

OFFICE OF SPECIAL EDUCATION
ASSISTANT COMMISSIONER
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June 2022

TO: BOCES District Superintendents
School District Superintendents
Superintendents, Special Act School Districts
Superintendents, State-Operated Schools
Superintendents, State-Supported Schools
School Principals
School District Business Officers
Charter School Leaders
Special Education Directors
Directors of Pupil Personnel Services
Chairpersons of Committees on Special Education
Chairpersons of Committees on Preschool Special Education
Administrators of Nonpublic Schools with Approved Special Education Programs
Organizations, Parents and Individuals Concerned with Special Education
Preschool Providers of Special Education Programs and Services
Section 4410 Municipality Representatives

FROM: Christopher Suriano

SUBJECT: Extended School Year Programs During Summer 2022

This guidance is to inform the provision of the Summer 2022 Extended School Year special education programs (ESY programs) which, pursuant to New York State (NYS) Education Law section 4408, are approved to operate during July and August for six weeks and funded for 30 days of service. Approved ESY programs include school-age special class, integrated co-teaching, related services only, specialized instruction only, specialized instruction with related services, home/hospital instruction, preschool special class, special class in an integrated setting, special education itinerant services, and preschool related services only. Providers of ESY programs include those entities that have been approved by the New York State Education Department (NYSED) to operate one or more ESY programs, including school districts, Board of Cooperative Educational Services (BOCES), nonpublic schools with an approved special education program (853 Schools), State-Supported Schools (4201), State-Operated Schools, approved preschool special education programs (4410), related service providers authorized pursuant to NYS Education Law section 4410, and education programs operated pursuant to NYS Education Law section 112.

ESY programs are provided at no cost to parents on a year-round basis for students determined to be eligible in accordance with sections 200.6(k)(1) or 200.16(i)(3)(v) of Commissioner's Regulations whose disabilities require a structured learning environment of up to 12 months duration to prevent substantial regression. Substantial regression means a student's inability to maintain developmental levels due

- must ensure teachers engage with students synchronously to the greatest extent possible and should provide students with ample opportunities to build

special education itinerant services and related services only are fee for services and programs and providers must ensure they are only billing for the services actually delivered. When available, authorized 2022-23 rates for these programs will be published on the [NYSED Rate Setting Rates and Methodology webpage](#).

Additional information about ESY programs and the application for approval to operate ESY programs are available on the Office of Special Education's [Frequently Used Special Education Applications](#) webpage. Questions regarding ESY programs may be directed to the Office of Special Education at (518) 473-4818 or speced@nysed.gov.

Attachment