



AFC'S

Turning 5:

A GUIDE TO THE TRANSITION FROM
PRESCHOOL SPECIAL EDUCATION TO
KINDERGARTEN

December 2020



Advocates for Children of New York

Protecting every child's right to learn

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For updated information from the DOE about kindergarten special education, go to <http://bit.ly/DOE-K-IEP>.

This guide does not constitute legal advice. This guide attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

A BRIEF OVERVIEW OF THE PROCESS

Children who were born in 2016 will enter kindergarten in September 2021. Here is an overview of the process of moving from preschool special education services to kindergarten.

PRIOR TO THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

MEETING: The Department of Education (DOE) will hold online Kindergarten Orientation Meetings for parents of students with disabilities in November, December and January. If your child was born in 2016 and is receiving preschool special education services, you should receive a Welcome Packet (on yellow paper) in the fall with the dates of the meetings. You can also find recorded meetings online at <http://bit.ly/DOE-K-IEP>. You should receive a letter (on blue paper) in the winter informing you that the DOE has referred your child to the Committee on Special Education (CSE) for school-aged children. A DOE representative will be in charge of your child's transition. The representative is usually a psychologist or social worker at a local school or at the district CSE office. The DOE will collect progress reports from your child's preschool special education program and related service providers. The DOE representative will review your child's file and determine whether or not to perform a classroom observation or other new assessments or evaluations. You may also make a written request for new evaluations. The DOE representative will schedule your child's kindergarten IEP meeting.

IEP MEETING: The DOE will hold a "turning 5"/kindergarten IEP meeting for your child. This meeting is in addition to your child's annual preschool IEP meeting. Most meetings take place in February through May before your child enters kindergarten. If the IEP team finds that your child is eligible for kindergarten special education services, the IEP team will complete a new IEP for your child's kindergarten services. The IEP will include a classification of disability for your child, a program recommendation (types of kindergarten classes), related services, and goals. At the IEP meeting, the team will also decide whether your child will attend a "non-specialized District I-32 school" or a "specialized school."

PLACEMENT: The vast majority of students with IEPs attend neighborhood (non-specialized District I-32) schools. If your child's IEP recommends classes and services at a non-specialized District I-32 school, your child will most likely attend the school that accepts him or her through the Kindergarten Admissions Process used for all students entering kindergarten. Therefore, it is important for you to participate in this process, which will begin in December. There is a central kindergarten application form that you should complete to apply to schools. While most students attend their zoned school, you can apply to other schools as well. You may also apply to charter schools, which have separate application processes. If your child's IEP recommends a specialized school (District 75) or certain specialized programs, the DOE will send you a placement offer after your child's kindergarten IEP meeting for a school that has the program recommended on your child's kindergarten IEP.

ELIGIBILITY

QUESTION 1 · When will my child enter kindergarten?

In New York City, all children born in 2016 are eligible for kindergarten in September 2021. If your child was born in 2016 and your child is eligible for special education services, the Department of Education will offer *kindergarten* special education services beginning in September 2021. Your child will no longer be eligible to receive services through the Committee on Preschool Special Education (CPSE). CPSE services will end in June (if your child receives services for 10 months) or August (if your child receives services for 12 months). For information about maintaining preschool services, see question #20 (p. 26).



QUESTION 2 · Who is eligible for school-aged special education services?

During preschool, eligibility for special education services is based on a child's delay in one of the areas of functioning (cognitive, language and communicative, adaptive, social/emotional, or motor development), and every preschooler receiving special education services is classified as a "preschool student with a disability." For a school-aged child to receive special education services, the IEP team must find the child eligible for one of the thirteen classifications of disability listed in the law. To be classified, the child's disability must affect his/her school performance. A classification for special education is not a medical diagnosis.



QUESTION 3 · What classifications of disability are available?

The thirteen educational classifications of disability listed under the law are:

- Autism
- Deafness
- Deaf-Blindness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Learning Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment

At your child's kindergarten IEP meeting, the IEP team will select one classification for your child if your child is eligible. Although more than one of the classifications may be appropriate, your child will receive one classification only. **Services should meet your child's individual needs and should not be based solely on your child's classification.** For more information about classifications, see pages 14-16 of the Department of Education's *Family Guide to Special Education Services for School-Age Children*, available at <http://bit.ly/DOE-SpecialEducation>.

QUESTION 4 · If my child is not eligible for kindergarten special education services, are there any other services available for my child?

Yes. If the IEP team finds that your child is not eligible for kindergarten special education services because your child does not meet any of the classifications of disability under the law, the IEP team will declassify your child and your child will not receive special education services in kindergarten. If the IEP team decides it is necessary, your child may still receive “declassification support services” to support your child's transition to general education. These services can include, but are not limited to, instructional support, modifications, remediation, speech therapy, or counseling. When an IEP team recommends that a child be declassified (placed in general education with no special education services), the IEP team should state on your child's “declassification IEP” what transition services, if any, your child will need in the general education kindergarten classroom. You should ask for declassification support services if you think your child needs them. If you disagree with the IEP team's decision to declassify your child, you may request mediation or a hearing or make a complaint. See questions #44-46 (p. 43-44).

QUESTION 5 · Can I end my child's special education services for kindergarten?

Yes. The law allows parents to end special education services for their children at any time. To end special education services, you should write a letter to the district Committee on Special Education (CSE) office, the Department of Education (DOE) representative responsible for your child's transition, and your child's school if your child has already started attending, stating that you no longer want your child to get any IEP services. Your child will enter a general education class and will not receive any special education services. The DOE will no longer perform evaluations or hold IEP meetings for your child. You will lose your right to challenge the DOE for its failure to provide your child with services. Your child will lose all protections for students with disabilities in suspension hearings.

If you end your child's special education services and later change your mind, you may make a new referral and your child will be reevaluated. If you end your child's services, your child's records will still indicate that your child received preschool special education services.

QUESTION 6 · Does my child have the right to attend kindergarten?

Yes. All kindergarten-aged children have the right to attend kindergarten in New York City, and the Department of Education must provide a school placement for all kindergarten students. You may choose not to send your child to kindergarten, but your child will be placed in the first grade if you send him or her to a NYC public school the following year unless the principal decides that another grade placement would be more instructionally appropriate and the superintendent approves the decision for the student to be placed in a different grade.



REFERRAL

QUESTION 7 · How do I know if my child has been referred for kindergarten special education services?

If your child was born in 2016 and is receiving preschool special education services, you should receive a letter (on blue paper) in the winter informing you that your child has been referred to the Committee on Special Education (CSE) for school-aged children. The letter will include contact information for the DOE representative in charge of your child's transition. If you do not receive this letter by February 1st, you should contact the DOE's Special Education Office at turning5@schools.nyc.gov or (718) 935-2007.



QUESTION 8 · What if my child is first referred for preschool special education services during the winter or spring before my child enters kindergarten?

If your child is referred to the Committee on Preschool Special Education (CPSE) for the first time during the winter or spring of your child's last year in preschool, we recommend that you send a separate referral letter directly to the district Committee on Special Education (CSE) office requesting kindergarten services.

The deadline by which the DOE must offer your child a kindergarten school placement through the special education process depends on the date of referral to the CSE. See question #34 (p. 35) for these timelines. See page 45 for CSE contact information.

TIP

Because offices may close throughout the 2019-2020 school year, we recommend that you make a referral to the CSE office by email. See page 45 for contact information. Make sure to keep a copy of the email so that you have proof of the date the CSE received it.

EVALUATIONS

QUESTION 9 • Is the Department of Education required to perform new evaluations prior to the kindergarten IEP meeting?

No. The Department of Education (DOE) must perform new evaluations every three years. While the DOE may choose to perform new evaluations prior to the kindergarten IEP meeting, it is *not* required to do so. The DOE should collect progress reports from your child's preschool special education teacher and providers, but these are not formal evaluations. The DOE representative responsible for your child's transition will review your child's file, and will decide whether or not to do additional evaluations or assessments, including a classroom observation. However, you may request new evaluations at any time. See question #10 (p. 10). If your child's most recent evaluations are more than a year old, you may want new evaluations during the Turning 5 process to help ensure appropriate kindergarten services for your child.

QUESTION 10 • Can I ask the Department of Education to perform new evaluations?

Yes. A parent can request evaluations at any time, and the school district must complete the testing. However, new testing can be done only once each year unless the parent and school district agree otherwise. You should make your request for new evaluations in writing to the district Committee on Special Education (CSE) chairperson. For contact information, see page 45. The best way to contact the CSE offices during the pandemic is by email. We recommend that you keep a copy of your email so that you have proof of the date the CSE received it. When you learn which DOE representative will be in charge of your child's transition, you should give a copy of your request to that person. The DOE must complete evaluations within the following timeframes:

<i>If request for reevaluation was received...</i>	<i>The evaluation and IEP meeting must be completed by...</i>
Prior to March 1	June 1
After March 1, but before April 1	July 1
After April 1, but before May 10	August 1

NOTE:
If the DOE does not follow these timelines, you have the right to an independent evaluation paid for by the DOE.

