AN ACT to amend the education law, in relation to the additional parent member of committees on special education

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Clause (b) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

(b) In determining the composition of such committee pursuant to clause (a) of this subparagraph, a school district may determine that a member appointed pursuant to one of subclause (ii), (iii), (iv), (v) or (ix) of clause (a) of this subparagraph also fulfills the requirement of subclause (vi) of clause (a) of this subparagraph of a member who is an individual who can interpret the instructional implications of evaluation results where such individuals are determined by the school district to have the knowledge and expertise to do so and/or that a member appointed pursuant to subclause (iii) or (iv) of clause (a) of this subparagraph also fulfills the requirement of subclause (v) of clause (a) of this subparagraph of a member who is a representative of the school district. The regular education teacher of the student shall participate in the development, review and revision of the individualized education program for the student, to the extent required under federal law. The school physician need not be in attendance at any meeting of the committee on 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, the student, or a member of the committee on special education.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
parents or persons in parental relation of the student in question shall receive proper written notice of their right to have the school physician attend the meetings of the committee on special education upon referral of said student to the committee on special education or whenever such committee plans to modify or change the identification, evaluation or educational placement of the student [and their right to request that an additional parent member not participate at any meeting of the committee regarding the student]. THE ADDITIONAL PARENT NEED NOT BE IN ATTENDANCE AT ANY MEETING OF THE COMMITTEE ON 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, THE STUDENT, OR A MEMBER OF THE COMMITTEE ON 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. The committee shall invite the appropriate professionals most familiar with a student's disability or disabilities to attend any meeting concerning the educational program for such student. Except as otherwise provided in this clause or clause (b-1) or (b-2) of this subparagraph, all members of such committee shall attend meetings of the committee on special education.

S 2. Clause (b) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 311 of the laws of 1999, is amended to read as follows:

(b) In determining the composition of such committee pursuant to clause (a) of this subparagraph, a school district may determine that a member appointed pursuant to one of subclause (ii), (iii), (iv), (v) or (ix) of clause (a) of this subparagraph also fulfills the requirement of subclause (vi) of clause (a) of this subparagraph of a member who is an individual who can interpret the instructional implications of evaluation results where such individuals are determined by the school district to have the knowledge and expertise to do so and/or that a member appointed pursuant to subclause (iii) or (iv) of clause (a) of this subparagraph also fulfills the requirement of subclause (v) of clause (a) of this subparagraph of a member who is a representative of the school district. The regular education teacher of the student shall participate in the development, review and revision of the individualized education program for the student, to the extent required under federal law. The school physician need not be in attendance at any meeting of the committee on special education unless specifically requested in writing, at least seventy-two hours prior to such meeting by the parents or other person in parental relationship to the student in question, the student, or a member of the committee on special education. The parents or persons in parental relationship of the student in question shall receive proper written notice of their right to have the school physician attend the meetings of the committee on special education upon referral of said student to the committee on special education or whenever such committee plans to modify or change the identification, evaluation or educational placement of the student [and their right to request that an additional parent member not participate at any meeting of the committee regarding the student]. THE ADDITIONAL PARENT NEED NOT BE IN ATTENDANCE AT ANY MEETING OF THE COMMITTEE ON 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, THE STUDENT, OR A MEMBER OF THE COMMITTEE ON 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. The committee shall invite the appropriate professionals most familiar with a student's disability or disabilities to attend any meeting concerning the educational program for such student. Members of such committee shall serve at the pleasure of such board and members who are neither employees of nor under contract with such district shall serve without compensation except that such members shall be entitled to a per diem to defray expenses incurred in such service, provided, however, that any expense incurred shall be deemed an aidable operating expense for purposes of state aid.

S 3. This act shall take effect immediately; provided, however, that the amendments to clause (b) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law made by section one of this act shall be subject to the expiration and reversion of such clause pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section two of this act shall take effect.