



Advocates for Children of New York
Protecting every child's right to learn

Start of School Questions & Answers for Families of Students with Disabilities

COVID-19 AND THE 2020-21 SCHOOL YEAR

Because of the coronavirus, students are attending their schools differently this fall than ever before. Some students have chosen to attend part-time in-person and part-time remotely. Others may have chosen to attend fully remotely. Families who previously chose to have their children joining all remote learning will have a chance to change their preference between November 2 and November 15th to opt into blended learning for the rest of the school year. To do so, families should complete a new Learning Preferences Survey at <https://www.nycenet.edu/surveys/learningpreference>. This is all true for students in elementary, middle, and high school, as well as for students who get District 75 services. For more information on the different delivery models, please see the DOE website at www.schools.nyc.gov/school-year-20-21/return-to-school-2020/welcome-to-the-2020-2021-school-year.

My child has an Individualized Education Program (IEP), and I'm not sure where they're supposed to attend school. Who should I talk to at the Department of Education (DOE)?

IF YOUR CHILD IS A PRESCHOOLER...

If your child is a preschooler who needs related services only—such as speech, occupational, or physical therapy; counseling; or vision, hearing, and health services—and/or a Special Education Itinerant Teacher (SEIT), contact programs you are interested in directly or call the DOE Outreach Team at (212) 637-8000. You can find a list of programs with open seats at www.myschools.nyc. The Committee on Preschool Special Education (CPSE) will arrange for SEIT and/or related service providers to serve your child based on the recommendations in their IEP. The CPSE does *not* arrange placement for children in general education classes, early childhood programs, or daycare settings.

If your child is a preschooler who has a placement recommendation for a “special class” (a class where all students have disabilities) or a special class in an integrated setting (a class where some students have disabilities and others do not), contact the CPSE for the district where you live. (See the box on the next page for contact information.)

IF YOUR CHILD IS IN GRADES K-8...

If your child is in kindergarten through 8th grade and needs related services only, Special Education Teacher Support Services (SETSS), Integrated Co-Teaching (ICT) services, or a special class in a District 1-32 school (special class ratios 12:1 or 12:1:1), and you participated in the kindergarten or middle school admissions process, your child should be attending the school you received an offer to in the spring. If you moved or did not participate, contact your zoned school, if you have one, to arrange for registration. To find your zoned school, go to <https://schoolsearch.schools.nyc> or call 311. If you do not have a zoned school or would like to explore other options, contact a Family Welcome Center. To find more information about the various special education classroom settings in District 1-32 schools, see <http://bit.ly/specialedD132>.

IF YOUR CHILD IS IN HIGH SCHOOL...

If your child participated in the high school admissions process, your child should be attending the school where they received an offer in the spring. If your family has moved or would like to explore other options, contact a Family Welcome Center.

IF YOUR CHILD NEEDS A DISTRICT 75 PROGRAM...

If your child is in elementary, middle, or high school and needs a District 75 program (special class ratios 12:1:1, 8:1:1, 6:1:1, or 12:1+(3:1)), and you still haven't been sent a Prior Written Notice or School Location Letter, or you received a letter with a placement that you don't think will be able to meet your child's needs, call the District 75 placement office for your borough:

- Director of Placement: (212) 802-1578
- Manhattan: (212) 802-1570
- Bronx: (212) 802-1569
- Brooklyn: (212) 802-1574
- Queens: (212) 802-1573
- Staten Island: (212) 802-1572

For more information about District 75, see <http://bit.ly/specialedD75> or call (212) 802-1578.

IF YOUR CHILD WAS NOT IN A NEW YORK CITY PUBLIC SCHOOL LAST YEAR AND HAS AN IEP FROM SOMEWHERE ELSE...