QUESTION 11 · What if I disagree with the Department of Education's evaluations?

You may ask the Department of Education (DOE) to pay for an independent evaluation or you may choose to pay for a private evaluation.

A. Independent evaluations

The law states that a parent can ask the DOE to pay for an independent evaluation if the parent disagrees with the evaluation done by the DOE. You should make your request for an independent evaluation in writing to the DOE representative in charge of your child's transition to kindergarten and the district CSE chairperson. For contact information, see page 45. We recommend that you send the request using a method where you have proof of the date the CSE and school received it. You can fax the letter and keep the fax confirmation sheet, hand deliver the letter to the CSE office or school and have a staff member stamp a copy with the date, or mail the letter using the post office's return receipt requested service.

Once you request an independent evaluation, the DOE has two choices. The DOE can agree to pay for the independent evaluation or the DOE can disagree and request an impartial hearing to prove that the DOE evaluations were appropriate. If the DOE agrees to pay for the independent evaluation, it will give you an "assessment authorization" form, which allows you to find an evaluator at an approved amount of money set by the DOE. You must share the results of the evaluation with the DOE. If the DOE fails to respond within a reasonable period of time, you may request mediation or an impartial hearing or make a complaint to ask the DOE to pay for the evaluation. See questions #44-46 (p. 43-44).

B. Private evaluations

Alternatively, you may choose to arrange and pay for a private evaluation. Sometimes you can use health insurance to pay for a private evaluation.

You do not need to share the results of a private evaluation with the DOE. If you do give the private evaluation to the DOE, the DOE must consider the private evaluation. However, the DOE may disagree with the evaluation and rely on its own evaluation.



PREPARING FOR THE KINDERGARTEN IEP MEETING

QUESTION 12 · What can I do to prepare for the kindergarten IEP meeting?

A. Familiarize yourself with the process:

Watch an online live DOE Kindergarten Orientation Meeting in December and January. The DOE will mail you the schedule and post it at schools.nyc.gov/calendar. Find recorded session at <http://bit.ly/DOE-K-IEP>.

Consider reading some of the following documents:

- Request a copy of DOE's *Kindergarten Orientation Guide for Families of Students with Disabilities* by emailing turning5@schools.nyc.gov.
- The DOE's *Family Guide to Special Education Services for School-Age Children*, available online at <http://bit.ly/DOE-SpecialEducation>.
- The New York State Education Department's *Procedural Safeguards Notice*, available online at <https://www.schools.nyc.gov/special-education/help/your-rights>.
- The DOE's *Standard Operating Procedures Manual: The Referral, Evaluation, and Placement of School-Age Students with Disabilities*, available online at <http://bit.ly/DOESOPM>.

B. Request and review evaluations/progress reports:

You should consider whether your child needs new evaluations and, if so, request them from the DOE or get private evaluations. See questions #10 and #11 (p. 10-11). You should also make sure that all of your children's special education providers (e.g., teacher, SEIT, related service providers) complete progress reports. Before the IEP meeting, you should get copies of all progress reports, evaluations, and classroom observations. You can get these from the DOE representative who will lead your child's kindergarten IEP meeting or the district CSE office. DOE procedure states that you should receive any assessments or evaluations at least five days before an IEP meeting, but to make sure you receive them, you should ask for them in advance.

Think about whether the evaluations and progress reports support the services you are requesting. Be ready to use specific parts of the evaluations and progress reports to support what you are seeking or to explain why the evaluations are not accurate.

C. Familiarize yourself with special education programs/services:

You can find descriptions of the types of classes and services available in questions #17 (p. 17-22) and #18 (p. 23-25) or in the DOE's *Family Guide*. See question #12A (p. 12).

D. Consider what programs, services, and classification of disability may be appropriate for your child:

Speak with your child's teacher and service providers to see what they recommend, review evaluations and progress reports, and familiarize yourself with available classifications of disability, classes, and services. Keep in mind that the DOE can offer different types of settings for different parts of the day.

FOR EXAMPLE: A child who needs additional support for reading can be in a small class for reading and in a general education class for the rest of the day.

E. Consider inviting people familiar with your child:

Although the DOE should invite your child's preschool special education teacher, SEIT, or related service provider, as well as your child's pre-K teacher if your child is in pre-K, to attend the IEP meeting, you should make sure that these individuals know about the meeting and plan to attend. You may consider inviting your child's other service providers, doctors, or anyone else who knows your child and may be able to assist in recommending an appropriate kindergarten class and services. All IEP meetings are expected to take place by phone this year. You can also invite someone to help support you and take notes.

F. Consider applying to specialized programs in neighborhood (non-specialized District 1-32) schools:

There are certain specialized programs in neighborhood schools for higher functioning children on the autism spectrum (i.e., the ASD NEST and Horizon programs) and children with intellectual disabilities (i.e., the ACES program) who can make progress in a specialized setting in a neighborhood school. You may ask the DOE to consider your child for these programs if you think one of these programs may be appropriate to meet your child's needs. For more information about these programs and how to apply, see question #17D (p. 19-20).



G. Make a list of supports and services your child needs on his/her IEP:

You are creating a brand new IEP and your child will likely attend a new school. Thus, it is important to think of all the supports, services, and information that the DOE should include on your child's IEP. You should think about your child's need for a wheelchair accessible (barrier free) school, assistive technology, a paraprofessional, behavioral supports, a behavior intervention plan, transportation accommodations, health services, bilingual services, and 12 months of services (instead of 10 months). You may also want to review the DOE's website explaining the IEP and available services at <http://bit.ly/DOE-IEP> and <https://on.nyc.gov/36JpbIK>.

As you make your list, keep in mind that the DOE requires medical verification for certain health services (like a full time nurse) and accommodations (such as limited travel time on the bus route). You should review the medical forms online at <http://bit.ly/DOE-Medical>, ask your child's doctor to complete relevant forms, and return them to your DOE representative as early as possible before the IEP meeting.

QUESTION 13 · Can I visit schools before the IEP meeting?

Unfortunately, because of the pandemic, you may not be able to visit schools in person this year. However, many neighborhood schools and charter schools will try to provide online tours and information sessions. More information about these online options will be posted on schools.nyc.gov/kindergarten. You can also contact schools directly to ask how you can learn more about their program. You can find a list of District 75 schools (the citywide district of specialized schools) that you may contact in the *District 75 Programs for Kindergarten Students* section of the DOE website at <http://bit.ly/DOE-D75>.

After you receive a placement offer, you have a right to visit that school. See question #35 (p. 36). However, because of the pandemic, schools may only be able to offer online information sessions and phone calls.



THE KINDERGARTEN IEP MEETING

QUESTION 14 · When will my child's kindergarten IEP meeting take place?

Most kindergarten IEP meetings take place between February and May.

QUESTION 15 · What decisions will the IEP team make at my child's IEP meeting?

The IEP team will determine if your child is eligible for kindergarten special education services under one of the thirteen classifications of disability. See question #3 (p. 6). If your child is eligible for kindergarten special education services, the IEP team will complete a new IEP for your child's kindergarten services. The IEP will include a classification of disability for your child, program recommendations (types of kindergarten classes), related services and supports, annual goals, descriptions of your child's performance, strengths, and needs, and whether your child will attend a non-specialized District 1-32 school, a specialized (District 75) school, or a state-approved non-public school. Any service or support that your child needs for school should be on your child's IEP. You should think about your child's need for a wheelchair accessible (barrier free) school, assistive technology, a paraprofessional, behavioral supports, a behavior intervention plan, transportation accommodations, health services, bilingual services, and 12 months of services (instead of 10 months). See question #18 (p. 23-25) and #21 (p.27).

Your child's kindergarten IEP will be on a statewide IEP form on a computer system called the Special Education Student Information System (SESIS). For a blank copy of the IEP form, go to <http://www.p12.nysed.gov/specialed/formsnotices/IEP/home.html>.



QUESTION 16 · Who will attend my child's kindergarten IEP meeting?

The following people are required to attend the IEP meeting:

- You (the parent)
- *Your child's* special education teacher or service provider
- A general education teacher (*your child's* general education pre-K teacher where applicable) if your child may be in a general education kindergarten class
- A school psychologist who can explain the meaning of evaluations
- A “district representative” who is familiar with the educational resources available (often the school psychologist or teacher)
- A language interpreter if you speak a language other than English

You may request that a parent member (a parent of a child receiving special education services) or a DOE doctor attend the meeting by telling the DOE 72 hours in advance. You may also invite anyone with knowledge of your child or someone to help support you and take notes. You should make sure that your child's special education teacher, SEIT, or provider plans to attend the meeting. If your child is in a pre-K class, you should make sure that your child's pre-K teacher plans to attend the meeting. You may consider inviting your child's other service providers, doctors, or anyone else who knows your child and may be able to assist in recommending appropriate kindergarten classes and services for your child.

All IEP meeting are expected to take place by phone this year.



