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SPECIAL EDUCATION FIELD ADVISORY

TO: Approved Preschool Special Education Itinerant Service Providers
Directors of Preschool Special Education
Chairpersons, Committees on Preschool Special Education
Parents of Preschool Students with Disabilities
Municipalities
Early Childhood Programs, including Universal Prekindergarten Programs, Head Start and Nonpublic Nursery Schools
Early Childhood Direction Centers
Special Education Parent Centers

FROM: James P. DeLorenzo

SUBJECT: Special Education Itinerant Services for Preschool Children with Disabilities

The purpose of this memorandum is to provide comprehensive policy guidance relating to Special Education Itinerant Services (SEIS) to ensure that Committees on Preschool Special Education (CPSE), municipalities, approved SEIS providers and parents of preschool children have a common understanding of the State's laws, regulations and policy relating to individualized education program (IEP) development and implementation, SEIS provider responsibilities, and billing for SEIS sessions. SEIS provides preschool students with disabilities with specially-designed instruction in conjunction with regular early childhood programs or other child care settings selected by the parents.

Section 4410(1)(k) of Education Law and section 200.16(i)(3)(ii) of the Regulations of the Commissioner of Education define SEIS as an approved program provided by a certified special education teacher on an itinerant basis for the purpose of providing specialized individual or group instruction and/or indirect services to preschool students with disabilities.

- Direct SEIS is specially designed instruction provided by a certified special education teacher of an approved program on an itinerant basis (which means the special education teacher travels to the site of the child care setting where the child is attending during the day, such as an approved or licensed prekindergarten or Head Start program, a hospital, a State facility, or another

child care location[1] selected by the parent or home under certain circumstances).

- Indirect SEIS means consultation provided by a certified special education teacher to assist the child's regular early childhood program teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program.

The IEP for the student must specifically indicate if the student is to receive direct and/or indirect SEIS and the frequency, duration, intensity and location for each.

SPECIAL EDUCATION ITINERANT SERVICES

Committee on Preschool Special Education (CPSE) Responsibilities

CPSEs are responsible to determine eligibility for special education services for preschool students with disabilities and to develop the IEP for each student. CPSEs include:

- The parents of the preschool child;
- Not less than one regular education teacher of the child whenever the child is or may be participating in a regular education environment;
- A representative of the school district who serves as the chairperson of the CPSE.
- An additional parent member, if requested by the parent of the preschool child at least 72 hours in advance of the meeting;
- An individual who can interpret instructional implications of evaluation results;
- Other persons with knowledge or special expertise regarding the student;
- For a child transitioning from early intervention programs and services, at the request of the parent, the appropriate professional designated by that agency; and
- A representative of the municipality of the preschool child's residence, provided that attendance of the municipality is not required for a quorum.

If the CPSE determines that a preschool child has a disability and requires special education services, it must recommend appropriate services and/or special programs and the frequency (how often), duration (length of session), location (where) and intensity (group or individual) of such services. CPSEs must first consider the appropriateness of providing related services only; or SEIS; or related services in combination with SEIS; or a half day special class or special class in an integrated setting; or a full day special class or special class in an integrated setting. For preschool English language learners with

[1] For purposes of provision of SEIS in a child care location, "child care location" is defined in section 4410(a)(8) as "a child's home or a place where care for less than 24 hours a day is provided on a regular basis and includes, but is not limited to, a variety of child care services such as day care centers, family day care homes and in-home care by persons other than parents".

disabilities, the CPSE must also determine the language in which direct SEIS would be provided.

If the CPSE recommends related services in combination with SEIS, the SEIS provider is responsible for the coordination of such services. (see "Coordination of Services" section below).

The Board of Education must select a provider from NYSED's list of approved SEIS providers.

IEP Recommendation for Location for SEIS

While the district must select an NYSED approved provider of SEIS for the child, the SEIS provider's location is not the same as the location for SEIS delivery that must be specified in the IEP[2]. Except for July/August programs, the provider is not specified in the IEP. However, the IEP must indicate the location where SEIS will be provided.

