are children with disabilities enrolled at private cost by their parents in private, including religious, schools or facilities that meet the definition of elementary or secondary school under federal and NYS law. These do not include students:

- Placed in, or referred to private schools by NYCPS or other public agencies such as school district placements of students in New York State (NYS) approved private schools, Special Act School Districts, and State-supported or State-operated schools;
- Enrolled in Charter schools;
- Home-schooled by their parents¹;
- In private day care or preschool programs;
- Enrolled by their parent in a public school outside of their district of residence if they are New York City residents; or
- Parentally-placed in drug rehabilitation centers or hospitals.
- Enrolled by their parent in a private school who are seeking tuition pursuant to a due process complaint for a free, appropriate public education (FAPE).

NYCPS has an obligation to identify, locate, and evaluate each child attending a nonpublic school located in NYC who has a disability or is suspected of being a child with a disability, regardless of the severity of the disability.² This is called the “Child Find” obligation, and extends to all children with disabilities regardless of whether NYCPS is providing services to the child.

Federal and NYS laws also obligate NYCPS to provide equitable special education services to students with disabilities who are parentally-placed in nonpublic schools located in NYC. Such students receive their general education programming, and any applicable accommodations, from the nonpublic school where their parents enroll them. NYS law requires that an Individualized Education Services Plan (IESP) is

¹ In New York State, home-schooled students with disabilities and home-schooled students suspected of having a disability are deemed nonpublic school students solely for the purpose of receiving special education services during the regular school year only. As a result, the parents of these students are not entitled to the consultation process as described under 34 CFR § 300.134(c) pertaining to how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services. As such, the consultation process described in this Guide does not apply to home-schooled students. For additional information, see <https://www.nysed.gov/special-education/guidance-parentally-placed-nonpublic-elementary-and-secondary-school-students> and <https://www.nysed.gov/special-education/requirements-provision-special-education-services-home-instructed-home-schooled>.

² NYCPS is also obligated to identify, locate, and evaluate each child attending an approved home-school program located in NYC who has a disability or is suspected of being a child with a disability, regardless of the severity of the disability.

developed for students residing within NYS and a Services Plan (SP) is developed for students residing out-of-state but attending schools in NYS. Students who are out-of-state residents and receive an SP are not entitled to the full range of services that would be available on an IESP, but only to the extent that such services provide the student equitable participation in the services funded with federal IDEA funds. Such services for an SP are decided on an annual basis through consultation.

The Committee on Special Education (CSE) responsible for the community school district in which the nonpublic school is located convenes the “IEP team”³ to evaluate a parentally-placed student in nonpublic school and develop the IESP for NYS resident students or SP for out-of-state resident students. IESPs are developed in the same manner and with the same content as individualized education programs (IEP), which are developed for students who attend public school. The processes for developing an IESP for NYS resident students or an SP for out-of-state resident students are discussed in the [Standard Operating Procedures Manual \(SOPM\)](#).

To provide parentally-placed students with disabilities special education and related services, federal and NYS law require NYCPS to hold timely and meaningful consultation with nonpublic schools. Such consultation is intended to improve communication and transparency; increase collaboration between NYCPS, nonpublic schools, and parents; enhance efficiency of resources; and better serve parentally-placed students with disabilities in nonpublic schools.

To that end NYCPS has developed the following policies and procedures to guide NYCPS’ staff in the consultation process and to ensure that there is meaningful consultation between NYCPS and nonpublic schools about the child find process, the provision of special education services, and the use of federal funds. Consultation is not for student-specific matters; individual, student-specific services are determined by the IEP team and documented on an IESP for NYS resident students or SP for out-of-state resident students, and student-specific issues should be addressed by the CSE.

Consultation with Representatives of Nonpublic Schools and Parents

NYCPS is required to consult with representatives of nonpublic schools and representatives of parents during the design and development of special education and related services for students with disabilities and throughout the school year to ensure that parentally-placed students identified through the child find process can meaningfully participate in special education and related services. Consultation is not about individual students.

Nonpublic School Standing Committee Roles & Purpose

Federal and state law and guidance allow NYCPS to hold consultation meetings with representatives of nonpublic schools and does not specify that consultation must be with individual nonpublic schools, so

³ “IEP team” is the general name for the teams of participants, including the parent, who meet to develop an individualized education program (IEP), IESP for NYS resident students, and SP for out-of-state resident students. Similarly, “IEP meeting” is the general term used for all meetings to develop an IEP, IESP, or SP.



long as those schools' views are represented. IDEA Consultation will include an overview of the consultation process, child find, apportionment of federal funds, and provision of equitable services. All nonpublic schools that enroll parentally-placed students will be invited to participate in those meetings or have their representative(s) participate.

The Nonpublic Schools Standing Committee (NPS Standing Committee) is comprised of nonpublic school and community leaders and organizations who represent nonpublic schools in consultation with NYCPS, as represented by the Office of Nonpublic and Charter Schools (ONPCS), on matters such as funding, program design, student counting and review of program implementation as described in the "Every Student Succeeds Act" (ESSA). NYCPS may consult with the NPS Standing Committee as representatives of nonpublic schools on the topics identified for IDEA Consultation as part of the IDEA Subcommittee. Such IDEA Subcommittee meetings will take place, at a minimum, on a quarterly basis.

If individual nonpublic schools wish to be represented by members of the NPS Standing Committee or another representative at such IDEA Subcommittee meeting or at another meeting, or are already part of a network of nonpublic schools with a central administrative representative, the representative should, when attending consultation:

- (1) provide a list of schools they purport to represent and inform NYCPS, in writing, that they will serve as the designated primary contact for such schools;
- (2) have individual member schools sign and submit a designation of representation form affirming representation.

To the extent that individual nonpublic schools or networks require more school/network specific consultation, NYCPS will schedule such IDEA Consultation meetings, as necessary.

Parent Representation

IDEA Consultation also requires parent representatives to be present during consultation meetings. As such, NYCPS may request that the NPS Standing Committee identify and invite parent representatives who will participate in such IDEA Subcommittee consultation meetings. To the extent that individual nonpublic schools/networks have IDEA Consultation meetings apart from the IDEA Subcommittee, NYCPS may request such nonpublic school or network to identify and invite a parent representative who will participate in such consultation meeting, as necessary. If the NPS Standing Committee or nonpublic school decline to identify a parent representative, NYCPS staff may designate a parent representative.

Timeline of Consultation

To ensure that there is timely and meaningful consultation, the following timeline is presented as an approximate guide for how the consultation process can take place throughout the year:

1. Spring

- a. NYCPS staff will initiate citywide consultation meeting cycle by sending out invitations (Appendix A – Sample Invitation Letter to Consultation) to schools and representatives for quarterly NPS Standing Committee/IDEA Subcommittee meeting.
 - i. After consultation, NYCPS staff will decide on the provision of equitable services for the upcoming school year, including:
 - 1. a list of equitable services that may be recommended on IESPs and SPs for the upcoming school year.
 - ii. NYCPS staff will send out final decisions explaining the equitable services to be provided for the upcoming school year. If any nonpublic schools had made specific written recommendations that were not adopted by NYCPS, NYCPS staff will send a letter to the school or representative explaining its reasons.
 - b. NYCPS staff will schedule additional meetings with individual schools and consortium/networks of schools about issues specific to their school, network, or consortium, as needed.
 - c. Nonpublic schools are expected to remind parent about their obligation to request equitable services by June 1 – NYS law requires parents to submit to NYCPS a letter of intent to parentally-place their student at their own cost and request special education services, to be received by June 1. This allows for adequate time for NYCPS to plan and arrange services for the start of the upcoming school year.
2. Summer
- a. Parentally-placed students eligible for extended school year (ESY) receive ESY programming based on their IEPs, while NYCPS and nonpublic schools prepare for fall equitable services for eligible students pursuant to IESPs through collaboration with contract agencies, independent providers/teachers, and NYCPS employees.
 - b. Hold quarterly NPS Standing Committee/IDEA Subcommittee meeting.
3. Fall
- a. Begin delivery of equitable services for private schools.
 - b. Hold quarterly NPS Standing Committee/IDEA Subcommittee meeting.
 - c. NYCPS staff will schedule additional meetings with NPS Standing Committee/IDEA Subcommittee, or individual schools and consortium/networks of schools about issues specific to their school, network, or consortium, as needed.
4. Winter
- a. Hold quarterly NPS Standing Committee/IDEA Subcommittee meeting.
 - b. NYCPS staff will schedule additional meetings with NPS Standing Committee/IDEA Subcommittee, or individual schools and consortium/networks of schools about issues specific to their school, network, or consortium, as needed.
 - c. NYCPS staff to evaluate special education services and budgets for current year and consult on modifying provision of services for next school year.

- d. NYCPS staff to prepare for consultation meetings for next school year's services (e.g., review/revise joint consultation surveys, validate contact lists, prepare to send consultation invitations, etc.).
- e. NYCPS staff to send out invitations (Appendix A – Sample Invitation Letter to Consultation) to schools and representatives for quarterly NPS Standing Committee/IDEA Subcommittee meeting to initiate the new cycle.

Topics for Consultation

The only required topics for consultation are (1) child find, (2) the use of federal funds, and (3) the provision of special education services.

Child Find

NYCPS is responsible for identifying, locating, and evaluating all students parentally-placed in nonpublic schools located in NYC who has a disability or is suspected of being a child with a disability, regardless of the severity of the disability. NYCPS's child find obligation is outlined in the [SOPM](#). Child find activities for parentally-placed students in nonpublic schools is similar to activities undertaken for students with disabilities attending NYC public schools. Child find is an ongoing process that takes place throughout the school year.

During consultation, NYCPS staff will discuss with nonpublic school representatives how parents, teachers, and private school officials will be informed of the child find process. Practices may include holding professional development sessions for private school teachers on IDEA's evaluation and reevaluation requirements, posting flyers in private school facilities to inform stakeholders of the availability of child find, and presentations to families about the process for requesting equitable special education services.

NYCPS's website provides notice and resources to all families, including families of parentally-placed nonpublic school students, concerning the special education process and what parents can do if they suspect their child may have a disability. NYCPS staff must provide nonpublic schools with a Child Find Notice, which nonpublic schools must send to their families of students suspected of or having a disability, and for schools to post in conspicuous locations in the school building where parents frequent. (Appendix B – Sample Child Find)

Although not a part of consultation, if a nonpublic school suspects a student to be a student with a disability, the school must follow the referral process for an initial evaluation (initial referral) to the CSE. (See [SOPM](#).) The procedures for an initial referral or request for referral to develop an IESP for NYS resident students or SP for out-of-state resident students for a parentally-placed nonpublic school student follow the same guidelines as those for the development of an IEP in the [SOPM](#).

An initial referral can be made by certain individuals, including the student's parent or the chairperson of the CSE responsible for the school district in which the student's nonpublic school is located. A



nonpublic school professional staff member may make a “request for referral” to the chairperson of the student’s responsible CSE, by providing an Initial Referral Documentation Form. (Appendix F – Sample Request for Referral Form).

Child Count

NYCPS is also required to maintain and provide to NYSED data on the number of parentally-placed children who are evaluated, determined eligible, and served. This will be determined each year in the fall and will be used by NYSED to determine the proportionate share of federal funds for the following school year and will not change.

Use of Federal Funds

Consultation must include a discussion of the use of federal funds, including the proportionate share of federal funds, how the share was calculated, and how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children.

