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## MEMORANDUM

TO: DOE Employees

FROM: Samantha M. Biletsky *SMB*

RE: **Related Services and Special Education Teacher Support Services Mass Waiver Summary**

DATE: April 19, 2010

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### **SUMMARY**

This memo is to provide an update on the mass waivers that have been granted by the New York City Conflicts of Interest Board concerning the ability of Department of Education (“DOE”) employees to provide services pursuant to Related Services Authorization (“RSA”), pre-school Related Services, and Special Education Teacher Support Services (“SETSS”). Collectively, the waivers granted by the Conflicts of Interest Board will be referred to as the “Mass Waiver.” Individual waivers are still needed in certain circumstances.

Please be advised that DOE policy prohibits DOE employees from providing services for compensation to students who attend the school where the employees work, or to the siblings of those students. This rule applies, notwithstanding what the Mass Waiver allows. **Therefore, if a situation is otherwise covered under the Mass Waiver, but would violate the aforementioned DOE rule, the DOE rule applies, and you cannot provide services.** The only way for an employee to work with a student from the school where the employee works or with a sibling of a student from the employee’s school is to apply for an individual waiver, through the DOE Ethics Officer. Waivers in these cases will only be granted if there are special circumstances.

### **SCOPE OF MASS WAIVER**

Employees who satisfy the Eligibility Criteria (see below) can do RSA, pre-school Related Service work or provide SETSS pursuant to a P-3 authorization as described below. Related

services include: occupational therapy, physical therapy, speech, counseling, hearing education services (“Hearing”), and vision education services (“Vision”).

### RSA

- For school-age students attending non-public schools located in the same or different district in which the employee works.
- For school-age students attending public schools located in a different district in which the employee works.
- For school-age District 75 students located in District 31, if the employee works in District 31, or school-age District 31 students who are part of District 75, if the employee works at a District 75 school located in District 31.
- For Vision and Hearing only, to school-age children attending public schools located in the same district in which the employee works.
- For Vision and Hearing only, to pre-school age children attending public and non-public schools located in the same or different district in which the employee works.

### SETSS

- To school-age students attending non-public schools located in the same or different district in which the employee works.

### **CIRCUMSTANCES WHERE INDIVIDUAL WAIVERS ARE NEEDED**

DOE employees who want to provide the services listed below and who otherwise meet the Eligibility Criteria in the Mass Waiver must apply for an individual waiver to serve a particular student(s) through the Committee on Special Education (“CSE”), the Committee on Pre-School Education (“CPSE”), or other relevant office. If approved, the appropriate office then forwards the request to the DOE Ethics Officer and the Office of Related and Contractual Services or the Central Based Support Team for review. If approved, the DOE Ethics Officer requests an individual waiver from the New York City Conflicts of Interest Board on behalf of the DOE employee to allow the employee to provide services to a specific child or to specific children in the following situations:

#### RSA and Pre-school Related Services (other than Hearing and Vision)

- To serve school-age DOE students attending public schools located in the same district in which the employee works.
- To serve pre-school age DOE students attending public schools located in the same district, or different district than where the employee works.

### SETSS

- To serve school-age DOE students attending public schools located in the same district, or different district in which the employee works.

## **ELIGIBILITY CRITERIA**

In order to provide services under the Mass Waiver, the following conditions and rules apply:

- Only DOE employees listed on the central registry of authorized independent providers can provide services.
- In order to be included in the registry, the DOE employee must complete an application and the application must be approved by the employee's clinical supervisor. Please [CLICK HERE](#) to access the RSA and SETSS applications. Navigate to the bottom center of the page. The applications can be found under the section heading: "Forms for DOE Staff Providing Related Services and Special Education Teacher Support Services (SETSS)."
- Employees must not have refused to provide services during prep periods or through per session (RSA registry application).

In order to provide services under the Mass Waiver, or through an individual waiver, the following conditions and rules apply:

- Employees must accept the standard rate of pay.
- Employees may provide a maximum of 10 hours per week as independent providers.
- DOE employees may issue reports that come before the DOE and may appear at impartial hearings on behalf of a student.
- Services cannot be provided on DOE property.

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For questions regarding the Mass Waiver and/or individual waivers, please contact DOE Ethics Officer Samantha M. Biletsky at 212-374-3438, or [sbiletsky@schools.nyc.gov](mailto:sbiletsky@schools.nyc.gov).

For questions regarding the central registry of authorized independent providers, please contact the Office of Related and Contractual Services at 212-374-1081.