If your child is in preschool, contact the CPSE. If your child is in grades K-8, contact your zoned school, if you have one, to register—that school will complete a Comparable Services Plan (CSP). If you do not

Family Welcome Centers

<http://bit.ly/DOEwelcomecenters>

CALL (718) 935-2009 or EMAIL

EEEnrollment@schools.nyc.gov

(elementary school)

MEEnrollment@schools.nyc.gov (middle)

HSEnrollment@schools.nyc.gov (high)

District Superintendents' Offices

www.schools.nyc.gov/Superintendents

Office of Pupil Transportation

CALL (718) 392-8855 (to report complaints) or go to www.optnyc.org

Committees on Special Education & Preschool Special Education

<http://bit.ly/DOECSEs>

DOE's Special Education Hotline

CALL (718) 935-2007 or EMAIL

specialeducation@schools.nyc.gov

AFC's Jill Chaifetz Education Helpline

If you try everything suggested here, but your child is still not in school or not receiving special education services, please call (866) 427-6033, Monday–Thursday, 10am–4pm.

already have a placement for the fall and do not have a zoned or assigned school, contact a Family Welcome Center for a placement. Either staff at the Family Welcome Center or the school that is assigned will complete the CSP. If you believe your child should attend a specialized public school program or a non-public school, contact your home district's Committee on Special Education (CSE). If possible, provide them with a copy of your child's IEP from the former school district and copies of any recent evaluations to all of the above.

My child has an IEP. Are my choices around whether or not they attend in a hybrid model of in-person and remote or fully remote the same for them as for all other students right now?

Students with IEPs must be offered the same options as their peers in general education around in-person and remote learning. The decisions may be more complicated when considering the best location for academic instruction and the provision of various special education supports, but you and your family can pick from the same menu of options. You can find information about those options as well as the link to the Learning Preference Survey at <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/welcome-to-the-2020-2021-school-year>.

What will my child's IEP services look like this year as a result of the pandemic?

Your child continues to have a right to receive all the supports and services required in their IEP even during the pandemic. If your child has an IEP that recommends a special education program (ICT, SETSS, Special Class), their special education teacher should contact you to talk about how the program will be delivered this semester. You should use the time during that conversation to ask any and all questions, share any preferences you may have as well as any information you think the teacher should know about your child and your experiences with remote learning last spring and this past summer. From that conversation, the teacher will develop a Programs Adaptations Document (PAD), which will detail how they will deliver the educational/instructional services on your child's IEP to your child during remote learning. The PAD describes how the services recommended on the IEP will be delivered during the pandemic but should not change the services recommended on the IEP. The school cannot change the services recommended on your child's IEP without your consent. You should receive a copy of that PAD and if you have concerns about it, you can speak to the teacher and ask for changes.

If your child's IEP recommends related services, the providers assigned to work with your student for each of those services will be responsible for contacting you to plan the schedule for those services. Following that, each provider working with your child will develop a Related Services Adaptations Document (RAD), which will detail how they will deliver the related services to your child. Like the PAD, the RAD cannot change the services recommended on the IEP without your consent. If any of the services will be provided remotely, you will need to consent on the RAD to those services being provided remotely. That does not mean that the services should be less than the amount of services recommended on the IEP. As above, you should receive copies of each of the RADs created for your child, and if you have concerns about them, you can speak to your providers and ask for changes.

What if my child's zoned elementary or middle school tells us that they don't have room for my child?

Your zoned school should let your child attend classes there while the DOE finds another school that does have a seat. If another school has already been found, the zoned school should give you a letter with that information. If the school turns you away without giving you another option, contact:

- The Family Support Coordinator at your District Superintendent's Office; and/or
- The DOE's Office of Student Enrollment.

When I tried to get help for my child who is entering pre-K or kindergarten, the school told me that neither is required.

Although you don't *have* to send your child to preschool or kindergarten, you have the *right* to send your child to a pre-K program the year they turn four and to kindergarten the year they turn five. If you want your child to attend preschool or kindergarten, the DOE must provide an appropriate class and all the services on your child's IEP. In fact, if your child qualifies, they can start receiving special education services in the year they turn three. Your child has a right to receive special education services even if they are not enrolled in a preschool program or public school kindergarten class.

WHEN YOU ENROLL YOUR CHILD...

Provide proof of immunization, proof of NYC residence, and the IEP (if new to NYC). If you are enrolling in the NYC school system for the first time, bring proof of age. For the list of documents that the school will accept, visit www.schools.nyc.gov/NewStudents or call (718) 935-2009. Even without proof of immunization or age, your child should still be enrolled while the school helps get these documents. You do NOT need to show proof of immigration status.

