Cal. No. 644

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4880--A
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2013-2014 Regular Sessions
I N S E N A T E
April 29, 2013

Introduced by Sens. FELDER, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -committee discharged and said bill committed to the New York City Education Subcommittee -- reported favorably from said subcommittee and committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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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 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.

S 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.

