

Letter to Request Continuation of Special Education Services or Request an Initial Evaluation in New York State

PLEASE NOTE: This article and sample letter does not constitute the giving of legal advice. If you are looking for legal advice, please contact a competent attorney.

Eligibility

- 1) A homeschooled student must be entitled to attend the public school without payment of tuition pursuant to Education Law § 3202(1),
- 2) The student must have an individualized home instruction plan (IHIP) filed with their district of residence that has been determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education,
- 3) Parent must request special education services in writing to the board of education of the school district of residence:
 - By June 1 preceding the school year for which the request for services is made.
 - For a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified.
 - A request may also be submitted within 30 days of a change in the student's school district of residence.

Additional helpful information

- Special education service must be provide to homeschooled student on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.
- Parents of homeschooled students who disagree with the IESP recommendation of the CSE would be entitled to due process pursuant to Education Law section 4404 just as parents of nonpublic students are.
- The local board of education determines the location where special education services will be available to homeschooled students, which could include the site of the home school.

Sample letter to request services below.

Mr. & Mrs. John Doe
123 Green Street
Any Town, NY 00000

Date

Board of Education
XYZ School District
Any Town, NY 00000

Dear Board of Education:

We are writing to request special education services for our son/daughter (insert child's name) who is receiving home instruction in compliance with section 100.10 of the Regulations of the Commissioner of Education. In accordance with subdivision 2-c of Section 3602-c of the New York Education Law, students with disabilities who are in a home instruction programs are eligible to receive special education services from their school district.

Choose one of the following:

- For a child with an existing IESP on file with the school district of residence:
 - We would like to have services provided to (insert child's name) in accordance with his/her IESP currently on file with the school district. We look forward being contacted by (insert school district name) to finalize the appropriate special education services for our child.
- For a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year:
 - We would like to have services provided to (insert child's name) who has been recently identified as a student with a disability. We look forward being contacted by (insert school district name) to finalize the appropriate special education services for our child.
- For a student who has changed school district residence:
 - We have moved into the school district within the past 30 days and are therefore requesting services for (child's name). We look forward being contacted by (insert school district name) to finalize the appropriate special education services for our child.

If you have any questions or need any additional information, please contact us at the above address.

Sincerely,
John and Jane Doe

Cc: Committee on Special Education Chairperson