What if the school year starts and the school doesn't have the type of program on my child's IEP?

NYC public schools are expected to support the special education needs of most students from their community, so begin by working with your school. If that doesn't work, reach out to the DOE's Special Education Hotline or contact the Family Support Coordinator at your Superintendent's office.

If your child's IEP needs changes, the school is supposed to hold an IEP meeting to discuss and agree on appropriate supports and services. It may also be possible to amend the IEP without a meeting if you and the school agree in writing to the changes.

IMPORTANT *During remote learning, as mentioned above, schools will be required to develop PADs to meet the needs and service requirements of students with disabilities. That means that your child should continue to be placed in the setting most appropriate and agreed upon by the IEP team and any reconfiguring of classes that result from COVID do not change that. Any changes to the IEP must be based on your child's needs and not simply the programs the school currently offers, and no changes should be made without giving you a chance to give input. If your child is learning remotely or blended, make sure that the remote class is actually the class that your child's IEP recommends. For example, make sure that the class has the student to teacher ratio that your child's IEP recommends and that your child is learning from a special education certified teacher, if your child's IEP recommends a special education certified teacher.*

What if my child hasn't been offered a placement for a self-contained class (special class with only students with disabilities in a District 75 or district school) that their IEP mandates?

First, see the steps above for information about who you can contact to ask for a placement. Additionally, you may be entitled to a P-I letter ("Nickerson" letter) that allows you to place your child in a state-approved non-public school that can provide the program on your child's IEP for one school year at DOE expense. This is complicated, so please see *Advocates for Children's Guide to Special Education* for more details: <http://bit.ly/afcspecialled>.

My child is supposed to receive assistive technology (AT) or related services (OT, PT, counseling, etc.). Who do I contact if that's not happening?

Your child has a right to receive all the services on their IEP regardless of whether they are learning in a school building, at home through remote instruction or through a combination of at-home and in-person learning. All schools should be able to provide related services and AT and AT should be made available when your child is in the school building and when they are learning from home or another location. Check with your school to make sure things are in place and work with the school if they're not. You can also reach out to the Family Support Coordinator in the Superintendent's office. If you are still having trouble, call or email the DOE's Special Education Hotline or email RelatedServices@schools.nyc.gov.

If the school cannot provide a service, school staff should work with their Borough Citywide Office (B/CO) to identify a provider at a contract agency. If that doesn't work, the B/CO will issue a Related Services Authorization (RSA). The RSA is a voucher that allows you to go to an independent provider for related services.

If your child is not receiving the related services on their preschool IEP, contact your Committee on Preschool Special Education (CPSE) administrator. If the CPSE can't help, call the DOE's Special Education Hotline or email RelatedServices@schools.nyc.gov.

If my child attends a Learning Bridges program on days they're not in-person for school, will they be able to get the supports they need as a result of their disability?

This fall, the DOE is working with community-based organizations and other partners to offer free childcare options to children from 3K through 8th grade on the days when those students are scheduled for remote learning. Those families interested in sending their children to the Learning Bridges programs should complete a survey available on the DOE's website at www.schools.nyc.gov/learningbridges.

At this time, seats in those programs are still quite limited. We strongly urge you discuss your child's needs with staff. When you enroll about special accommodations and supports your child needs so that a plan can be developed. If you continue to have concerns about your child's accommodations at a Learning Bridge program parents of preschool students can email learningbridges@schools.nyc.gov and parents of students in kindergarten through 8th grade can email youthservices@dycd.nyc.gov. You can also call 311.

My child is supposed to get specialized (door-to-door) transportation, but arrangements are still not in place or we have concerns about the busing services that my child is getting. What should I do?

If your child needs specialized transportation to get to school, the IEP must make that clear. Some students may need a mini-bus, special equipment, air conditioning, or a shorter ride. If so, make sure that's all on the IEP. Ask for an IEP meeting to add that language. Bring copies of your evaluations and a doctor's note thoroughly identifying and explaining the need for the additional services to the meeting. Depending on your child's medical condition, the DOE may require extra forms to be filled out by your child's doctor before the meeting. Those forms can be found on the DOE website along with all other medical forms at www.schools.nyc.gov/school-life/health-and-wellness/health-services. If you don't see what you need, contact OPT's Customer Service number or the DOE's Special Education Hotline.