If the CPSE recommends SEIS, the district must request that the parent identify the initial child care location arranged by the parent, or other site, at which SEIS would be provided. The district is not required to transport the child to and from the location where SEIS is to be provided.

SEIS must be provided at the child care location identified by the parent, which is documented as the "location" for the provision of this service in the IEP. SEIS may be provided at an approved or licensed prekindergarten or Head Start program, a hospital, a State facility, or a child care location selected by the parent. If the CPSE determines that documented medical or special needs[3] of the preschool child indicate that the child cannot travel to another site, the child may be entitled to receive SEIS in the preschool child's home. Therefore, the IEP recommendation for the location of SEIS must specify the child care or regular early childhood program or hospital or facility where the child will be attending, as identified by the parent.

Except for student-specific extenuating health and safety reasons, SEIS may not be provided as individualized or group instruction at the site of the approved provider.

IEP Recommendation for Frequency of SEIS

Note: *Each SEIS provider establishes a calendar of operation for not less than 180 days each school year and 30 days during the months of July and August. However, because SEIS is delivered at the site determined by the CPSE, the calendar of the regular early childhood program (e.g., prekindergarten program or Head Start Program) where SEIS will be provided to the student will directly impact when SEIS can be provided. So that the parents and providers are clear, the IEP of the student should indicate the projected*

[2] An exception to this rule would be when the same agency operates the regular early childhood program that the child would be attending and SEIS would be provided to the child in the regular early childhood program.
[3] Education Law section 4410(1)(k)

beginning/service dates which should be projected in consideration of the calendar of the regular early childhood program selected by the parent.

The IEP must specify the frequency (i.e., number of sessions per week) for which SEIS must be provided to a student. The recommended level of SEIS prescribed in the IEP for each student cannot be less than two hours per week.

Generally, SEIS is not provided for the entire time the child is attending a regular early childhood setting. Children who require continuous oversight of their entire program by a special educator or who require a significant number of hours (i.e., 11-15 hours or more per week) to achieve goals may need other supports and services or may be better served in a special class, with first consideration being given to an integrated setting[4].

The frequency of SEIS is determined by the CPSE based on the child's individual needs and in consideration of the schedule of the child's attendance at the child care location selected by the parents.

Attachment 1 provides guidance to CPSEs on factors to consider in determining the appropriate frequency of SEIS for individual students (i.e., 2-4 hours per week; 5-7 hours per week; 8-10 hours per week).

IEP Recommendations for Intensity of SEIS

The IEP must specify the intensity for SEIS. Intensity means individual or groups sessions.

SEIS may be provided to a group of children (i.e., 2-3 students) when the IEP indicates the student may receive group SEIS and when the children have similar instructional needs.

SEIS should always work toward facilitating the child's participation in activities with the nondisabled peers in the setting. Providing SEIS to a small group cannot be used to segregate children with disabilities into a mini-group within an integrated setting.

If the CPSE believes that the child could benefit from SEIS provided in a group (i.e., 2-3 students), it should make the group SEIS recommendation in the IEP. If SEIS cannot be provided in a group at the child care location selected by the parent because, for example, there are no other students served by the same provider at this location or the students cannot be grouped based on similarity of need, the provider may need to deliver SEIS in individual sessions. In this case, there would be no regulatory violation of IEP implementation because the provider is not exceeding the maximum instructional group recommended by the CPSE. In selecting the provider, the CPSE may wish to ascertain from the regular early childhood program whether there is another SEIS provider serving preschool students with disabilities at that location.

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[4] Where there is regional need for additional special class programs to meet the needs of preschool students, school districts must notify the regional Special Education Quality Assurance Office of NYSED.

Approved SEIS Provider Responsibilities

A SEIS provider must be approved by the New York State Education Department (NYSED). For information on applications for NYSED approval to operate a SEIS program, see http://www.p12.nysed.gov/specialed/applications/preschool-home.html.

Each SEIS provider must have a calendar of operation for not less than 180 days each school year and 30 days during the months of July and August.