TIP

If you can, you may want to ask a friend or family member to join the IEP meeting with you to take notes, so you can focus on participating.

TYPES OF KINDERGARTEN CLASSES FOR STUDENTS WITH DISABILITIES

QUESTION 17 · What types of kindergarten classes are available to children needing special education services?

A range of kindergarten classes is available to children needing special education services.

The DOE must provide an appropriate education in the least restrictive environment, which means, as much as possible, a child with a disability should receive an education alongside non-disabled peers. A student with an IEP should only be removed from the general education setting when his/her disability is so severe that the child cannot progress even with the help of services and supports in a general education setting. Most kindergarten classes fall into the following categories. Each type of class

may be used for part of the day or for the full day. For example, a child may need a small class for reading, but may be in a general education class for other subjects.

NOTE:

Your child's IEP recommendations must be based on your child's needs, not on availability!

The recommendations should not depend on whether schools will be offering full-time in-person services, remote services, or a combination of both during the 2021-2022 school year

A. General education with supplementary aids and services:

Students are educated in a general education classroom with additional supports and services. This additional support may include Special Education Teacher Support Services (SETSS), which is similar to resource room. See question #18B (p. 23).

B. Integrated Co-Teaching (ICT):

A class in which non-disabled students and students with disabilities learn together. Each class has a general education teacher and a special education teacher who work together. Generally, this class is a *regular* size kindergarten class, which means it may have around 25 students.

C. Special class in a neighborhood (non-specialized) school:

A self-contained class of students with IEPs in a neighborhood (non-specialized District I-32) school. Students in this type of class are grouped by age and functioning level—not by classification of disability. Classes may contain students with the same disability or with different disabilities as long as they have similar levels of academic functioning, social development, physical development, and behavior management needs. Some classes have kindergarten, first grade, and second grade students in the same class. The DOE offers 12:1 classes (12 students and one teacher) for students with academic and/or behavior management needs and 12:1:1 classes (12 students, one teacher, and one paraprofessional) for students with academic and/or behavioral management needs who require extra adult support and specialized instruction. The DOE's goal is to give students with IEPs more interaction with students who do not have IEPs. Therefore, fewer children may be recommended for full-day special classes in neighborhood schools than in the past. However, these classes still exist, and the DOE must recommend appropriate classes and services to meet each child's needs, whether or not the child's zoned school currently has that class.

D. Specialized programs in neighborhood (non-specialized) schools:

Although all neighborhood (non-specialized District I-32) schools are expected to provide the classes and services recommended on a non-specialized school student's IEP (e.g. SETSS, ICT, 12:1, 12:1:1 special class in a non-specialized District I-32 school), there are some specialized programs that are *not* available at every school. The following list consists of specialized programs that are only available in some schools. If a child's IEP recommends one of these programs, then the DOE will offer placement at a school that has the recommended specialized program.

► ASD NEST & ASD HORIZON PROGRAMS:

The ASD Nest Program is the DOE's Integrated Co-Teaching program for higher functioning children with autism spectrum disorders (ASD) in neighborhood schools. ASD Nest is geared toward students who are working on or above grade level. Most kindergarten classes serve four children with ASDs and eight typically developing children. Each class has a general education teacher and a special education teacher.

The ASD Horizon program offers small classes, generally with a ratio of eight students, a special education teacher, and a paraprofessional, in neighborhood schools for higher functioning children with ASD. Compared to children in the ASD Nest program, students in Horizon may need additional help with academics and behavior. The program is based on the principles of Applied Behavioral Analysis (ABA).

ASD Nest and ASD Horizon have very limited spaces and evaluate children to determine whether or not they are appropriate for the programs. If you are interested in ASD Nest or ASD Horizon, you should fill out an application. You can find the application and more information about these programs online at <http://bit.ly/SpecializedPrograms>. You can ask your child's preschool or pre-K program for help with the application. You should receive confirmation of submitting the application within a couple of weeks, and a team will assess whether the ASD Nest or ASD Horizon program may be appropriate for your child. The DOE will mail an offer letter in the spring (printed on purple paper) to families receiving a placement offer to one of these programs. If you would like more information, you can call (718) 391-6872 or e-mail ASDPrograms@schools.nyc.gov.

See page 21 for information on the AIMS program, a small special class in some DOE specialized District 75 schools for lower functioning students with autism.

► ACADEMIC, CAREER, AND ESSENTIAL SKILLS (ACES) PROGRAM

The ACES program is for students classified with intellectual disability (ID) whose needs can be met in a neighborhood school. Most ACES programs are small, specialized classes in neighborhood schools where all of the students in the class are classified as students with intellectual disability. You can find the application and more information about this programs online at <http://bit.ly/SpecializedPrograms>. The DOE will mail an offer letter in the spring (printed on purple paper) to families receiving a placement offer to an ACES program.

► BILINGUAL SPECIAL EDUCATION (BSE) PROGRAM

The bilingual special education program is for students who speak languages other than English and whose IEPs recommend bilingual special education programs. For example, a student's IEP may recommend a bilingual Integrated Co-Teaching (ICT) class or a bilingual 12:1:1 special class in Spanish. Students in this specialized program receive instruction in their native language as well as English. Any IEP team can recommend a BSE program if the child needs it. However, not every school has a BSE program. Therefore, if the school that admits your child through the Kindergarten Admissions Process does not have the bilingual class recommended on your child's kindergarten IEP, the DOE will try to find a school that has the recommended class as an alternative to the school that admitted your child. If the DOE cannot find a school with the BSE program, the DOE may provide bilingual supports such as a bilingual paraprofessional in an English-speaking class. You can learn more about the BSE program by reviewing the *BSE Family Guide*, available at <http://bit.ly/SpecializedPrograms>. A list of DOE bilingual programs that were available in the 2019-2020 school year is available at <http://bit.ly/BilingualPrograms>. To learn more, contact BSEprograms@schools.nyc.gov.

► BARRIER FREE/ACCESSIBLE SCHOOL PROGRAMS

Some students who have trouble walking or who have health conditions may need a school that does not have stairs. Certain schools are accessible to students who use wheelchairs or to students who have difficulty moving around. A barrier free program is located in a partially or fully accessible school for students with limited mobility. Any IEP team can recommend a barrier free placement. Since not every school is barrier free, the DOE will offer a placement that is appropriate for the child's mobility level as an alternative to the school that admits your child through the Kindergarten Admissions Process if that school is not barrier free. You can find a list of barrier free schools at schools.nyc.gov/BuildingAccessibility and may wish to apply to these schools. Please note that you will not necessarily receive a barrier free school through the Kindergarten Admissions Process. If your child needs a barrier free school and is not admitted to one, the DOE will offer a barrier free school by June 15th or the appropriate deadline listed in question #34 (p. 35).

► INTENSIVE READING EDUCATION AND DEVELOPMENT (I READ)

This is an early literacy program in some DOE neighborhood schools for students in kindergarten and the first grade who have a disability that affects their ability to read. Students accepted to the program attend an Integrated Co-Teaching (ICT) where they learn alongside typically developing peers. Each class has a general education teacher and a special education teacher. There is also a part-time teacher who is an expert in literacy who supports the teachers and works directly with students. You can find the application and more information about I READ online at <http://bit.ly/SpecializedPrograms>

E. Special class in a specialized school (District 75):

District 75 is a separate, citywide school district intended for students who have severe needs that require greater structure and more intensive support. Some District 75 programs are located in schools consisting only of students with disabilities. Other District 75 programs are located in neighborhood (non-specialized District 1-32) schools, but the District 75 programs are run separately from the non-specialized school's classes. For example, when you see a District 75 class located at "P. 4 @ P. 15," P. 4 is the District 75 program located in P. 15, which is the non-specialized school. District 75 classes offer the following student-to-teacher ratios:

- 12:1:1 (12 students, one teacher, and one paraprofessional) for students with academic and/or behavioral management needs who require additional adult support and specialized instruction.
- 8:1:1 for students whose needs are severe and ongoing and who require constant,

intensive supervision, a significant degree of individual attention, intervention, and intensive behavior management, as well as additional adult support.

- ▶ 6:1:1 for students with very significant needs, including academic, social, and/or interpersonal development, physical development, and management needs. Students' behavior may be aggressive, self-abusive, or extremely withdrawn. Students may have severe difficulties with language and social skills. These students require very intense individual programming, continual adult supervision, a specialized behavior management program to engage in all tasks, and a program of speech/language therapy, which may include augmentative/alternative communication. While many children with autism participate in these classes, such classes are *not* appropriate for all children on the autism spectrum.
- ▶ 12:1:4 for students with severe and multiple disabilities and limited language, academic, and independent functioning. This program primarily provides habilitation and treatment, including training in daily living skills and the development of communication skills.
- ▶ INCLUSION: A small number of District 75 inclusion programs help students with IEPs to attend general education classes with supports from District 75. More information about this and other District 75 programs can be found online at <http://bit.ly/DOE-D75>.
- ▶ ACQUISITION, INTEGRATED SERVICES, MEANINGFUL COMMUNICATION, AND SOCIAL SKILLS (AIMS): The AIMS program is a small special education class, with a ratio of six students, a special education teacher, a speech teacher, and a paraprofessional. The program serves children who have autism and who have very significant needs, including developmental delays in communication, behavior, and social skills. The program uses principles of Applied Behavioral Analysis (ABA) and Verbal Behavior (VB). The program is only available in a few schools. To learn more and apply to the program, visit <https://bit.ly/DOE-D75-Programs>.