If your child is attending any of their school hours in person, busing should now be in place. That is true whether your child attends a public school or a non-public special education program – as long as their IEP calls for specialized busing to and from school. If your child's IEP includes specialized transportation, information about their bus route and confirmation of any medical accommodations and special equipment needs (if any) listed on your child's IEP should be available through your child's NYC Schools Account (NYCSA). If you don't have an NYCSA, which gives parents and guardians access to all sorts of information about their children, please reach out to your child's school or a Family Welcome Center to register for one, or go online to <https://mystudent.nyc/>.

You should call your school, whether public or private, for information about your child's bus route.

If you have concerns or have experienced problems with your existing bus route, you may want to reach out to the OPT Customer Service line. If you do, have your child's NYC student ID number when you call.

My child has medical needs and requires nursing supports to benefit from their education. What should I do?

If your child needs nursing services at school or at home to support them during remote learning, make sure to get all medical forms, including the medication authorization form (MAF) and/or request for provision of medically prescribed treatment (non-medication), filled out by their doctor and submitted to the DOE as soon as possible. If your child requires a one-on-one nurse at school or on the bus, please make sure that the doctor states your child's need for a 1:1 nurse on every form, even *when the form does not ask for this information*. We also recommend that your child's doctor submit a separate letter or report detailing your child's medical and nursing needs. If your child is receiving blended learning and has an IEP that recommends a 1:1 nurse, the DOE should contact you to offer your child a nurse on the days your child is in school as well as a nurse in your home for the days that your child is learning remotely.

You must submit new forms each school year; they are available at www.schools.nyc.gov/school-life/health-and-wellness/health-services.

My child uses a wheelchair, and their classroom isn't accessible. Who should I call for help?

Call the school's principal or parent coordinator to discuss. If that doesn't help, you should reach out to the DOE's Special Education Hotline or write to accessibility@schools.nyc.gov.

You can find a list of accessible sites at www.schools.nyc.gov/school-life/buildings/building-accessibility. There you can find Building Accessibility Profiles (BAPs) for schools at every level. Those profiles have a lot of detail about what in the school building is and is not accessible. The BAPs may be helpful in your conversations about your current school's accessibility.

What are the DOE's specialized programs?

All schools are expected to serve and meet the needs of most students with disabilities from their neighborhood. There are some highly specialized programs that are not offered in every school. These include programs for some students with autism or intellectual disabilities, and programs for students who need bilingual special education services. For more information on these specialized programs, see www.schools.nyc.gov/special-education/school-settings/specialized-programs.

If your child has already been evaluated for one of the specialized programs, but doesn't yet have an offer to one, or you are interested in learning more about specialized programs, contact the specialized programs team at specializedprograms@schools.nyc.gov. If your child hasn't yet been evaluated, but you'd like them to be, speak to the IEP team at your school to arrange.

My child has been accepted at a charter school. When school staff found out they have an IEP, staff said we could stay only if we agreed to go without our special education services or change the services, or they turned us away altogether. What should I do?

Call the Office of School Design and Charter Partnerships at (212) 374-5419 or go to www.schools.nyc.gov/school-life/school-environment/get-help-at-your-charter-school and click on "file a complaint."

FOR MORE INFORMATION...

We urge families to look at the DOE's website, specifically:

www.schools.nyc.gov/enrollment/enrollment-help/meeting-student-needs/students-with-disabilities
(for specific information on enrollment and students with disabilities)

www.schools.nyc.gov/enrollment/enrollment-help/meeting-student-needs
(for enrollment information for all students)

www.schools.nyc.gov/special-education/preschool-to-age-21/special-education-in-nyc
(for information about special education supports and services in New York City)

www.schools.nyc.gov/learning/special-education/special-education-in-blended-and-remote-settings
(for information on special education services during blended and remote learning)

Advocates for Children's guides for parents are available at <http://bit.ly/afcguides>.

This fact sheet does not constitute legal advice. If you have a legal problem, please contact an attorney or advocate.

Copyright © October 2020 Advocates for Children of New York, Inc.