

RESIDENTIAL PLACEMENT OF STUDENTS WITH DISABILITIES

Technical Assistance Manual



New York State Education Department
Office of Vocational and Educational Services
for Individuals with Disabilities
Special Education Policy and Quality Assurance
Room 1623 • One Commerce Plaza
Albany, New York 12234

RESIDENTIAL PLACEMENT PROCEDURES

Provided below is information on procedures and requirements to guide school districts through the residential placement process. The following topics are covered:

- ◆ Identification of Students at Risk of Residential Placement
- ◆ Identification of Appropriate Residential Schools
- ◆ Making Referrals to the Residential Schools
- ◆ Application Process for Approved Private School Reimburse-ments
- ◆ Submission of STAC Forms
- ◆ Contracting with Residential Schools
- ◆ Reimbursement of 12-Month Special Education Services for Students in Residential Schools
- ◆ Placement of Students with Disabilities in Children's Residen-tial Project Programs
- ◆ Reimbursement Approval for Out-of-State Placements
- ◆ Emergency Interim Placement Procedures

A flow chart of the residential placement process on page 22 displays the key steps in the procedure and references a page number for further information on each step.

Identification of Students at Risk of Residential Placement

When a Committee on Special Education (CSE) determines that a student with a disability is at risk of residential placement, Article 89 of the Education Law requires that the local school district invite a designee of the appropriate county or State agency to participate in the proceedings of the CSE. The agency designee can assist the CSE in making recommendations concerning the appropriateness of the residential school placement or other program and placement alternatives, including support services that may be available to assist the child and family. An "appropriate county or State agency" may include, but is not limited to, the following:

- a local interagency body capable of performing a multi-disciplinary assessment of the family's community support needs;
- any county agency receiving State Coordinated Children's Services Initiative (CCSI) funding;
- the Office of Mental Retardation and Developmental Disabilities (OMRDD) district office, (referred to as the Developmental Disabilities Services Office (DDSO)) when the primary reason the child is at risk of a placement relates to mental retardation or developmental disability;

- the local mental health agency when the primary reason the child is at risk of placement relates to a mental disability other than mental retardation or developmental disability.

Individuals representing these agencies and groups can be very important in assisting the school district and family in understanding alternative resources available and in accessing these resources.

Once the CSE has determined that the student requires placement in a residential school, the CSE must identify an appropriate approved school for the student that can meet his or her needs as indicated on the individualized education program (IEP). For additional information, please review the State Education Department's March 1995 Memorandum, *Implementation of Chapter 600 of the Laws of 1994 Regarding Students with Disabilities at Risk Of or In Residential School Placements*, available from the Office of Vocational and Educational Services for Individuals with Disabilities (VESID).

Identification of Appropriate Residential Schools

When the CSE has recommended a residential placement to meet the student's special education needs, steps should be taken to identify appropriate approved residential schools. In general, the school district must identify such schools that can fulfill the provisions of the student's IEP.

- Information on the student's IEP should be used to identify residential schools that may be appropriate to meet the student's needs.
- The **In-state Residential School Matrix Chart** and the **Out-of-State Residential School Matrix Chart**, beginning on page 24, should be used to establish a preliminary list of all in-state and out-of-state residential schools that may be able to serve the student. These charts provide an alphabetical listing of all approved in-state and out-of-state residential schools; the ages of students accepted and served by the school; and the disability categories and gender of students served by the school. The **In-State Residential Schools Map** on page 23 provides the geographic location of residential schools within New York State.
- This list should be further refined by referring to the **In-State Residential School Program Information Forms**

and the **Out-of-State Residential School Program Information Forms** beginning on page 24. These descriptions provide the following information on each school so that the CSE can determine which schools may be able to meet the student's specific needs as identified on the IEP:

- class size options offered
- intellectual levels of students served by the school
- other services available (including medical services).

The descriptions also provide directory information on the school.

- In some cases, a student-specific variance is necessary because: (1) the residential school is appropriate to meet the student's needs, but the student's disability is not included in the disability classifications the residential school is approved to serve; or (2) placement will exceed the approved class size ratio and/or the student's age exceeds the classes' chronological age range limitation of 36 months.
- In these situations, the school district must inform the private school selected to serve the student that a variance must be requested from the New York State Education Department to address these issues. The private school must contact its special education Regional Associate.