Special Education Itinerant Teachers

SEIS must be provided by a New York State certified special education teacher. While most children receive SEIS from a teacher certified in special education or speech and hearing, children with hearing impairments may require a certified teacher of the deaf, children with visual impairments may require a certified teacher of the blind and visually impaired, and bilingual children may require a certified bilingual teacher of special education.

Each preschool program approved to provide SEIS to preschool students with disabilities must have an "employer-employee" relationship with the special education teachers providing such services. See http://www.p12.nysed.gov/specialed/publications/SEIT-jointmemo.htm.

The total number of students with disabilities assigned to the special education teacher cannot exceed 20.

Provision of SEIS

Providers must ensure that SEIS is provided in an efficient, cost-effective manner and that preschool children with disabilities receive SEIS at the frequency, duration, intensity and at the locations specified in their IEPs. SEIS providers are responsible to ensure that special education teachers providing SEIS are providing specially-designed instruction to aid the preschool child with a disability to benefit from the regular early childhood program and to participate in age-appropriate activities and that the learning environment and instructional methods are adjusted to meet the individual needs of the preschool child.

Substitute teachers must be available to provide SEIS in the event of a teacher's absence. (Also see "Policy on Make-Up Services of Missed Special Education Itinerant Services Sessions" – Attachment 2)

Except for student-specific extenuating health and safety reasons, SEIS may not be provided as individualized or group instruction at the site of the approved provider[5].

[5] Except when the student would be receiving SEIS while participating in a regular early childhood program located at this site.

Record Keeping

SEIS providers must maintain accurate program and financial records, including but not limited to:

- ✓ Attendance registers, which must be available for inspection by appropriate personnel of the State Education Department (SED), the municipality and the school district in which each preschool child resides.

- ✓ Documentation of the provision of service, consistent with the IEP, for enrolled preschool children with disabilities, which must be kept for seven years after the end of the school year in which programs and services are provided. Providers must ensure that these records contain the correct starting and ending dates of programs and services.

- ✓ Documentation of communications with CPSEs when students have excessive, frequent and/or regular absences that impact a child's receipt of services as required by their IEPs, including:
    - the reasons for such absences, and
    - the steps the provider agency has taken to address such absences.

- ✓ Documentation of make-up sessions for SEIS which were provided to the child by qualified staff in accordance with State policy (Attachment 2).

- ✓ Records that include time spent on coordination, preparation for and attendance at CPSE meetings, travel and other required functions by programs providing SEIS (such as Coordination of related services and SEIS) as defined in section 200.9(f)(2)(ix)(c) of the Regulations of the Commissioner of Education.

- ✓ Records requested by municipalities and school districts to support all billing for programs and services.

- ✓ Financial accounts, reports and statements in accordance with generally accepted accounting principles and in accordance with section 200.9(d) of the Regulations of the Commissioner of Education.

Supervision of Special Education Teachers providing SEIS

Each approved SEIS provider must have a plan for supervision of staff that describes the manner and method for provision of supervision, as well as the staff for whom each supervisor/administrator is responsible. Supervision involves guidance and oversight of the delivery of SEIS and facilitation of the special education teacher's professional growth and competence. It is the responsibility of the supervisor to provide the appropriate quality and frequency of supervision to ensure safe and effective provision of SEIS. The assignment of supervision caseloads should be made in consideration of a number of

factors, such as experience level of the special education itinerant teachers, and including but not limited to the following:

- Supervision of staff must be provided to the extent necessary to ensure implementation of program policies and procedures and to provide periodic on-site supervision of special education teachers providing SEIS.
- Because SEIS is an itinerant service, supervisors must be accessible to the teacher by telephone or other means during the time when on-site supervision is not occurring at the site where SEIS is being provided to the student.

Providers must ensure they maintain documentation of supervision provided to special education itinerant teachers.

Individuals who serve in a supervisory or administrative capacity for more than 25 percent of his/her assignment in any administrative and/or supervisory position must hold an appropriate School Administrator/Supervisor or School Building/District Leadership certificate pursuant to Part 80 of the Regulations of the Commissioner of Education.