F. State-Approved Non-Public School (NPS):

There are private special education schools approved by the state for students whose educational needs cannot be met in a public school program. A list of these schools is available at <http://www.p12.nysed.gov/specialed/privateschools>. If the IEP team determines that no appropriate public school class exists for your child, the team can recommend a state-approved non-public school on your child's IEP and will work with the Central Based Support Team (CBST) to find an appropriate school. See question #43A (p. 41).

G. State-Approved Non-Public Residential School:

Children who require services on a 24-hour basis may receive a residential placement. Residential schools provide intensive programming in the classroom and a structured living environment on school grounds. This program is for children whose educational needs are so intensive that they require 24-hour intervention. If the IEP team determines that your child needs a residential placement, the team will recommend a state-approved non-public residential school on your child's IEP and will work with the Central Based Support Team (CBST) to find an appropriate school.



H. Home or hospital instruction:

These are educational services provided to children with disabilities who are unable to attend school for an extended period of time and need to receive instruction at home or in the hospital. They are typically temporarily provided until the student is able to return to school. These services may be appropriate for a child with severe medical or emotional needs that prevent him/her from attending school. The DOE sends home instructors to the hospital, home, or a public site for at least one hour per day. Although often used for students with medical needs, it can serve as a short-term solution when a student is waiting for a specialized placement. The IEP team should determine the number of hours, length of sessions, and number of times per week the service will be provided based on your child's individual needs.

OTHER SPECIAL EDUCATION SUPPORTS AND SERVICES FOR KINDERGARTEN

QUESTION 18 • What types of special education services and supports are available for kindergarten?

The services and supports available include, but are not limited to, those listed below. The IEP team should list all services and supports that your child needs on your child's kindergarten IEP. The IEP should list all related services including the number of times per week your child should receive the service, the length of the session, the group size, the language the service should be provided in, and whether the service will be provided in your child's classroom or in a separate room. You may want to review the DOE's *Family Guide to Special Education Services for School-Age Children* and website dedicated to the IEP. See questions #12A (p. 12) and #12G (p. 14).

A. Related services:

These include speech and language therapy, occupational therapy, physical therapy, counseling, orientation and mobility services, school health services, hearing services, and vision services, provided individually or in a small group.

B. Special Education Teacher Support Services (SETSS):

Formerly known as resource room. A special education teacher works with a small group of students for a portion of the day either outside of the classroom in a smaller class (pull-out) or inside the classroom (push-in). SETSS is most commonly used for students in general education classrooms who need additional support for part of the day, but it can be provided to students in other classroom settings such as ICT or special class settings. SETSS can include no more than eight children. SETSS may be provided directly to your child or indirectly. Through indirect SETSS, the SETSS teacher works with your child's general education teacher to adjust the learning environment and modify and adapt instructional methods to meet your child's individual needs. Your child's IEP must state the number of periods each day that your child will receive SETSS, the subject area, the group size, where the service will be provided (inside or outside the classroom), and whether the service will be provided directly to your child and/or indirectly through the general education teacher.

C. Paraprofessionals:

An aide (not a teacher) assigned to work one-on-one with a student to meet individual management needs, such as behavior management, health, or toileting, or to provide interpretation services. Transportation paraprofessionals are also available if your child needs one on the bus. See question #21 (p. 27).

D. Assistive Technology (AT):

Equipment and services to help your child move or communicate (e.g., a communication device, FM unit, computer access). Any assistive technology or services your child needs must be listed on his/her IEP. If you think your child needs assistive technology, you may request an assistive technology evaluation. In addition to the assistive technology device, assistive technology services are available to help your child, your child's teachers, and yourself learn to use the device. For more information, see <http://bit.ly/DOE-AT> and <http://www.arisecoalition.org/assistive-technology.html>.

E. Behavior Intervention Plans (BIPs) and supports:

For children whose behavior interferes with learning, the DOE should conduct a Functional Behavioral Assessment (FBA) to identify what types of behaviors the child is exhibiting, when the child exhibits behaviors, and what is leading to the behaviors. The FBA generally results in the development of a Behavior Intervention Plan (BIP). The BIP describes the strategies that the school should use to help the child change his/her behavior. If your child has behavioral challenges, you should make sure that the IEP team creates a BIP with sufficient detail to give guidance to your child's new school in how to manage your child's behaviors. The IEP team should include the BIP as part of your child's kindergarten IEP.

F. Curriculum accommodations or modifications:

These may include the use of audiotapes instead of books, large print books, Braille materials, the use of a calculator for math, the use of a word processor instead of handwriting, or redesigning the size or focus of the assignment.

G. Individualized supports:

These include rephrasing of questions and instructions, special seating arrangements, testing accommodations, curricular aids such as highlighted reading materials, main idea summaries, or organizational aids.

H. Support for school personnel:

Support, such as specialized training, that staff working with your child should receive in order to meet your child's needs.

I. Parent training:

This service teaches parents skills to help you meet your child's educational needs. In general, this service should be provided to parents of children with autism and parents with children in 8:1:1, 6:1:1, and 12:1:4 classes, though it can be provided to other parents as well.

J. Bilingual services:

If your child speaks a language other than English, the IEP team should consider whether or not your child needs a bilingual class or bilingual services. The DOE should recommend a bilingual class or bilingual services if your child needs such services even if your child's zoned school does not have them.

QUESTION 19 · Are home-based services available for kindergarten?

The Department of Education (DOE) must provide your child with an appropriate education that allows your child to make adequate progress in the least restrictive environment. In general, the DOE provides all services and supports *at school*, be that in person or remotely, for school-aged children and will not recommend home-based services on your child's kindergarten IEP.

If your child *needs* a combination of school-based and home-based services in order to make adequate progress in school, your child may be entitled to receive school-based and home-based services. You should request these services during your kindergarten IEP meeting and ask the DOE to recommend home-based services on your child's IEP. For example, some children with autism need school-based and home-based services, such as a teacher to provide Applied Behavioral Analysis (ABA) therapy, to generalize skills, avoid engaging in repetitive behaviors, and make adequate school progress. It is advisable to bring an evaluation or professional to the IEP meeting to explain why your child needs school-based and home-based services. If the DOE does not recommend home-based services for your child for kindergarten and your child needs these services, you can request an impartial hearing. It is often advisable to consult an attorney or advocate. See question #45 (p. 43-44).

As a practical matter, some schools do not have enough service providers to provide IEP services to all children needing them at school. In September, if the school cannot provide your child with the related services or Special Education Teacher Support Services (SETSS) on your child's IEP at school, the DOE will arrange for your child to receive these services outside of school at DOE expense. See question #39 (p. 39).



QUESTION 20 · Can my child remain in his/her preschool program for another year?

The Department of Education (DOE) must provide your child with an appropriate education that allows your child to make adequate progress in the least restrictive environment. The DOE will try to provide an appropriate education in a kindergarten setting. If you believe that it would be appropriate for your child to remain in his/her current preschool special education program and inappropriate for your child to be in a kindergarten class, you should explain this at your child's kindergarten IEP meeting. It is advisable to bring an evaluation or professional to the IEP meeting to explain why your child needs to remain in preschool for another year. If the DOE disagrees and you want the DOE to continue providing and paying for a preschool special education program (e.g., a preschool special education class or SEIT services), you can request an impartial hearing to ask the DOE to provide and pay for this program. At the hearing, the hearing officer will decide whether or not the DOE has failed to offer your child an appropriate kindergarten program and whether or not it would be appropriate for your child to remain in his/her current program. It is often advisable that you consult an attorney or advocate. During the hearing, generally, your child has the right to continue receiving his/her preschool program and services, but you should consult an attorney about your individual case. See question #45 (p. 43-44).



QUESTION 21 • Is transportation available for my child?

Door-to-door bus transportation is *not* automatically given to school-aged students with disabilities. Door-to-door bus transportation is available if the DOE determines that your child needs it because of your child's disability and individual needs. Bus transportation is a service listed on a child's IEP.

If your child has any special transportation requirements (e.g., air-conditioning, time limits for the bus ride, or a wheelchair lift bus), the IEP team should list these requirements on the IEP. You should provide written documentation from a doctor indicating your child's transportation needs. The DOE has a form that your child's doctor should complete to request transportation accommodations based on your child's needs, and you will need to complete a form to allow the DOE's doctor to speak with your child's doctor. These forms are available from the district CSE office or the DOE representative in charge of your child's transition, or online at <http://bit.ly/DOE-Medical>. You should complete the forms and return them to the DOE representative in charge of your child's transition *as early as possible*.

