



OFFICE OF P-12 EDUCATION: Office of Special Education
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TO: District Superintendents
Superintendents of Public Schools
Superintendents of State-Operated and State-Supported Schools
Superintendents of Special Act School Districts
Principals of Public, Nonpublic and Charter Schools
New York City Department of Education
Impartial Hearing Officers
Special Education Parent Centers
Regional Special Education Technical Assistance Support Centers
Special Education Parent Centers
Early Childhood Direction Centers
Commissioner's Advisory Panel for Special Education Services
Organizations, Parents and Individuals Concerned with Special Education

FROM: James P. DeLorenzo *James P. DeLorenzo*

SUBJECT: Amendment to Sections 200.1 and 200.4 of the Regulations of the Commissioner of Education to Change the Term "Mental Retardation" to "Intellectual Disability"

This is to inform you that the Board of Regents has approved for permanent adoption the amendment of sections 200.1 and 200.4 of the Regulations of the Commissioner of Education to change the term "mental retardation" to "intellectual disability." These regulations become permanently effective on March 30, 2011. Committees on Special Education (CSE) should begin using the term "intellectual disability" in place of "mental retardation" for student special education classifications on individualized education programs and other related documents.

The Regents made the change in consideration of "Rosa's Law" (Public Law 111-256), which was enacted to replace the term "mental retardation" with "intellectual disability" in federal statutes, including the Individuals with Disabilities Education Act (IDEA), the Elementary and Secondary Education Act (ESEA), the Higher Education Act and the Rehabilitation Act of 1973. "Rosa's Law" is not intended to change the coverage, eligibility, rights, responsibilities, or definitions referred to in the amended provisions of the federal statutes. Although states are not required to replace the term "mental retardation" with "intellectual disability," the amendment of sections 200.1 and 200.4 ensures that the

Regulations of the Commissioner of Education are consistent with the terminology change in federal law, and addresses issues of respect and dignity for individuals with disabilities.

The amendment also makes technical revisions to conform to a recent State statutory change of the name of the Office of Mental Retardation and Developmental Disabilities to the Office for People With Developmental Disabilities (OPWDD) by replacing the term “Commissioner of Mental Retardation and Developmental Disabilities” with “Commissioner of the Office for People With Developmental Disabilities.”

A copy of the amended regulations may be found at <http://www.regents.nysed.gov/meetings/2011Meetings/March2011/311brca16.pdf>.

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, CSE and Committee on Preschool Special Education 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) 476-5081
Eastern Regional Office	(518) 486-6366
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Long Island Regional Office	(631) 884-8530
New York City Regional Office	(718) 722-4544
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