For all NYS resident students, NYCPS must provide services pursuant to the student’s IESP, regardless of the apportionment of federal funds. As such, NYCPS must serve parentally-placed students in nonpublic schools using state and local funds above and beyond the proportionate share of federal funds.

For students who are out-of-state residents parentally-placed in NYC nonpublic schools, NYCPS must consult on how such students can receive services only to the extent that such services provide students with equitable participation in the services funded with federal IDEA funds consistent with the federal proportionate share of federal funds. Such services available to be recommended on an SP will be determined annually during IDEA Consultation with the NPS Standing Committee.

Provision of Equitable Special Education Services

NYCPS must also consult with nonpublic schools on how, where, and by whom special education and related services will be provided, including a discussion of the types of services, such as direct or indirect services and alternate service-delivery mechanisms. Services must be provided on an equitable basis as compared to other students with disabilities attending public or nonpublic schools located in NYC.

Parent Consent for Initial Evaluation and Reevaluations

Parental consent is necessary at various stages of the special education process outlined in the [SOPM](#) (p. 19-20), including for initial evaluation and reevaluations. However, if a parent of a parentally-placed nonpublic school student does not provide consent or fails to respond to a request to provide consent, the CSE may not use the consent override procedures outlined in federal and state law and NYCPS is not required to consider the student as eligible for special education services.

Parent Consent to Share Information between NYCPS and the Nonpublic School

There is no federal or NYS requirement for parental consent to share information between NYCPS and the nonpublic school the student intends to enroll in or is enrolled in. Therefore, no parental consent is necessary to share information between NYCPS and the student’s nonpublic school.



Parent Consent to Share Information between NYCPS and the Nonpublic School's Representative

While student specific information may be shared directly with the student's nonpublic school, NYCPS may not share student specific information directly with the IDEA Consultation representative of the nonpublic school who is not a school official of the nonpublic school. Such direct access to student specific information would require additional procedures for NYCPS to comply with the Family Educational Rights and Privacy Act (FERPA). Nothing would prevent the parent from providing consent for NYCPS to share student specific information with the representative.

Parent Consent to Share Information with Officials in the Public School District of Residence Where Parent Does Not Reside in New York City

If a student with a disability is parentally-placed or is going to be parentally-placed in a nonpublic school that is not located in the school district where the student legally resides, parental consent must be obtained before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence. Therefore, parent consent is required before sharing individual evaluations, IEPs, IESPs or SPs and other special education records between the district of location and the district of residence.

Control of Funds and Property

NYCPS must control and administer the use of funds and cannot pay the private school directly. NYCPS must hold title to any materials, equipment, and property that might be used by an eligible parentally-placed student. Additionally, IDEA funds may not be used to finance the existing level of instruction in a private school and may not be used for meeting the needs of the nonpublic school or general needs of the students enrolled in the private school. Funds for equitable services may not be paid directly to a private school.

Development of an IESP for NYS resident students or SP for out-of-state resident students

For all NYS students, NYCPS must provide services pursuant to the student's IESP, regardless of the apportionment of federal funds. The CSE responsible for the school district in which the nonpublic school is located must develop an IESP for students with disabilities who are NYS residents and who are enrolled by their parents in nonpublic elementary and secondary schools located in NYC. The IESP must be developed in the same manner and with the same contents as an IEP is developed. The IESP must be reviewed periodically, but not less than annually.

For students who reside out-of-state but are parentally-placed in nonpublic schools located in NYC, there will be a discussion during consultation of how a proportionate share of federal IDEA Part B funds will be spent on special education services to such students and what services may be offered to students with an SP. The CSE responsible for the school district in which the nonpublic school is located must develop a SP for such students. The SP must, to the extent appropriate, be developed, reviewed and revised by the CSE consistent with the requirements for development of an IEP. The SP must be reviewed periodically, but not less than annually.