Individuals serving as a Supervising Teacher must be reported as program administration staff on the Consolidated Fiscal Report (CFR), using position title code 518 – Supervising Teacher. Allocation of compensation for staff reported in position title code 518 among various direct care and non-direct care position title codes is allowable so long as supported by salary agreements, job descriptions, and payroll records or time studies; compensation up to 1.0 full time equivalent (FTE) for that individual will be considered in the calculation of the portion of 1.0 FTE reimbursable in the tuition rates.

Coordination of SEIS and Related Services

If the CPSE determines that a preschool student with a disability is to receive SEIS and one or more related services, the SEIS provider is responsible for the coordination of the student's services. Coordination of services means:

1. Arranging the schedule for service delivery, offering recommendations and consulting with the CPSE chairperson to resolve scheduling and service delivery issues when appropriate.

2. Sharing information with related service providers for the appropriate integration of SEIS and each of the related services the student receives.

3. Gathering progress reports and anecdotal information relating to the student's progress from all related service providers and SEIS to ensure that the coordinator has a general knowledge of the child's progress, as well as any significant considerations from each related service area.

4. Attending all meetings of the CPSE after initial placement, including the annual review.

5. Providing, at the request of the CPSE, progress information to parents.

6. Conducting activities such as telephone conferences or other communication practices.

In the event a preschool student is not receiving the related services as recommended in the IEP, the SEIS provider must identify this concern to the related service provider(s) and the CPSE.

Make-Up Sessions

SEIS providers must arrange to provide students with make-up sessions when the missed sessions were missed due to staff absence and, as appropriate to the individual student's needs, any excused student absences. Providers may, but are not required to, make-up sessions for unexcused student absences.

Each SEIS provider must have a policy and plan for provision of make-up services for SEIS sessions. The plan and policy must address:

- How the provider will ensure that students with disabilities are provided SEIS sessions missed due to teacher absence(s) when the provider cannot practicably provide a substitute teacher for extenuating reasons.

- How the provider will ensure that make-up sessions are provided in a timely manner in accordance with the student's IEP regarding duration, intensity and location, and as practicable, frequency, and in a manner consistent with State policy guidance provided herein.

- Procedures for the SEIS provider to document and communicate with Committees on Preschool Special Education (CPSEs) when students have excessive, frequent and/or regular absences that impact a child's receipt of services as required by their IEPs, including:
    - the reasons for such absences; and
    - the steps the provider agency has taken to address such absences.

Make-up sessions must be provided consistent with State policy provided in Attachment 2.

SEIS Reimbursement

Billing for SEIS

Effective July 1, 2015, billing for SEIS is on a fee-for-service basis and must be consistent with section 200.9(f)(2)(ix) of the Regulations of the Commissioner of Education, the Reimbursable Cost Manual (RCM), and NYSED policy and guidance, as follows:

- Billing for SEIS is based on one-half hour blocks of time at the SEIS rate established by NYSED.
    - *Direct SEIS:* Billable time for a half-hour direct SEIS session includes only the time the special education teacher is providing direct instructional support to the student and does not include other activities such as writing session notes, preparing materials for the next session or speaking with the student's teacher.
    - *Indirect SEIS:* Billable time for a half-hour indirect SEIS session includes only the time the special education teacher is directly meeting with the regular early childhood teacher providing consultation to share information on how to adjust the learning environment and/or modify the instructional methods to meet the individual student's needs.

- If the student's IEP specifies SEIS sessions for less than 30 minutes each (e.g., 20 minute sessions), the provider may combine sessions in order to bill at the half-hour rate (e.g., three 20 minute sessions to bill for two half-hour sessions), provided proper documentation has been provided. If the IEP specifies SEIS sessions for more than 30 minutes (e.g., 40 minute sessions), the provider may also combine sessions in order to bill at the half-hour rate (e.g., three 40 minute sessions to bill for four half-hour sessions).

