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Albany, New York 12234

ASSISTANT COMMISSIONER OF SPECIAL EDUCATION
89 Washington Avenue, Room 301M EB
Albany, New York 12234

March 20, 2020

To: Administrators of Nonpublic Schools with Approved Special Education Programs (853 Schools)
Superintendents of the Special Act School Districts
Administrators of the State-Supported Schools (4201 Schools)
Administrators of approved private preschool Special Class and Special Class in an Integrated Setting programs

From:

programs as noted below. Approved preschool Special Class and Special Class in an Integrated Setting programs pursuant to section 4410 of the education law are included in this directive unless such programs are licensed by the New York State Office of Children and Family Services (OCFS) or the New York City Department of Health and Mental Hygiene (DOHMH). Preschool Special Class and Special Class in an Integrated Setting programs licensed by OCFS or DOHMH must follow the direction of their licensing agencies.

Residential agencies should continue to follow the directives of OCFS, New York State Office for People with Developmental Disabilities (OPWDD), and the New York State Office of Mental Health (OMH), as applicable, with respect to their licensed residential program components.

Notice of School Closure to NYSED

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, and all private preschool Special Class and Special Class in an Integrated Setting programs¹ are to follow the guidance titled Notification Regarding Closure of a Nonpublic School.

Special Act School Districts are to follow the guidance titled Notification Regarding Closure of a School.

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, Special Act School Districts, and all preschool Special Class and Special Class in an Integrated Setting programs must also notify students' placing school district and/or county regarding school closures and transportation.

Preschool Special Class and Special Class in an Integrated Setting programs should continue to follow applicable directives relating to notice of closure issued by OCFS and DOHMH.

Tuition Billing

Nonpublic Schools with Approved Special Education Programs, State-Supported Schools, Special Act School Districts, and preschool Special Class and Special Class in an Integrated Setting programs are authorized, pursuant to New York State Education Regulation section 175.6, to charge for educational placements based on enrollment. Therefore, schools should

180 Session Day Requirement

The requirement under Commissioner's Regulations 200.7(b)(5) and 200.20(a)(6) to operate for not less than 180 days during the 10 month school year shall not apply to any closure during the period of March 18, 2020 through March 31, 2020 of a nonpublic school with an approved special education program subject to articles 81 and/or 89 of the education law, Special Act School District, state supported school pursuant to article 85