If your child is not eligible for transportation as a special education service and your child attends a school *in your home district*, your child may be eligible for general education bus transportation (from a school bus stop) depending on the distance to your child's school and availability of a bus route. If a school bus is not available, your child may be eligible for a MetroCard. Eligibility requirements are available on the DOE's transportation's website at <http://bit.ly/DOE-BusInfo>. Kindergarten through sixth grade students living in shelter are also eligible for bus transportation.

REQUESTING A NEW IEP MEETING

QUESTION 22 · What if I was not notified and my child's kindergarten IEP meeting took place without me?

You have a right to participate in IEP meetings regarding your child. If your child's kindergarten IEP meeting took place without you and you would like to participate in the meeting, you should write a letter to the DOE representative in charge of your child's transition requesting a new IEP meeting so that you can participate. You can also contact the DOE by e-mailing turning5@schools.nyc.gov and copying Advocates for Children at kindergarten@afcnyc.org. See question # 44 (p. 43).

QUESTION 23 · What if I disagree with the classification, services, or program recommendation on my child's kindergarten IEP?

The DOE must provide your child with an appropriate education in the least restrictive environment. If you think that the DOE gave your child an incorrect classification of disability or believe that the services or program recommendations on your child's IEP will not provide your child with an appropriate education that will allow your child to make adequate progress, you can request a new IEP meeting by writing a letter to the DOE representative in charge of your child's transition. If you do not receive a response, you can contact the DOE by e-mailing turning5@schools.nyc.gov and copying Advocates for Children at kindergarten@afcnyc.org. See question # 44 (p. 43). You can also request mediation or an impartial hearing or make a complaint. See questions #45 and #46 (p. 43-44).



KINDERGARTEN PLACEMENT: Non-Specialized School Placement

The placement process for kindergarten depends on whether your child's kindergarten IEP recommends a "non-specialized (District I-32) school" placement or a "specialized school" (District 75) placement. All DOE public schools other than District 75 "specialized schools" are known as "non-specialized (District I-32) schools."

QUESTION 24 · How will my child receive a kindergarten placement for a non-specialized school program?

All neighborhood (non-specialized District I-32) schools are expected to serve the vast majority of students with disabilities. Parents of all students entering kindergarten, *including parents of students with disabilities*, should participate in the Kindergarten Admissions Process to reserve a seat in a school. Families are encouraged to visit and apply to all schools of interest including your zoned school and any other zoned and non-zoned schools. If your child's kindergarten IEP recommends a non-specialized school program (e.g., general education, ICT, or special class in a *non-specialized District I-32 school*), your child's placement will likely be the school that admits your child through the Kindergarten Admissions Process. If you do not participate in the Kindergarten Admissions Process, your child will likely be placed in his/her zoned school or in another school in your district if your zoned school does not have an available seat. Your child will *not* receive a school placement based on the type of class recommended on your child's IEP because all neighborhood schools are expected to serve all students admitted through the Kindergarten Admissions Process except for students recommended for specialized programs (like the ASD Nest/Horizon programs, bilingual programs, or wheelchair accessible programs) and specialized school (District 75) programs. See questions #17D and #17E (p. 19-21).

For more information, please read AFC's Kindergarten Admissions Guide at: https://www.advocatesforchildren.org/sites/default/files/library/kindergarten_admissions_guide.pdf.

QUESTION 25 · How does the Kindergarten Admissions Process work?

The DOE uses a centralized application that allows you to apply to up to 12 schools using one application form. You can apply from December 2020 to January 2021. On your application, you should list all schools of interest in order of your preference.

There are two ways to apply during the application process:

- Apply online at [MySchools.nyc](https://www.schools.nyc.gov/my-schools) (available in 10 languages).
- Call (718) 935-2009, Monday – Friday, 8 a.m. – 6:00 p.m.

If you have questions, you can email the DOE's Kindergarten Admissions team at ESenrollment@schools.nyc.gov and a Family Welcome Centers. See page 46.

In the spring, you will receive a school placement offer and information about how to pre-register. You should pre-register at the school where your child was offered a seat by the pre-registration deadline in order to keep that seat. If you did not get an offer at your first choice school, you will be on the waitlist for any other school that you ranked higher on your application. As spots open up, schools will take children off the waitlist based on their admissions priorities and waitlist order. If a seat opens up for your child at a school, the school will contact you directly.

QUESTION 26 · What are zoned schools and districts? How do I find mine?

New York City is divided into 32 school districts based on location. Most districts are also divided into smaller areas called zones that cover a certain geographic area. Most elementary schools are zoned schools that give admissions priority to children who live within the zone. Unless you live in Districts 1, 7, or 23, your child is zoned for a particular school based on your address. While most children are zoned for one school, some children are zoned for more than one school.

To find your district and your zoned school, go to <https://www.schools.nyc.gov/find-a-school>, enter your home address, borough, and grade ("K"), and click "Search." You will see the name and contact information for the school that is zoned for your address, and you will also see the number of your district. You can also get this information by calling 311.

District 1 (Lower East Side, Manhattan), District 7 (South Bronx), and District 23 (Brownsville, Brooklyn) do not have zoned schools. These districts are called "choice districts." See the DOE's Kindergarten website for admissions priorities for schools in these districts, [schools.nyc.gov/kindergarten](https://www.schools.nyc.gov/kindergarten).

QUESTION 27 • How are students matched to schools?

Admission is not first-come, first-served. All applications received by the deadline will be treated the same. Some schools are not able to admit all students who apply. For those schools, decisions are based on a list of priorities. Each school's page on [MySchools.nyc](https://www.schools.nyc.gov/my-schools) lists the admissions priorities for that school. For each school, students in the first priority group who listed that school anywhere on their application are accepted first, and then the second priority group, and so on, in priority order, until all seats in that school are filled. If more students apply for a school within a single priority category than it can accept, offers are made first to children who need an accessible school and then randomly to other students within the priority group. Most schools are **zoned schools** that generally accept students in the following order of priority:

1. Children who are zoned for the school and will have a sibling at the school in grades K-5 or at a District 75 program co-located with the school in the 2021-2022 school year;
2. Other children who are zoned for the school;
3. Children who live in the school's district (but are not zoned for the school) and will have a sibling at the school in grades K-5 or at a District 75 program co-located with the school in the 2021-2022 school year;
4. Children who live outside the district and will have a sibling at the school in grades K-5 or at a District 75 program co-located with the school in the 2021-2022 school year;
5. Children who live in the district and are currently enrolled in the school's pre-K program;
6. Children who live outside the district and are currently enrolled in the school's pre-K program;
7. All other children who live in the district;
8. All other children who live outside the district.

NOTE:

You should rank schools in your order of preference. Ranking your zoned school lower down does *not* hurt your child's chances of getting into the zoned school if a higher ranked school does not have space for your child. Rankings are used *only* if more than one school that you listed on your application has space for your child.

The City also has some schools that are not zoned.

Generally, these schools accept students using categories 3-8 above. If you do not want your child to attend your zoned school, you may want to apply to non-zoned schools in your district.

Each school's page in the online directory on [MySchools.nyc](https://www.schools.nyc.gov/my-schools) tells you if the school accepted only zoned students last year or if it was able to accept other students. Find more information about admissions schools.nyc.gov/kindergarten.

QUESTION 28 · What if my child is not admitted to any school through the Kindergarten Admissions Process?

All students who apply to kindergarten by the application deadline will receive an offer letter in the spring. If none of the schools that you listed on your application has a seat for your child, the DOE will offer a different school. Students who do not apply to kindergarten will receive an offer at a later time. See question #34 (p. 35).

QUESTION 29 · What if the school that admits my child through the Kindergarten Admissions Process cannot implement my child's IEP?

All neighborhood schools are expected to serve students with non-specialized District I-32 school IEP recommendations who are admitted to the school (except for students with recommendations for the particular specialized programs listed in question #17D (p. 19-20)). Your child has the right to receive the classes and services on his/her IEP. If the school that admits your child says that it cannot implement your child's kindergarten IEP (e.g., does not plan to have the class recommended), the school should schedule a meeting with you in the spring to discuss whether or not it can offer a different set of *appropriate* classes/services that meet your child's needs. This meeting is called a Family Meeting. You can also ask the school to hold a Family Meeting to discuss your child's IEP. See also question #36 (p. 37).

If the school states that it cannot implement your child's IEP and you want a school that can implement your child's IEP, you should contact the DOE's Special Education Office by e-mailing turning5@schools.nyc.gov (and copy AFC at kindergarten@afcnyc.org) or calling (718) 935-2007. The DOE's Special Education Office can make sure that the school opens the type of class on your child's IEP or can grant a transfer to a school that has the type of program on your child's IEP. If the DOE does not resolve the problem, you can request mediation or an impartial hearing or make a complaint. See questions #44-46 (p. 43-44).