- In instances when student issues (such as behavior or illness) shorten a session, a half-hour session will be considered to have been substantially delivered if a minimum of 23 minutes of "face-to-face" instructional time with the student has been provided. A provider may not bill for less than a full session when the reason for the shortened session is a teacher's schedule or convenience or other similar reasons.

- SEIS rates are to be paid for each unit of service delivered, not to exceed the recommendations for such services in the student's IEP.

- In addition to billable time, SEIS teacher's total employment hours also include the time spent on "required functions", pursuant to section 200.9(f)(2)(ix)(c) of the Regulations of the Commissioner of Education. Such functions include, but are not limited to: coordination of service when both SEIS and related services are provided to a student; preparation for and attendance at CPSE meetings; conferencing with the student's parents[6]; classroom observations and/or travel for the express purposes of such functions as stated above.

- Billable time cannot be less than 66 percent or more than 72 percent of any special education itinerant teacher's total employment hours.

- Providers must maintain accurate records to document direct and/or indirect service hours provided, as well as time spent on all other activities, related to each student served. The Reimbursable Cost Manual (RCM) and Consolidated Fiscal Report

[6] For this function, parent conferencing may include parent education for the purpose of enabling parents to perform appropriate follow-up activities at home.

(CFR) require compensation costs to be based on approved, documented payrolls supported by employee time records.

- Make up of sessions missed due to student or staff absences may be billed as a SEIS session when provided in accordance with New York State policy (see Attachment 2).

SEIS Rates

- The rate includes reimbursement for both the billable time, which cannot be less than 66 percent or more than 72 percent of any special education itinerant teacher's total employment hours, and for time spent on all other required functions (e.g., coordination of services, meetings, observations and travel).

- Chapter 56 of the Laws of 2015 amended section 4410 of the Education Law to require that, on or before the 2016-17 school year, regional tuition rates for SEIS, based on average actual costs, be established and phased in over no more than four years from such starting year.

For more information on SEIS reimbursement, see http://www.oms.nysed.gov/stac/preschool/correspondence/SEIS_Data_Collection_Guidance.pdf

Indicators for CPSE Recommendation of Frequency of SEIS [7]

A. Two To Three Hours Per Week

- The child exhibits delays in a limited number of domain areas that require special education intervention.
- The child needs a behavior management program that requires coordination and monitoring by a special education teacher.
- The child is receiving support and assistance for carry-over of skills from other caregivers in the current setting with indirect service provided by a special education itinerant teacher.

B. Four To Six Hours Per Week

- The child exhibits delays in multiple domain areas that require special education intervention.
- The child needs a behavior management program, which requires coordination, direct implementation, and monitoring by a special education teacher.
- The caregivers in the current setting require consultation and training by a special education itinerant teacher in order to provide adjustments to curriculum instruction and reinforce the child's goals and objectives.

C. Seven To Ten Hours Per Week

- The child exhibits serious delays in multiple domain areas, which require intensive intervention by a special education teacher.
- The child's behavior management program requires extensive coordination, direct implementation, and facilitation by a special education teacher.
- Caregivers require extensive consultation and training by a special education itinerant teacher in order to support the child's achievement of goals and objectives.

When more than ten hours per week of SEIS (e.g., 11-15 hours or more) are being considered to meet a child's individual needs, the CPSE should consider whether the student needs other supports and services to participate in the regular early childhood program or a special class in an integrated setting or special class program.

D. Indicators for Referral to CPSE To Meet and Possibly Amend IEP

- The child has achieved special education goals and objectives and he or she has demonstrated the ability to achieve age-appropriate educational outcomes.
- The child has achieved age-appropriate skills to an acceptable level.
- The child has made little or no progress in achieving skills or attaining IEP goals and objectives.