Defining Special Education

Special education is different from core instructional programs and intervention:

- Core Instruction must be substantially equivalent and includes instruction in skills and content, using high quality instructional strategies that support all students' progress in the general education curriculum.
- Intervention is additional, more tailored instruction for a student based on a gap in skill or concept; employs evidenced-based instructional strategies that will build fluency with a skill.
- Special education includes specially designed instruction memorialized in an IESP or an SP, in which the content, methodology, or delivery of the instruction is adapted to address the unique needs of the student resulting from his/her disability and enabling them to access the general education curriculum.

Information Regarding Academic Programs and Services

Since each individual nonpublic school may have a different model of instruction, NYCPS staff must ask nonpublic schools to provide their affiliated IEP teams each year with school-wide information relating to their core instructional model and any intervention or special education models they use, including how equitable services provided by NYCPS are used. This may be provided during IEP meetings or prior. This information will help facilitate a better understanding of student needs and appropriate recommendations on an IESP for NYS resident students or SP for out-of-state resident students.

At a minimum, NYCPS' staff should ask nonpublic schools to provide the following information:

- A brief description of the school's core instructional model, including a sample school schedule for each grade and school-wide calendar;
- If applicable, a brief description of the school's academic and behavioral interventions;
- If applicable, a brief description of how the school utilizes the equitable services provided by NYCPS to implement the IESP for NYS resident students or SP for out-of-state resident students.

Participation of Parent and Nonpublic School at IEP meetings

The CSE must invite the parents of the student to the IEP meeting to develop an IESP for NYS resident students or SP for out-of-state resident students. The CSE must also invite and ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IESP or SP is developed.

If the nonpublic school representative cannot attend, the CSE must use other methods to ensure participation by the nonpublic school, including by telephone or electronic meeting room. It is helpful for the nonpublic school representative to be a general education teacher of the student or the school's special education coordinator.

Information regarding a student's academic program and academic progress at the nonpublic school is vital to determine eligibility for students who have been referred for special education services. IEP

teams must determine whether a disability has had an adverse impact on the student's education. Such information is also necessary to recommend appropriate programs and services to address a student's academic needs.

If a nonpublic school does not provide such academic program information, academic progress reports, or have a nonpublic school representative participate in the IEP meeting, the CSE will work with the parent to gather such information and to encourage nonpublic schools to participate in the process.

NYCPS should inform nonpublic schools and parents of the importance of providing this information. If the information available to IEP teams is insufficient, IEP teams will base their determinations of the student's eligibility on the information available. This may mean that in some cases, a student will be determined to be ineligible for special education and will not be initially classified or will be declassified. Lack of sufficient information may also result in reduced services as recommendations for services will also be based on the information available. Prior written notice will be sent to families of affected parentally-placed students.

Also, accommodations, including testing accommodations and modifications, should be included on an IESP for NYS resident students or SP for out-of-state resident students, provided that the private school is present and confirms that any accommodations be implemented locally by the nonpublic school. If there is no nonpublic school representative at the IEP meeting, teams may indicate the student's needs in the present levels of performance, which the parent may take to the nonpublic school to request an accommodations plan from the nonpublic school.

[Types and Range of Equitable Special Education and Related Services](#)

NYCPS will also consult with nonpublic schools on the types and range of equitable special education services, including related services (e.g., speech, occupational therapy, physical therapy, and counseling) and specialized transportation, that may be provided pursuant to an IESP for NYS resident students or SP for out-of-state resident students. This would include a discussion of direct or indirect services, and alternate service delivery mechanisms.

Such services must be provided by employees of NYCPS, or through a contract by NYCPS, with an individual, agency, association, organization, or other entity. Those providing special education and related services must be appropriately qualified and credentialed. There would be a discussion of what services will be provided by NYCPS directly and what may be provided through contract.