NOTE:

The DOE can change an IEP only through an IEP meeting with all required IEP team members (see question #16 (p. 16)) or through a written agreement, called an IEP amendment, signed by you (the parent) and the school. IEP recommendations must be based on your child's needs, not based on the classes currently available at a school.

KINDERGARTEN PLACEMENT: Specialized Programs in Non-Specialized Schools

In general, schools are expected to provide the classes and services recommended on a student's IEP (e.g. SETSS, ICT, 12:1, 12:1:1 special class in a non-specialized District 1-32 school). However, there are some specialized programs that are not available at every school. If your child's IEP recommends a bilingual ICT, bilingual 12:1:1 special class, ASD Nest, ASD Horizon, ACES program, or wheelchair accessible/barrier free school and the school that admits your child through the Kindergarten Admissions Process does not have the program available, then the DOE will offer placement at a school that has the recommended specialized program as an alternative to the school offered through the Kindergarten Admissions Process. For the timelines for offering a school placement, see question #34 (p. 35).

QUESTION 30 • What if my child needs a wheelchair accessible school?

A list of wheelchair accessible (barrier free) schools is available at schools.nyc.gov/BuildingAccessibility. You can also search for accessible schools on the online directory on [MySchools.nyc](https://schools.nyc.gov/MySchools). You may apply to these schools through the Kindergarten Admissions Process. Children who need an accessible school will receive offers before other children in their priority group. See question #27 (p. 31). For example, students in admissions priority group 3 who need an accessible school will get offers before other students in priority group 3. If your child needs an accessible school and is not accepted to one, the DOE must offer you an accessible school as an alternative to the school that admitted your child through the Kindergarten Admissions Process. If your child's IEP recommends a barrier free school, the DOE will offer a placement by the deadline listed in question #34 (p. 35).

QUESTION 31 • What if my child is recommended for a bilingual class or a specialized program in a non-specialized school?

If your child is recommended for a specialized program in a non-specialized District 1-32 school (e.g., bilingual ICT, bilingual 12:1:1 special class, ASD Nest, ASD Horizon, or ACES program), the DOE will offer your child a school that has this program as an alternative to the school that admitted your child through the Kindergarten Admissions Process by the deadline listed in question #34 (p. 35). See question #17D (p. 19-20). You should register your child at the new school offered so that your child can receive the program and services on his/her IEP.

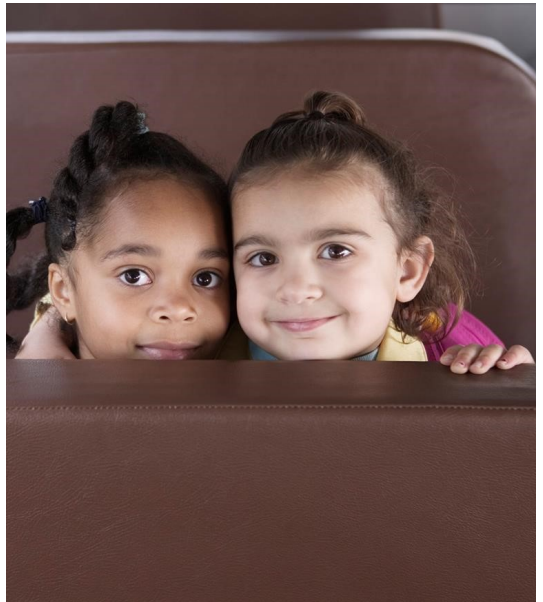
KINDERGARTEN PLACEMENT: District 75 / Specialized School Placement

QUESTION 32 · If my child will likely need a special class in a specialized school (District 75), should I participate in the Kindergarten Admissions Process?

All parents of students entering kindergarten have the right to participate in the Kindergarten Admissions Process. However, it will only reserve your child a seat in a non-specialized District I-32 school. The process begins in December before your child's kindergarten IEP meeting and before you know which setting the IEP team recommends. If you are certain your child will need a special class in a specialized school (District 75) because of your child's significant needs, you may decide not to participate in the Kindergarten Admissions Process. If you are not sure, you should participate in the Kindergarten Admissions Process to be safe.

QUESTION 33 · How will my child receive a kindergarten placement for a special class in a specialized school (District 75)?

If your child's kindergarten IEP recommends a special class in a *specialized* school (District 75), the DOE will send you a letter with your child's school. The placement will be based on the type of class recommended on your child's kindergarten IEP. You may state school preferences during the IEP meeting, and the DOE representative should pass along your preferences to the placement officer. However, there is no process for applying to District 75 schools.



KINDERGARTEN PLACEMENT: All Schools

QUESTION 34 • When will my child receive a placement?

If a referral for special education services is received:

- Before March 1st, the DOE must offer a school placement by June 15th
- After March 1st, but before April 1st, the DOE must offer a school placement by July 15th
- After April 1st, but before May 10th, the DOE must offer a school placement by August 15th
- After May 11th, the DOE must offer a school placement within the compliance timelines for a regular referral (i.e., 60 school days)



This means that, if your child began receiving preschool special education services before March or you referred your child for evaluations before March, the DOE should mail you a notice of placement stating your child's IEP program and your child's school placement, by June 15th. The school will be listed on a form called a "Prior Written Notice." You may receive a first Prior Written Notice that lists your child's IEP program and services and a second Prior Written Notice (printed on green paper), called the School Location Letter, that adds your child's school.

If you completed an application through the Kindergarten Admissions Process by the application deadline, you will receive a school placement in the spring. See question #25 (p. 30). Unless your child's IEP recommends a specialized program in a non-specialized District 1-32 school (e.g., bilingual ICT, bilingual 12:1:1 class, ASD Nest, ASD Horizon, ACES, or barrier free school), a specialized school (District 75), or a state-approved non-public school, the placement notice you receive by mid-June will state the school where you pre-registered through the Kindergarten Admissions Process.

QUESTION 35 · How can I tell if the proposed placement is appropriate?

The DOE must provide an appropriate placement for your child. To determine if the proposed placement can meet your child's individual needs, you may want to take the following steps:

- A. Research:** Find out as much information as you can from the DOE's website, schools.nyc.gov, and the online directories at MySchools.nyc.gov. Search the DOE website for the school and click on "Data and Reports" to find reports about the school. You can also read reviews on Inside Schools' website, <http://www.insideschools.org>.
- B. Class profile:** You can ask the proposed school for the "class profile" for your child's proposed class or send an e-mail to turning5@schools.nyc.gov. Without stating children's names, the class profile should list the ages, grades, classifications of disability, and functioning levels of the children in the proposed class.
- C. Contact the School:** You should contact the proposed school to figure out if it can meet your child's individual needs. Even if you are familiar with the proposed school, it is important that you talk to someone at the school and ask if you can visit.
- You should ask the school if it will have the type of class and services on your child's IEP in September 2021. See questions #29 (p. 32) and #44 (p. 43).
 - Ask to speak with the teacher of the class and show him/her your child's IEP and evaluations.
 - Ask the school administrators and teachers how that class and school will be able to meet the recommendations, services, and goals on your child's kindergarten IEP.
 - Ask about the specific classroom where your child's class will be to assess whether or not you think it is appropriate for your child,
 - Ask about the class structure, schedule, materials, instructional methods, and behavioral techniques used.
 - Ask about the teacher's qualifications and experience.
 - Ask about the availability of related services (like speech therapy) at the school and look at the space where the school provides related services.
 - Ask the administrators, teachers, and therapists about any specific concerns you have.

NOTE:

The teachers, providers, classrooms, and classes may change by September. You may want to contact the school again in September to make sure that it can meet your child's needs.

QUESTION 36 · What if the proposed placement is not appropriate for my child?

The DOE must provide an *appropriate* placement that allows your child to make adequate progress. However, there is no right to “the best placement” and no right to any particular school. It is advisable to visit the proposed placement and consider it even if you do not think it would be a good fit for your child. See question #35 (p. 36). After you visit the school, if you do not feel it is appropriate for your child, you should write a letter to the contact listed on the placement notice explaining why the placement would not meet your child’s individual educational needs. During the pandemic, the best way to contact the DOE is by email. We suggest that you keep a copy of the email so that you have proof of the date the DOE received it. If the problem does not get resolved, you can e-mail the DOE at turning5@schools.nyc.gov (and copy AFC at kindergarten@afcnyc.org) with your concerns about the appropriateness of the school placement. See question #44 (p. 43). However, if the DOE believes the first placement is appropriate, there is *no guarantee* that the DOE will offer you a different placement.

If the placement will create a hardship, you can also ask for a reasonable accommodation transfer by contacting a Family Welcome Center. See page 46. Request for transfers are reviewed for hardships regarding child care, sibling, safety, and medical issues.

If the DOE does not resolve the problem, you may request mediation or an impartial hearing or make a complaint. See questions #45-46 (p. 43-44).

QUESTION 37 · How can I contact a school if I do not receive a placement offer until the summer?