Making Referrals to the Residential Schools

Once the residential schools that may be appropriate for the student are identified, the school district must contact them to initiate the residential school's review of the student. The **Residential School Tracking Form** (page 21) is provided to assist school districts in organizing key information in the process of referring a student to the residential schools.

- The school district should compile the necessary information and records for the referral packet to be sent to the residential schools. Records to be sent include copies of psychological evaluations, medical and educational assessments, the social history, results of classroom observations and the student's IEP. The school district may wish to discuss with the residential school other types of information that would be useful in making an acceptance or rejection decision.

- The referral packets should be forwarded to the selected residential schools without delay.
- In order to assure compliance with the required timelines for the placement of students with disabilities, the school district may choose to simultaneously submit referrals to the selected in-state and out-of-state residential schools.
- In general, school districts should anticipate 10 to 15 school days for the residential school to review the student records and make a decision. If this period of time is exceeded, the residential school's admissions office should be contacted to ascertain the status of the review process.
- In certain circumstances, a student's needs may dictate that the referral process be expedited. In these cases, the school district should send the student's referral packet through overnight mail and contact the residential school's admissions office within 48 hours to ascertain the status or determination.
- Many of the residential schools require a student and family interview as part of the referral process. The school district should facilitate contact between the student's family and the residential school so that the interview arrangements can be made.
- The residential school reviews the student information submitted by the school district and determines whether or not it can accept the student for admission. The residential school notifies the school district of its decision in writing.
- If the residential school accepts the student, and the CSE determines the placement is appropriate, the residential school and the local school district should make arrangements for the student's entrance into the program.
- **The school district may pursue placement of the student in an approved out-of-state residential school only in situations where all appropriate in-state residential schools have either rejected the student or the residential schools have been deemed inappropriate by the CSE of the local school district.**
- The school district may receive written notification that the in-state residential schools to which they have applied have rejected the student for admission because:

*Application Process
for Approved
Private School
Reimbursements*

- the residential school does not have a program that can meet the student's needs as identified on the IEP, and/or
 - there are no vacancies at the school.
- The CSE may have determined that the private residential school is not an appropriate placement and is unable to serve the student in accordance with the IEP. Parental concerns regarding a recommended school should be fully considered and discussed. However, rejection of an in-state school that has accepted the student cannot be based solely on a parent's objections.

The State Education Department's process for granting approval for reimbursement for students placed in approved private residential schools or Special Act School Districts requires evidence that the student's educational needs are so severe that no appropriate public school program is available. New York State will not reimburse private schools or Special Act School Districts for placements of students with disabilities age five or older unless placement is in a private school or Special Act School District that has been recommended by the Committee on Special Education and approved for funding reimbursement by the State Education Department.

- The CSE must certify that the student is of school-age and has a disability or combination of disabilities, and that the nature or severity of the student's disability is such that appropriate public facilities for instruction are not available. This documentation is provided to the State Education Department through the **Application for Approved Private School Reimbursements** (Attachment A). This documentation must include, but need not be limited to:
- a) documentation of efforts to place the student in a public facility and the outcomes of those efforts, and/or of CSE findings regarding the lack of suitability of each currently available and geographically accessible public placement;
 - b) documentation of all efforts to enable the student to benefit from instruction in less restrictive settings using support services and supplementary aids and special education services as set forth in subdivisions

- (d), (e), (f) and (g) of Section 200.6 of the Regulations of the Commissioner of Education, and/or for those services not used, a statement of reasons why such services were not recommended;
- c) detailed evidence of the student's lack of progress in previous less restrictive programs and placements or a statement of reasons that such evidence is not available;
 - d) documentation that residential services are necessary to meet the student's educational needs as identified in the student's IEP, including a proposed plan and timetable for enabling the student to return to a less restrictive environment or a statement of reasons why such a plan is not currently appropriate;
 - e) in the case of a recommendation by the CSE for placement of a student in an out-of-state educational facility, documentation that there are no appropriate public or private facilities for instruction available within this State; and
 - f) in the case of a reapplication for reimbursement, documentation of the continuing need for placement of the student in a private school.
- An application for State reimbursement must be received by the Department within six days of the recommendation by the CSE that the student be placed in a private school. Should the CSE recommend continued placement at the school, a STAC-2 reapplication must be submitted by the CSE to the STAC and Special Aids Unit prior to June 1 preceding the school year for which such continued placement is sought.
 - The State Education Department will respond within 15 business days of the date of receipt of the application or 10 business days for applications resubmitted to address deficiencies.

Residential Placement Process Flow Chart