[Qualifications for Special Education Teachers and Related Service Providers](#)

Federal and NYS law requires that any person employed by or contracting with NYCPS to provide special education or related services must be certified and licensed for special education or related services that they will provide. Any special education teacher or related service provider who lacks such certification or licensure will not be allowed to continue as a NYCPS employee or contracted teacher/provider to provide special education or related services to parentally-placed students in nonpublic schools.



Location of Service

NYCPS and nonpublic schools must also consult on the locations of service delivery, including those services that would generally be provided onsite and offsite of the nonpublic school or the factors that would be considered in the determination of where services would be provided. Services may be provided on the premises of private, including religious, schools, to the extent consistent with law.

Transportation

NYCPS is not required to provide transportation from the home of a parentally-placed nonpublic school child with a disability to the nonpublic school, if that transportation is provided solely to enable the parentally-placed child with a disability to attend the nonpublic school. However, if the service site where equitable special education or related services is not at the private school, and if necessary for the child to benefit from services provided under the IESP for NYS resident students or SP for out-of-state resident students, transportation must be provided (1) from the child's private school or the child's home to a service site other than the private school; and (2) from the service site to the private school, or to the child's home, depending on the timing of the services.

For students who reside outside of NYC, whether NYS residents or out-of-state residents, transportation from the home of a parentally-placed child with a disability to the site where special education or related services is provided when not the nonpublic school, may not exceed 50 miles. Transportation may be one of the services offered on an SP for an out-of-state resident student with a disability, and discussed during consultation. The cost of transportation may be included in the proportionate share calculation.

Final Decision

Although nonpublic schools may make special education service recommendations during consultation, the final decision of the manner these services will be provided to parentally-placed students in nonpublic schools is made by NYCPS. If NYCPS representatives disagree with the views of the nonpublic schools, NYCPS will provide a written explanation of the reasons why the recommendations of the private school were not adopted. (Appendix D – Sample Written Explanation of Services; see also section on [Disagreement Between NYCPS and Nonpublic School](#)) This may be issued generally regarding disagreement at the NPS Standing Committee IDEA Subcommittee, or specifically with respect to a particular nonpublic school's disagreement with how services will be provided to their students. The decision regarding provision of services is not student-specific.

Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological.

Refusal of Services or Access by Nonpublic School

If, after consultation and a final decision by NYCPS as to how to provide equitable services, a nonpublic school refuses access to NYCPS directly employed or contracted special education teachers and related service providers, NYCPS will not be able to provide the equitable services in the manner that has been

decided through consultation. When faced with such noncooperation by a nonpublic school, NYCPS will offer parents the opportunity to receive services in another manner or another location, including in a public school site.

Parent Request for Special Education Services

During the consultation process, NYCPS and nonpublic schools should discuss how parents will request special education services. Under NYS law, parents must request special education services in writing to NYCPS by June 1 for services to be provided in the upcoming school year. For students who are not NYS residents, the June 1 date does not apply. If a student is first identified after June 1, and prior to April 1 of the following year, the parent must submit the written request for services within 30 days after the student was first identified.

To the extent possible, CSEs may collect the written request for services during the annual IEP meeting to review the IESP for NYS resident students or SP for out-of-state resident students if conducted after January 1. If the parent subsequently places the child in another school for the upcoming school year, then the parent must notify the CSE immediately of the change in location of where services are to be provided. NYCPS is not responsible for gaps in service due to the parents' failure to notify the CSE of the change in schools.

Requests for services must clearly come from the parent, whether that is in the form of letter dated and signed by the parent, an email sent directly from a known and verified parental email address, or from a verified attorney of the parent. Parental Notice of Intent requirements are included on the New York City Public Schools website at www.schools.nyc.gov/cse and on pages 106-107 of the Standard Operating Procedures Manual located at <https://infohub.nyced.org/docs/default-source/default-document-library/specialeducationstandardoperatingproceduresmanualmarch.pdf>.

Parents must send these requests to the CSE in the school district where their student's nonpublic school is located. Each CSE keeps track of the requests for services from parents whose nonpublic schools are in their districts of responsibility. A nonpublic school may support their parents in ensuring that parental letters of intent and request for services are filed timely with the CSE.

