



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 16 1998

Dr. Ellenmorris Tiegerman
School for Language and Communication Development
2351 Jerusalem Ave.
North Bellmore, NY 11710-1822

Dear Dr. Tiegerman:

This letter is in response to your correspondence of June 17, 1998 in which you express your concern about the New York State Education Department's (NYSED) preschool special education placement option called Special Class in an Integrated Setting (SCIS). You contend that SCIS is not a viable integrated inclusion setting unless parents of nondisabled children enroll their children in a school where preschoolers with disabilities are served, thereby creating an integrated setting.

Your letter to Mr. Thomas Hamel of the NYSED Program Services Reimbursement Unit enclosed with your correspondence uses your experience at the School for Language and Communication Development (SLCD) to support your contention about SCIS. The State mandated Business Plan requires section 4410 preschools to decrease the number of self contained slots and replace them with integrated slots. That cannot occur at SLCD unless parents of nondisabled children pay tuition for their children to attend SLCD; however, parents of nondisabled preschool-aged children are enrolling their children in publicly-funded preschool programs instead. You feel that the NYSED could better support SCIS by providing State funds to pay tuition for nondisabled children to attend SLCD.

The Individuals with Disabilities Act Amendments of 1997 (the Act) is focused on improving results for children with disabilities, including ensuring access of children with disabilities to the general curriculum and general State educational reforms. Support for this broad goal can be found in the amended individualized education program (IEP) requirements in Section 614(d) of the Act. The IEP must contain, among other things, (1) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and (2) a statement of the specific special education and related services and supplementary aids and services to be provided to or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child. The full continuum of alternative placements at 34 CFR 300.551, including integrated placement options, must be available to preschool children with disabilities. States must ensure that if a placement team determines that a preschool child with a disability needs an integrated placement, all tuition costs associated with that placement for the period of time necessary to implement the child's IEP are at no cost to the parent. However, the State has no responsibility to pay tuition costs for nondisabled preschool-aged children in order to create educational settings where IEPs for preschool-aged children can be implemented.

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The Office of Special Education Programs (OSEP) will be conducting a monitoring visit to New York State in April, 1999. As part of this monitoring visit, OSEP is planning to examine the issue of whether New York is making integrated placement options available to preschool children with disabilities. Part of our monitoring process includes gathering public comment on special education programming in a State. Thank you for submitting your comments and observations about preschool special education programming in New York.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir
Director
Office of Special Education Programs

cc: Mr. Lawrence C. Gloeckler