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SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo 

Subject: Chapter 213 of the Laws of 2013 relating to Committee on Preschool Special Education Membership

Section 4410 of New York State Education Law has been amended, effective July 31, 2013, by Chapter 213 of the Laws of 2013 relating to committee on preschool special education (CPSE) membership. Chapter 213 provides that the additional parent member of the CPSE would only be a required member of the CPSE meeting if requested by the parent or a member of the CPSE in writing at least 72 hours prior to the meeting. The parents must receive proper written notice of their right to have an additional parent member attend any meeting of the CPSE along with a statement, prepared by the New York State Education Department (NYSED), explaining the role of having the additional parent attend the meeting. An additional parent member is a parent of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program. NYSED has revised the State's required *Committee on Preschool Special Education Meeting Notice Form* to include the statement. An amendment to State regulations will be made to be consistent with the requirements of Chapter 213. A copy of the full text of Chapter 213 is attached.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, Committee on Special Education and CPSE Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations. Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office - (315) 428-4556
Eastern Regional Office - (518) 486-6366
Hudson Valley Regional Office - (518) 473-1185
Long Island Regional Office - (631) 952-3352
New York City Regional Office - (718) 722-4544
Western Regional Office - (585) 344-2002
Nondistrict Unit - (518) 473-1185

Attachment - Chapter 213 of the Laws of 2013

CHAPTER 213

AN ACT to amend the education law, in relation to committees on preschool special education

Became a law July 31, 2013, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph 1 of paragraph a of subdivision 3 of section 4410 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

(1) Such board shall ensure that such committee is composed of at least the following members: (i) the parents of the preschool child; (ii) a regular education teacher of such child, whenever the child is or may be participating in a regular education environment; (iii) a special education teacher of the child or, if appropriate, a special education provider of the child; (iv) an appropriate professional employed by the school district who is qualified to provide, or supervise the provision of, special education, who is knowledgeable about the general curriculum of the school district and the availability of preschool special education programs and services and other resources in the school district and the municipality, and who shall serve as chairperson of the committee; (v) an additional parent of a child with a disability who resides in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program, provided that such parent shall not be employed by or under contract with the school district or municipality, and provided further that such additional parent shall not be a required member ~~if~~ **unless the parents, or a member of the committee on preschool special education, request that such additional parent member ~~not~~ participate in accordance with this subparagraph;** (vi) an individual who can interpret the instructional implications of evaluation results, provided that such individual may be the member appointed pursuant to clause (ii), (iii), (iv) or (vii) of this subparagraph where such individuals are determined by the school district to have the knowledge and expertise to do so; (vii) such other persons having knowledge or expertise regarding the child as the board or the parents shall designate, to the extent required under federal law; and for a child in transition from programs and services provided pursuant to applicable federal laws relating to early intervention services, at the request of the parent or person in parental relation to the child, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child pursuant to said applicable federal laws. In addition, the chief executive officer of the municipality of the preschool child's residence shall appoint an appropriately certified or licensed professional to the committee. Attendance of the appointee of the municipality shall not be required for a quorum. **The additional parent need not be in attendance at any meeting of the committee on preschool special**

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.

education unless specifically requested in writing, at least seventy-two hours prior to such meeting, by the parents or other person in parental relation to the student in question or a member of the committee on preschool special education. The parents or persons in parental relation of the student in question shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student along with a statement, prepared by the department, explaining the role of having the additional parent attend the meeting.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subparagraph (1) of paragraph a of subdivision 3 of section 4410 of the education law made by section one of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly