

NON-PUBLIC SCHOOLS



Approved Non-Public Schools

An Individualized Education Program (IEP) Team can recommend that a child with a disability be placed in an approved, non-public, special education school if they determine that no appropriate public program exists. An approved school has a contract with NY State Education Department (NYSED) and NYC Department of Education (DOE), and they pay the tuition. These schools are often referred to as “funded” or “approved.”

If the DOE determines that there is no appropriate public school program for a child, the IEP Team or Committee on Special Education (CSE), as appropriate, can refer the child to the Central Based Support Team (CBST) office of the DOE.

Recommended Placement (IEP recommendation for funded placement in approved non-public school):

Once the CBST receives the recommendation from the IEP team, a case manager is assigned to identify approved private schools that may be appropriate, and send out applications for consideration. Parents may also contact schools on their own. The list of approved schools in New York State can be found on the NYSED website.

Non-public schools then review the applications to determine if space is available in an appropriate program that can meet the child’s needs. If so, the school invites the child and parent for an interview. Once the school and parent agree on placement, the child may enter the program. The tuition is paid for based on the IEP recommendation, so the parent is not responsible for payment.

Nickerson Placement (for funded placement in approved non-public school):

In New York City, a child may receive a non-public school placement in an approved school if the DOE does not place the child in an appropriate special education public school program within the required timeline. The IEP must match the services offered by the school for the Nickerson placement to be finalized. Parents are responsible for identifying appropriate schools and managing the application and placement process. The Nickerson Letter (P1 letter) is only valid for one school year, although they are occasionally renewed.

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Non-Approved Private Schools

Placement may also be possible in a private, special education school. Because these schools do not have a contract with NYSED or the DOE, parents must file for Due Process (Impartial Hearing) to obtain funding. These cases can be extremely technical and are best handled by an attorney.

Two important legal cases are described below:

- 1. Carter Placement:** This can occur when there is no appropriate placement in the public school system or the private schools on the state's approved list. For this type of placement, the parent pays the tuition according to the school's payment schedule, and files for a Due Process Hearing for reimbursement from the DOE. It is best to use an attorney.
- 2. Connors Placement:** Under this decision, a parent must meet requirements under *Carter* and prove inability to pay tuition. If successful, the Hearing Officer could order the local education agency to pay the tuition. It is best to use an attorney.