Most District 75 (specialized school) programs and some non-specialized schools are open during the summer. If the proposed school placement is closed during the summer, you can send an email to the DOE contact listed on your placement notice stating that you will need to see the proposed class during the first week of school before deciding whether or not to accept the placement.



QUESTION 38 · What if the DOE does not offer a kindergarten placement for my child by June 15th (or the appropriate deadline)?

If the DOE recommends a *special class* for kindergarten on your child's kindergarten IEP but fails to offer a placement by June 15th (or the appropriate deadline listed in question #34 (p. 35)), you may be entitled to receive a Nickerson (P-I) letter. A Nickerson letter requires the DOE to pay tuition for the school year for an appropriate state-approved special education non-public school that accepts your child. See question #43B (p. 42).

If you do not receive a placement offer or a Nickerson letter, you can request a Nickerson letter. You should send an e-mail to the DOE at turning5@schools.nyc.gov and copy Advocates for Children at kindergarten@afcnyc.org stating that you did not receive a placement for a special class and are requesting a Nickerson letter. You may ask the DOE for a Nickerson letter *and* a public school placement (in case you are not able to use the Nickerson letter). You can also call Advocates for Children for assistance in getting a Nickerson letter if you are eligible for one. See page 47 for contact information.



NOTE:

If the DOE does not offer a kindergarten placement and you want the DOE to offer a public school placement for your child, you may want to contact the DOE's Office of Student Enrollment (ESenrollment@schools.nyc.gov or (718) 935-2009) or the DOE's Special Education Office (turning5@schools.nyc.gov or (718) 935-2007). You may want to copy Advocates for Children on your e-mail at kindergarten@afcnyc.org.

QUESTION 39 · What if my child's school cannot provide the related services or SETSS on my child's IEP?

Your child has the right to receive all of the services and supports on his/her IEP. If the school cannot provide the related services (such as speech, occupational, or physical therapy or counseling) on your child's IEP, the DOE will ask its contracted agencies if they have a provider available. If the DOE cannot find a provider to provide services to your child, the DOE must provide you with a voucher so that you can obtain these services from a provider outside of school at DOE expense. This voucher is called a Related Services Authorization (RSA). While many RSA providers provide the service at their offices, some will provide the service at your home. If your child's school cannot provide the Special Education Teacher Support Services (SETSS) on your child's IEP, the DOE must provide a voucher called a P-3 form, which will allow you to find a special education teacher to provide these services to your child outside of school. You should check with your child's school in September to see whether or not the school can provide all of the services on your child's IEP at school. When you receive an RSA or P-3 letter, you should also receive a list of providers who accept RSAs and P-3 letters. Lists of providers are also available online <http://bit.ly/IndependentProviders>. Information about reimbursement for transportation to the related service providers is available online at <http://bit.ly/DOE-RelatedServices>.

If the school cannot provide the related services or SETSS on your child's kindergarten IEP and your child needs to receive these services during the school day, or if the school does not provide you with an RSA or P-3 letter, you may want to contact the DOE's Special Education Office at specialeducation@schools.nyc.gov or (718) 935-2007.



KINDERGARTEN PLACEMENT: Charter Schools

QUESTION 40 • Can I participate in the lottery for charter schools?

Yes. Students with disabilities have the right to participate in the lottery for any charter school. Charter schools may not discriminate against students on the basis of their disabilities. In fact, charter schools must enroll a percentage of children with disabilities. You can search for charter schools at <http://bit.ly/DOE-CharterSchools>. You can complete applications for individual charter schools or apply to multiple schools at once by completing a centralized application online at www.nyccharterschools.org/apply. Most applications are due by April 1.

QUESTION 41 • Do students with IEPs attending charter schools have the right to receive IEP services?

Yes. If your child is accepted to a charter school, the charter school must ensure that your child receives the programs and services on his/her IEP. If the charter school offers programs and services that would be appropriate to meet your child's needs, but do not match your child's kindergarten IEP, the charter school should ask the district Committee on Special Education (CSE) to hold a new IEP meeting. At the meeting, the IEP team can consider changing your child's IEP to recommend any *appropriate* programs and services that the charter school offers. For more information about charter schools, see Advocates for Children's Charter School Fact Sheets at http://www.advocatesforchildren.org/who_we_serve/charter_schools.



KINDERGARTEN PLACEMENT: Private Schools

QUESTION 42 • If I pay for my child to attend private or parochial school, will the DOE provide related services?

If you choose to pay for your child to attend a private school in New York City, the DOE will provide “equitable services” to your child, such as Special Education Teacher Support Services (SETSS) or related services. You must request special education services in writing to the district Committee on Special Education (CSE) by June 1st before the school year for which you want services. The CSE will work with you to develop an Individualized Education Services Plan (IESP), which will take the place of the IEP. The DOE will ask its contracted agencies to provide the services on your child’s IESP. If the DOE cannot find a provider to provide services to your child, the DOE will give you a Related Services Authorization (RSA) so that you can find a provider to work with your child. See question #39 (p. 39). For more information about services for children attending private or parochial schools, see the DOE’s *Standard Operating Procedures Manual*, available at <http://bit.ly/DOESOPM>.

QUESTION 43 • When does the DOE pay for private school?

There are three ways that the DOE will pay for an appropriate special education private school when it has not provided an appropriate public school placement: 1) non-public school recommendations, 2) Nickerson (P-I) letters, and 3) payment through hearings. The first two ways apply to *state-approved* special education non-public schools only. Not all private schools are state-approved. A list of the state-approved non-public schools is online at <http://www.p12.nysed.gov/specialed/privateschools>.

A. Non-Public School (NPS) recommendation:

The IEP team may decide that the public school system has no appropriate program for your child. In this case, the DOE will recommend a non-public school on your child’s IEP. If you believe that the public school system has no appropriate program for your child, you may ask the DOE at the kindergarten IEP meeting to make a recommendation for placement at a state-approved non-public school. If you have found a state-approved non-public school that has accepted your child before the IEP meeting, you should bring the acceptance letter to the IEP meeting and discuss how this school would meet your child’s needs in a way that a public school could not. If the IEP team recommends a non-public school on your child’s IEP, it will then send the IEP to the Central Based Support Team (CBST).

The CBST is a DOE office that matches students with state-approved non-public schools. A CBST case manager will apply to non-public schools for your child. If a non-public school has already accepted your child, you should let the IEP team and CBST know. If the IEP team disagrees with your request for a non-public school placement, you may request an impartial hearing. See questions #43C (p. 42) and #45 (p. 43-44).

B. Nickerson (P-I) letter:

If your child's IEP recommends a special class for kindergarten and the DOE fails to offer a placement by June 15th or the appropriate deadline listed in question #34 (p. 35), you may be entitled to receive a Nickerson (P-I) letter. See question #38 (p. 38). A Nickerson letter requires the DOE to pay tuition for the school year for an appropriate state-approved special education non-public school (NPS) that accepts your child. To use the letter, you must find a school on the list of state-approved NPSs that is appropriate and will accept your child. When you call schools, you should tell them that you have a Nickerson letter. If your Nickerson letter has an expiration date, you can still use it after it expires if the DOE has not made a placement offer. Due to the limited number of NPSs, getting this letter does not guarantee you will be able to find a school for your child. If you do not find an NPS or do not want to send your child to an NPS, the DOE still must provide an appropriate public school placement.

C. Payment through a hearing:

If the DOE failed to provide your child with an appropriate educational program or placement, you may be able to win payment for tuition at a private special education school (including schools that are state-approved and schools that are not state-approved). To obtain tuition payment this way, you will need to file for an impartial hearing. In order to win tuition, the hearing officer will have to find that: (1) the DOE failed to provide your child with an appropriate education, (2) the school you have chosen is appropriate to address your child's special education needs, and (3) you have shown good faith and cooperated with the DOE. In order to win tuition payment through a hearing, there must be a private school that has an appropriate and available spot for your child. You can pay for the school and then file a hearing for reimbursement from the DOE or, if you can show that you cannot afford the tuition, you can file a hearing to ask the DOE to pay directly. At least ten business days before placing your child in private school, you should give the DOE written notice of your concerns and your plan to place your child in a private school. Through a hearing, you can generally win funding for private school tuition for one school year only. You would have to file a new hearing for the following school year. Since these can be difficult cases, it is advisable that you consult an attorney or advocate. See question #45 (p. 43-44).

COMPLAINTS, MEDIATION, AND IMPARTIAL HEARINGS

QUESTION 44 · What if I am having difficulty with the Turning 5 process?

If you are experiencing a problem with the Turning 5 process and are not able to resolve the problem by working with the DOE representative in charge of your child's transition, there are several ways you can get assistance:

- If the problem you are experiencing involves a school, you may contact the Superintendent in the district office associated with that school. Contact information is online at <http://bit.ly/NYC-Superintendents>.
- You can also get this information by calling 311 or asking the school.
- If the problem you are experiencing involves a district Committee on Special Education office, you may contact the CSE chairperson. See page 45.
- You may e-mail the DOE's Special Education Office at turning5@schools.nyc.gov. You should include your child's name, date of birth, NYC ID#, and the school or district CSE in charge of your child's transition. You should describe the nature of the problem and the steps you have already taken to try to resolve the problem. You should feel free to copy kindergarten@afcnyc.org on your e-mail so that Advocates for Children can track parents' concerns.
- You may call the DOE's Special Education Office at (718) 935-2007 or call 311 and ask for the Special Education Call Center.
- For additional steps that you can take, see questions #45-46 (p. 43-44).