Such written requests for special education services from parents should express with reasonable clarity the following information:

1. That the parent intends to enroll their child in a nonpublic school located in New York City at their own expense.
2. That the parent is requesting special education services for the upcoming school year.
3. Identification information for the student, including the student's name, date of birth, student OSIS #, and grade level during the requested school year.

4. Contact information for the parent, including parent's name, phone # and email address. If the parent does not reside in New York City, the school district where the parent lives should be included.
5. Contact information for the nonpublic school, including name of nonpublic school, and school address.

NYCPS is not required to provide equitable services if the parent does not inform NYCPS of their intent to parentally place their child in a nonpublic school at their own cost and request special education services.

If a parent does not formally request special education services pursuant to this process, the CSE will ask the parent at the next scheduled IEP meeting to review the IESP or SP, and if the parent does not respond or does not request special education services, the CSE will declassify the student and issue a prior written notice to the parent.

Documentation of Consultation

NYCPS must maintain documentation that the consultation has occurred:

1. A written affirmation signed by the representatives of the participating nonpublic schools, which NYCPS must forward to NYSED. If the nonpublic school refuses to sign such affirmation within a reasonable amount of time, NYCPS will forward the remaining documents listed below to NYSED as proof that consultation occurred.
2. Invitation letters
3. Meeting agendas
4. Attendance Sheets
5. Written records (*e.g.*, file memos, etc.) regarding topics addressed and decisions made

If a nonpublic school chooses not to consult with NYCPS, then NYCPS will document its attempts to secure the school's participation at the consultation. Such documentation should, at a minimum, include:

1. Invitation letter utilized by NYCPS to notify the nonpublic schools of the consultation;
2. A copy of the agenda to be used at the consultation;
3. A copy of the nonpublic school's refusal to consult, if written.
4. A copy of a non-attend letter from NYCPS indicating that the nonpublic school did not attend and did not have a representative at the consultation meeting. (Appendix E – Sample Non-Attend Letter).

NYCPS is not required to provide equitable services if the nonpublic school or the parent refuses to cooperate in the either the consultation process or the IEP process.



If the nonpublic school representatives do not provide the affirmation within a reasonable time, NYCPS will forward the documentation of the consultation process to NYSED.

Disagreement Between NYCPS and Nonpublic School

If NYCPS disagrees with the views and/or recommendations of the nonpublic school representatives about the provision or types of equitable services, NYCPS will provide the nonpublic school representatives a written explanation of the reasons why NYCPS chose not to agree with the nonpublic school's recommendations. NYCPS makes the final decision about the services to be provided.

If the nonpublic school representative believes NYCPS did not engage in meaningful or timely consultation or did not consider the views/recommendations of the nonpublic school, the nonpublic school may file a complaint with NYSED. (<https://www.nysed.gov/special-education/state-complaint>) Such complaint should indicate that NYCPS did not:

- Engage in meaningful and timely consultation; or
- Give due consideration to the views of private school representatives.

The complaint submitted by the nonpublic school must include the basis of the noncompliance.

State Complaints may be filed with NYSED at: Office of Special Education, 89 Washington Avenue, Room 309, Albany, NY 12234, Attention: State Complaints

If the nonpublic school disagrees with the decision of the complaint filed with NYSED, the nonpublic school may submit a complaint to the US Department of Education. (<https://www2.ed.gov/about/offices/list/osers/index.html>)

Due Process Rights of Parents

Parents who have placed their children in nonpublic schools at their own cost have the right to file due process complaints for Child Find, including evaluations, eligibility, and recommendations on the IESP. They may not file due process complaints about consultation or the provision of services. For additional information, please refer to the Procedural Safeguards Notice

(<https://www.schools.nyc.gov/learning/special-education/due-process-impartial-hearings-and-mediation/due-process-rights>).