[7] Source: http://www.p12.nysed.gov/specialed/publications/preschool/guide/home.html

POLICY ON MAKE-UP SERVICES OF MISSED SPECIAL EDUCATION ITINERANT SERVICES (SEIS) SESSIONS

Effective September 1, 2015

The purpose of this policy is to provide clarity on a provider's responsibility to ensure that preschool students with disabilities receive SEIS as recommended in their individualized education programs (IEP). This policy is consistent with the policy of the New York State Education Department (NYSED) issued in July 2007[8] and has been updated to provide additional clarification as SEIS transitions from a tuition-based to a fee-for-service reimbursement methodology. Make-up sessions are essential to ensure that a student receives a free appropriate public education.

Provision of SEIS Sessions

Providers must arrange for SEIS to be provided to the preschool child to ensure students receive SEIS at the frequency, duration, intensity, location and consistent with other service delivery recommendations (such as bilingual special education services) in the student's IEP. Providers must ensure that their staffing configurations are appropriate to meet the service delivery needs of each student and that appropriately qualified[9] individuals are available to provide instruction to students during staff absences (i.e., substitutes).

Each provider must have a policy and procedures for substitute teacher coverage of special education itinerant teacher absences. This policy must address how the SEIS provider will ensure that substitute teachers are informed (e.g., lesson plans, IEP recommendations) to provide SEIS consistent with the individual needs of the student.

SEIS Provider Make-Up Session Plan and Policy

SEIS providers must arrange to provide students with make-up sessions when the missed sessions were missed due to staff absence and, as appropriate to the needs of the student, any excused student absences consistent with this policy herein. A provider may, but is not required to, make up sessions for unexcused student absences.

Each SEIS provider must have a policy and plan for provision of make-up services for SEIS sessions. The plan and policy must address:

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[8] http://www.p12.nysed.gov/specialed/publications/preschool/seit.htm

[9] Pursuant to Section 80.5 of the Regulations of the Commissioner of Education (http://www.highered.nysed.gov/tcert/substituteteaching.html)

- How the provider will ensure that students with disabilities are provided SEIS sessions missed due to teacher absence(s) when the provider cannot practicably provide a substitute teacher and when the student is absent for such reasons as illness and/or disability (i.e., excused absences). A provider may, but is not required to provide make-up sessions to students for unexcused student absences (e.g., family vacations).

- How the provider will ensure that make-up sessions are provided in a timely manner in accordance with the student's IEP regarding duration, intensity and location, and as practicable, frequency, and in a manner consistent with State policy guidance provided herein.

- Procedures for the SEIS provider to document and communicate with Committees on Preschool Special Education (CPSEs) when students have excessive, frequent and/or regular absences that impact a child's receipt of services as required by their IEPs, including:
    - the reasons for such absences; and
    - the steps the provider agency has taken to address such absences.

When, Where and How Make-up Sessions Must be Provided

Make-up sessions must be provided in a manner and on a schedule that is beneficial to the student. While providers should work to ensure efficient and cost-effective delivery of SEIS to the maximum extent possible, decisions regarding the schedule and manner in which make-up sessions will be provided to students cannot be based primarily on the convenience or monetary benefit to the provider.

SEIS providers must ensure that SEIS make-up sessions are delivered in a timely manner. This means, whenever practicable and except when prevented by extenuating child-specific circumstances, the session must be delivered as close in proximity as possible to the missed session, beginning within the same week as the missed session. When that is not possible, (e.g., when the missed session is on a Friday), the make-up session should be scheduled for the following week; when that is not possible, the make-up session should be scheduled in the subsequent week. Unless there is a documented child-specific reason (e.g., extended illness of the child; natural disaster), the make-up session should be provided within 30 calendar days of the missed session[10]. Consistent with the above policy, a SEIS provider may not accumulate missed sessions with the intended purpose of providing all or a substantial number of make-up sessions during a block of time, e.g., at the end of a month or year.

The IEP of each student specifies the location for the provision of SEIS. Therefore, a make-up session must be provided to students in the same location as required in the

[10] For students who receive SEIS or SEIS in combination with related services for more than 20 hours per week, the provider should discuss with the CPSE how timely make-up sessions can be provided for the student.

IEP[11]. For example, when SEIS is provided at the site of the regular early childhood provider, make-up sessions must also be provided at that site during the regular early childhood program. Providers should also consider the schedules and concerns of the regular early childhood settings and the parent when scheduling make-up sessions.

