



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
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**TO:** District Superintendents  
Superintendents of Schools  
Presidents of Boards of Education  
New York City Board of Education  
Principals of Public Schools  
Directors of Pupil Personnel Services  
Administrators of Nonpublic Elementary and Secondary Schools  
Organizations, Parents and Individuals Concerned with Special Education  
Impartial Hearing Officers  
Commissioner's Advisory Panel for Special Education Services  
SETRC Professional Development Specialists  
Regional School Support Centers

**FROM:** James P. DeLorenzo

**SUBJECT:** Provision of Special Education Services to a Five-Six Year Old Child with a Disability Not Subject to Compulsory Attendance Requirements and Not on a Regular School Attendance Register

The purpose of this memorandum is to clarify the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register for school-age children. These are children with disabilities determined by the CSE to be eligible for school-age special education services who are no longer eligible for preschool special education services, are not parentally placed in a nonpublic elementary school and are not being home schooled pursuant to section 100.10 of the Regulations of the Commissioner of Education.

If a parent of a child who meets the above criteria elects not to enroll his/her child with a disability in the public school until the child is of compulsory school age, the CSE of the child's school district of residence is responsible to develop an individualized education program (IEP) and offer special education services to the child. The site where the services are to be provided would be determined by the Board of Education. In accordance with section 200.6(m)(3) of the Regulations of the Commissioner of Education, such children are "deemed enrolled" for the purpose of claiming State aid for the provision of



special education and related services in accordance with section 4401(2) of the Education Law as recommended by the CSE of the child's school district of residence.

Please share this memorandum with appropriate staff, including Directors of Special Education, CSE Chairpersons, Directors of Pupil Personnel Service and Principals. Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878 or to the Special Education Quality Assurance (SEQA) Office at:

|                               |                                  |
|-------------------------------|----------------------------------|
| Central Regional Office       | (315) 428-3287                   |
| Eastern Regional Office       | (518) 486-6366                   |
| Hudson Valley Regional Office | (518) 473-1185 or (914) 245-0010 |
| Long Island Regional Office   | (631) 884-8530                   |
| New York City Regional Office | (718) 722-4544                   |
| Western Regional Office       | (585) 344-2002                   |

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