QUESTION 45 · What is mediation? What is an impartial hearing? What is the difference?

Mediation is a meeting between the parent, a DOE representative, and an outside neutral mediator to try to resolve disagreements. There is no requirement to do mediation. You can ask for an impartial hearing at any time, including before or after you have started the mediation process. The mediator is not a judge, but is trained to try to help the parties reach an agreement about their dispute. To request mediation, give your written request to the district Committee on Special Education (CSE) office or school responsible for your child's transition to kindergarten, or your child's school (if you ask for mediation after your child starts kindergarten), and the local mediation center. A list of local mediation centers is available at <https://www.nysdra.org/page/CDRCs>. Both sides must agree to participate in mediation. If both sides reach an agreement at mediation, the DOE and the parent must honor the agreement.

Mediation may be especially effective when you are seeking services at your child's public school. However, when you are seeking funding for a private school that is not state-approved (see question #43C (p. 42)), you should file for an impartial hearing because the DOE will not agree to fund such a private school through mediation.

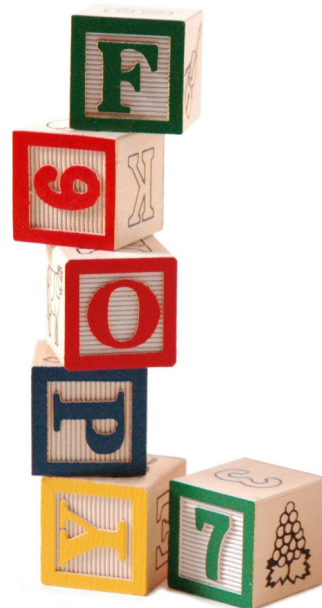
An Impartial Hearing is held before an Impartial Hearing Officer who acts as a judge for your case. The hearing officer is an independent decision-maker who is not a DOE employee. S/he has the authority to decide what solution is appropriate after hearing testimony and receiving evidence from both the parent and the DOE. Because a hearing is a formal process, parents often bring an advocate or an attorney to represent them. A hearing officer's decision must be followed by both the DOE and the parent, unless either side appeals to the State Review Officer. For more information, you may want to read Advocates for Children's *Impartial Hearing Guide*, available at https://www.advocatesforchildren.org/get_help/guides_and_resources/disability.

The hearing process can take several months. During the process, your child has the right to "pendency." Generally, this means that your child has the right to continue receiving the program and services on his/her preschool IEP until the hearing officer makes a final decision. If you want your child's preschool program and services to continue during the hearing process, you should ask the hearing officer for a "pendency order." If the preschool program your child attended does not have a seat available for your child, you can discuss other "pendency placements" with the DOE, or, if you and the DOE do not agree, the hearing officer will decide.

QUESTION 46 • How can I make a formal complaint?

You have the right to file an official complaint with the New York State Education Department (NYSED) about any violation of special education law. For a sample state complaint form, go to <http://www.p12.nysed.gov/specialed/formsnotices/samplecomplaint.htm>. If NYSED finds that the DOE violated your rights, it can tell the DOE to correct the violation, provide services, or award reimbursement.

You may also file a complaint with the U.S. Department of Education's Office for Civil Rights concerning violations of your child's rights. Information is available at <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.



CONTACT INFORMATION: Committee on Special Education (CSE)

Region	Chairperson	Districts	Email Address	CPSE/CSE Fax #
1	Steven Birkeland	7, 9, 10	SBirkeland@schools.nyc.gov	(718) 326-8138 (718) 472-6114
2	Tricia DeVito	8, 11, 12	TDeVito@schools.nyc.gov	(718) 472-6116 (718) 472-6146
3	Jennifer Lozano	25, 26, 28, 29	JLozano@schools.nyc.gov	(718) 472-6118 (718) 472-6149
4	Chris Cinicola	24, 27, 30	CCinicola@schools.nyc.gov	(718) 472-6120 (718) 472-6155
5	Geraldine Beauvil	19, 23, 32	GBeauvil@schools.nyc.gov	(718) 472-6125 (718) 472-6159
6	Helene Potash	17, 18, 22	HPotash@schools.nyc.gov	(718) 472-6128 (718) 472-6164
7	Dina Benanti	20, 21, 31	DBenanti@schools.nyc.gov	(718) 472-6131 (718) 472-6168 (718) 472-6139 (718) 759-6161
8	Carolyn Danner	13, 14, 15, 16	CDanner@schools.nyc.gov	(718) 472-6133 (718) 472-6179
9	Esther Morell	1, 2, 4	EMorell@schools.nyc.gov	(718) 472-6136 (718) 472-6181
10	Fabiana Czemerinski	3, 5, 6	FCzemerinski@schools.nyc.gov	(718) 472-6138 (718) 472-6193
Charter Schools	Mariama Sandi	All districts	msandi@schools.nyc.gov	

Check to see if CSE offices are open for in-person visits later this year at <https://www.schools.nyc.gov/learning/special-education/help/committees-on-special-education>.

CONTACT INFORMATION: Family Welcome Centers (FWC)

Borough	Districts	Email Address
Bronx	7, 9, 10	FordhamFWC@schools.nyc.gov
Bronx	8, 11, 12	ZeregaFWC@schools.nyc.gov
Brooklyn	13, 15, 20, 21	89thFWC@schools.nyc.gov
Brooklyn	14, 19, 23, 32	StMarksFWC@schools.nyc.gov
Brooklyn	16, 17, 18, 22	OceanFWC@schools.nyc.gov
Manhattan	1, 2, 4	333FWC@schools.nyc.gov
Manhattan	3, 5, 6	I25FWC@schools.nyc.gov
Queens	24, 30	QueensPlazaNFWC@schools.nyc.gov
Queens	25, 26	LindenFWC@schools.nyc.gov
Queens	27, 28, 29	SutphinFWC@schools.nyc.gov
Staten Island	31	PetridesFWC@schools.nyc.gov

If you have questions about the Kindergarten Admissions Process, you can contact the DOE's Kindergarten Admissions team at ESenrollment@schools.nyc.gov or 718-935-2009 or contact one of the Family Welcome Centers listed above. Check to see if Family Welcome Centers open for in-person visit at <https://www.schools.nyc.gov/enrollment/enrollment-help/family-welcome-centers>.

T5 During the Pandemic

The COVID-19 pandemic has had a big impact on education. While this could feel like an difficult time to think about your child moving to kindergarten, keep in mind that there are still many ways for you to prepare for the Turning 5 process, find information and get help if you need it. Below are a few suggestions and reminders that we hope you'll find helpful as you apply to kindergarten and prepare for your child's kindergarten IEP meeting.

Your rights have not changed! You are still the most important person in your child's Turning 5 process and have the right to be an active participant. All the rights that we've covered in this guide are still in place during the pandemic, including your right to request evaluations, to receive notice before an IEP meeting, and to have a say in the program and services that your child will receive in kindergarten.

Evaluations are still taking place! While not every student will need new evaluations, you can request evaluations from the DOE. See page 10. Keep in mind that some evaluations may take place online, on a smartphone, tablet or laptop. If you feel that a video evaluation is not appropriate for your child, you should ask for in-person evaluations. If you disagree with the results of a DOE evaluation, you can follow the steps on page 11.

Your child's IEP program and service recommendation should be based on your child's strengths and needs and should not depend on whether schools will be open for full-time in-person instruction, full-time remote instruction, or a combination of both next year, or what programs and services the schools currently offer

Prepare to participate in meetings by phone. IEP meetings will take place by phone this year. Everyone who is required to attend should still participate. See page 16.

While you may not be able to visit schools, some schools will be conducting online open houses and information sessions. The DOE will be posting information about these sessions on schools.nyc.gov/kindergarten. Check the site regularly for updates.

Still have questions? Watch our webinars! Learn more about the presentations and sign up for a webinar at advocatesforchildren.org/turning5. You can also find recorded versions of the workshops on our website.

You can find information on the DOE online workshops at <http://bit.ly/DOE-K-IEP>.



Our Mission

Advocates for Children of New York (AFC)'s mission is to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. AFC achieves this through four integrated strategies:

- Free advice and legal representation for families of students;
- Free trainings and workshops for parents, communities, and educators and other professionals, to equip them to advocate on behalf of students;
- Policy advocacy to effect change in the education system and improve education outcomes; and
- Impact litigation to protect the right to quality education and to compel needed education reform.

Still have more questions? Please call the Jill Chaifetz Education Helpline:

Monday through Thursday
10 am to 4 pm
866-427-6033 (toll free)

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