



## DOCUMENTATION OF SCHOOL-AGE REGIONAL NEED

An application for initial approval or expansion of a **day** or **residential school program** to serve students with disabilities pursuant to Articles 89 and 81 of the Education Law will only be considered by the New York State Education Department (NYSED) when it has determined that there is a documented and verified need for such services in the geographic area(s) to be served by the proposed program. Sufficient evidence must be submitted to establish that the proposed program will serve only those students who, because of the nature or severity of their disability, would require placement in special class and/or a separate facility (i.e., facility serving primarily or exclusively students with disabilities).

NYSED determines whether there is need for the proposed program based upon information provided by the applicant agency and verified with the public schools in the region. For in-State residential school programs, consideration will also be given to documentation of need provided by other State agencies and/or documentation that there are students who will go underserved or are at risk of an out-of-State placement. For out-of-State schools, a determination of regional need is made by the State in consideration of such factors as the population proposed to be served, the numbers of New York State (NYS) students with similar characteristics/ needs for whom there are no appropriate in-State programs available.

### **STEP 1: SUBMIT WRITTEN REQUEST TO NYSED FOR A DETERMINATION OF REGIONAL NEED**

Prior to submitting an application to NYSED for initial approval or expansion of a currently approved program, an applicant must first submit a written request for a determination by NYSED that there is regional need for the program. A determination of regional need is made based on data and other documentation that demonstrates that alternative and/or less restrictive programs are not available to meet the needs of identified students in the region or in the State.

The written request must be submitted to NYSED's P-12: Office of Special Education, Special Education Quality Assurance (SEQA) Office in the region in which the agency is seeking to provide services. All applicants seeking initial or expansion of in-State residential school programs must submit their request for regional need determination to the SEQA Nondistrict Unit. For contact information on the SEQA Regional Offices, see <http://www.p12.nysed.gov/specialed/quality/home.html>.

In addition, for those applicants seeking a new approval to operate a day-only program or to expand an existing approved day program outside of New York City (NYC), a copy of

the written request for determination of regional need along with a transmittal letter should be provided to the District Superintendent(s) (DS) of each Board of Cooperative Educational Services (BOCES) located within the geographic area(s) to be served (See [http://www.boces.org/wps/portal/BOCESofNYS!/ut/p/c1/04\\_SB8K8xLLM9MSSzPy8xBz9CP0os3gLA1dXN4NgfwsLE3dzS18XU0cXAwjQ9\\_Plz03VL8h2VAQAIA10Mg!!/dl2/d1/L2dJQSEvUUt3QS9ZQnB3LzZfODBFRUYwU084ODRHNziNREJBRDAwMDAwMDA!/](http://www.boces.org/wps/portal/BOCESofNYS!/ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gLA1dXN4NgfwsLE3dzS18XU0cXAwjQ9_Plz03VL8h2VAQAIA10Mg!!/dl2/d1/L2dJQSEvUUt3QS9ZQnB3LzZfODBFRUYwU084ODRHNziNREJBRDAwMDAwMDA!/)). Within NYC, a copy of the written request for determination of regional need along with a transmittal letter should be provided to the NYC Department of Education's Central Based Support Team (CBST).

The written request must be provided on the form developed by NYSED for this purpose (**Attachment A** - Notification of Intent to Submit an Initial or Expansion Application for a School-Age Day or in-State Residential Special Education Program). The written request form includes five sections and applicants must include the following information:

- 1) A rationale for the establishment of the new program or the expansion, including why the agency chose to locate the new program or expand the existing program in the specific geographic area the agency is proposing to serve.
- 2) For an agency seeking initial approval to operate a day or in-State residential school program or to expand its existing approval, a brief description of the program is required, inclusive of the following:
  - o a profile of the type and number of classes the program is seeking approval to operate;
  - o the proposed number of students with disabilities, the age range and disability categories to be served;
  - o the developmental and behavioral and learning characteristics of the students that will be served in the proposed program; and
  - o the geographic area(s) to be served by the program, which must specify the names of all BOCES regions in the geographic area that the program is proposing to serve and/or is currently serving. Within NYC, identify the names of the Community School Districts to be served by the program. In specifying the geographic area(s), programs must ensure that bus transportation times for day students is reasonable (see <http://www.emsc.nysed.gov/schoolbus/Parents/htm/MaximumTimeThataPupilMaySpendonaBus.html>);
- 3) An agency seeking initial approval to operate an in-State residential school program or to expand its existing approval, should **also** include documentation of approval or pending approval for the residential program from the State residential licensing agency
- 4) An approved **day or in-State residential school program** seeking to **expand** its existing program should also include:
  - o A list of students, including names, ages, and disability categories and their school districts of residence, who were not accepted by the private school during the past six months either because the school was at its approved capacity or there were no

openings in a particular class at the time a committee on special education (CSE) was seeking to place the student at the school or where a State agency is seeking to expand the residence.

- Copies of any special class size variances for that program approved by NYSED for the current school year.
  - The number of students with disabilities currently enrolled and the number of special education classes currently in operation by class size (student: staff ratio).
- 5) Any supplemental information obtained by the program to document the need for the new/expanded program, such as letters from parents and other interested parties regarding the need for the proposed program.

**STEP 2: FOR APPLICANTS SEEKING INITIAL APPROVAL OR EXPANSION OF A DAY PROGRAM ONLY: SURVEY OF REGIONAL NEED FOR DAY STUDENTS**

An applicant is responsible to provide NYSED with information necessary to make a regional need determination for a day program. An applicant should request school districts in the geographic area to be served or in the case of NYC, the Community School Districts and CBST, to provide all the required information on the survey form (Attachment B) developed by NYSED for this purpose.

- Send **Attachment B** and a description of the proposed program to each school district in the geographic region to be served.
- School districts use Attachment B to identify any students with disabilities who are similar in profile to the population of students the new/expanded program is proposing to serve, and for whom the CSE is actively seeking a placement or an alternative placement and who require a program similar to that of the proposed new/expanded program.

**STEP 2A: FOR APPLICANTS SEEKING INITIAL APPROVAL OR EXPANSION OF A DAY PROGRAM TO SERVE RESIDENTIAL STUDENTS: SURVEY OF REGIONAL NEED FOR RESIDENTIAL STUDENTS**

An applicant is responsible to provide NYSED with information necessary to make a regional need determination for a residential school. Applicants should request that State agencies provide justification for the development or expansion of the residence(s) it licenses. Such justification may include a letter of support/intent that describes the agency proposed development or expansion, number of beds projected to be needed, ages, and disability categories, if known and a description of the needs of the students by the State agency and/or residential licenses.

**STEP 3: NYSED MAKES A DETERMINATION OF REGIONAL NEED:**

Upon receipt of completed and signed regional need documentation (**Attachment A**) and **SURVEY OF REGIONAL NEED FOR DAY STUDENTS** (**Attachment B**) and, as applicable, supplemental information submitted by the applicant, NYSED will make a determination of regional need and notify the applicant in writing of such determination.

If an applicant receives notification from NYSED that regional need has not been established, NYSED will provide the applicant with the reasons for that determination. An applicant may not submit an application for initial approval or expansion where NYSED has determined that no regional need for the program exists.

If an applicant receives notification from NYSED that regional need has been established, the applicant must submit a complete application for approval to NYSED within 45 calendar days from the date NYSED issued the determination of regional need. Include a copy of NYSED's Determination of Regional Need with the application. Applications received after 45 days will be returned with a notice that a new regional need determination must be made.