

4880

2013-2014 Regular Sessions

I N   S E N A T E

April 29, 2013

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Introduced by Sens. FELDER, FLANAGAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Education

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:

1     Section 1. Subparagraph 1 of paragraph a of subdivision 3 of section  
2     4410 of the education law, as amended by chapter 378 of the laws of  
3     2007, is amended to read as follows:  
4     (1) Such board shall ensure that such committee is composed of at  
5     least the following members: (i) the parents of the preschool child;  
6     (ii) a regular education teacher of such child, whenever the child is or  
7     may be participating in a regular education environment; (iii) a special  
8     education teacher of the child or, if appropriate, a special education  
9     provider of the child; (iv) an appropriate professional employed by the  
10    school district who is qualified to provide, or supervise the provision  
11    of, special education, who is knowledgeable about the general curriculum  
12    of the school district and the availability of preschool special education  
13    programs and services and other resources in the school district  
14    and the municipality, and who shall serve as chairperson of the committee;  
15    (v) an additional parent of a child with a disability who resides  
16    in the school district or a neighboring school district and whose child  
17    is enrolled in a preschool or elementary level education program,  
18    provided that such parent shall not be employed by or under contract  
19    with the school district or municipality, and provided further that such  
20    additional parent shall not be a required member if the parents request  
21    that such additional parent member not participate; (vi) an individual  
22    who can interpret the instructional implications of evaluation results,  
23    provided that such individual may be the member appointed pursuant to  
24    clause (ii), (iii), (iv) or (vii) of this subparagraph where such individuals  
25    are determined by the school district to have the knowledge and

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

LBD10452-01-3

1 expertise to do so; (vii) such other persons having knowledge or exper-  
2 tise regarding the child as the board or the parents shall designate, to  
3 the extent required under federal law; and for a child in transition  
4 from programs and services provided pursuant to applicable federal laws  
5 relating to early intervention services, at the request of the parent or  
6 person in parental relation to the child, the appropriate professional  
7 designated by the agency that has been charged with the responsibility  
8 for the preschool child pursuant to said applicable federal laws. In  
9 addition, the chief executive officer of the municipality of the  
10 preschool child's residence shall appoint an appropriately certified or  
11 licensed professional to the committee. Attendance of the appointee of  
12 the municipality shall not be required for a quorum. THE ADDITIONAL  
13 PARENT NEED NOT BE IN ATTENDANCE AT ANY MEETING OF THE COMMITTEE ON  
14 PRESCHOOL SPECIAL EDUCATION UNLESS SPECIFICALLY REQUESTED IN WRITING, AT  
15 LEAST SEVENTY-TWO HOURS PRIOR TO SUCH MEETING, BY THE PARENTS OR OTHER  
16 PERSON IN PARENTAL RELATION TO THE STUDENT IN QUESTION OR A MEMBER OF  
17 THE COMMITTEE ON PRESCHOOL SPECIAL EDUCATION. THE PARENTS OR PERSONS IN  
18 PARENTAL RELATION OF THE STUDENT IN QUESTION SHALL RECEIVE PROPER WRIT-  
19 TEN NOTICE OF THEIR RIGHT TO HAVE AN ADDITIONAL PARENT ATTEND ANY MEET-  
20 ING OF THE COMMITTEE REGARDING THE STUDENT ALONG WITH A STATEMENT,  
21 PREPARED BY THE DEPARTMENT, EXPLAINING THE ROLE OF HAVING THE ADDITIONAL  
22 PARENT ATTEND THE MEETING.

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