The IEP of each student also specifies a frequency, duration and intensity of SEIS (e.g., 4 x weekly; 30 minute sessions[12]; individual). However, when make-up sessions cannot be provided in the same week as the missed session to meet the IEP recommendations, the frequency of IEP sessions during the make-up week is likely to exceed the IEP frequency for this service. For example, for a student with an IEP recommendation of three SEIS sessions per week, a make-up session provided in a subsequent week would result in a frequency of four sessions in that week.

SEIS make-up sessions must be scheduled in the subsequent week(s) in a manner consistent to the maximum extent possible with IEP frequency, duration and intensity. For example, if a student's IEP indicates 4x weekly; 30 minute sessions to be provided on an individual basis, it would not be appropriate for the SEIS provider to provide an additional session in a group. A "double session", e.g., two back-to-back 30 minute SEIS sessions, may be provided only when there is no contrary child-specific reason why back-to-back sessions would be inappropriate (e.g., attention span or fatigue level of the student) and when no other practicable and appropriate schedule is possible to make up the missed session.

Make-up sessions must be provided in accordance with the enrollment of the student with the provider (i.e., 10-month; two-month) and, unless otherwise authorized by the CPSE, during the year the IEP is in effect.

Make-up sessions cannot be provided when provision of a session would result in the total number of sessions delivered to the student exceeding the maximum number of mandated IEP sessions authorized in the student's IEP for the year the IEP is in effect.

Other Missed SEIS Sessions

In the event a student has missed SEIS sessions, specified in the IEP for the school year in effect, that are caused by such circumstances as a delay in enrollment in a SEIS program by the district, the Committee on Preschool Special Education (CPSE) may direct the provider to deliver additional SEIS sessions to the student for a specified period of time that may result in a change to the frequency, duration, location and/or intensity specified in the student's IEP. In order for the provider to provide these additional sessions, specific written authorization from the CPSE is required with regard to the total number of such additional sessions and the frequency, duration, location and intensity for these additional sessions, as clinically and educationally appropriate to meet the individual student's needs.

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[11] The location of SEIS in the IEP may indicate "regular early childhood program selected by the parent", "home", "hospital", etc. rather than specifically indicate the name of the child care location selected by the parent (e.g., ABC Preschool Program)

[12] While billing is based on half-hour sessions, a CPSE may recommend another session length (e.g., one hour; 40 minutes, etc.) based on the individual needs of the student.

Documentation

Providers must maintain student attendance records and accurate and timely documentation of SEIS sessions provided. Records to support all billing for programs and services, including make-up services, must be provided at the request of the school district, municipality and/or the State.

Documentation of the provision of services, consistent with the IEP, for enrolled preschool children with disabilities must be kept for seven years after the end of the school year in which programs and services are provided. Providers must ensure that these records contain the correct starting and ending dates of programs and services and attendance records of students and dates when sessions were provided, including make-up sessions.

Documentation of make-up sessions must include the reason for the make-up session (student or teacher absence); the date of the missed session and the date of the make-up session; the location, duration and intensity (i.e., group or individual) of the make-up session; and, as applicable, CPSE authorizations for additional sessions.

Municipality Responsibility for Reimbursement of Make-Up Sessions and Provision of Missed Sessions

Municipalities may not include provisions in their contracts, policies or procedures that are inconsistent with or more restrictive than the guidance provided herein to limit or deny reimbursement of SEIS, including make-up SEIS sessions or provision of other missed services authorized by the CPSE, that are provided during the year the IEP is in effect and within the student's period of enrollment with the provider or as otherwise authorized by the CPSE.

If a municipality finds, in its review of SEIS provider records, that a SEIS provider is providing make-up sessions in a manner that is inconsistent with NYSED's policy and not in the best interests of students, municipalities should contact the appropriate NYSED Office of Special Education Special Education Quality Assurance Office (http://www.p12.nysed.gov/specialed/quality/home.html).