



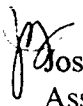
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LANA C. SEIVERS, Ed.D.
COMMISSIONER

MEMORANDUM

TO: Directors of Special Education

FROM:  Joseph E. Fisher
Assistant Commissioner for Special Education

DATE: September 7, 2007

RE: Children with Disabilities Aged 3 through 5

The purpose of this memorandum is to provide guidance regarding the provision of special education and related services for children with disabilities aged 3 through 5.

The child's LEA of residence is responsible for child find, evaluation and an offer of FAPE to the child. FAPE is offered via an IEP. If the parents accept the offer of FAPE by the LEA of residence, the child is served through the agreed upon IEP.

If the parents refuse the offer of FAPE by the LEA of residence, or do not seek special education and related services from the LEA of residence, and place the child in any other program of their choice, regardless of the entity operating the program, the child is to be offered a services plan by the LEA where the program is geographically located. The LEA where the program is geographically located is also responsible for child find and evaluation. The regulations for proportionate share expenditures are applicable to children placed by parents in such programs. LEAs must conduct meaningful and timely consultations regarding child find, evaluation and availability of services with all entities operating programs which offer services to children aged 3 through 5 in the geographic area served by the LEA.

All prior directives from the Division of Special Education regarding this subject are superseded by this memorandum.