

4880--A

Cal. No. 644

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 -- 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:

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 educa-  
13    tion programs and services and other resources in the school district  
14    and the municipality, and who shall serve as chairperson of the commit-  
15    tee; (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

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

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1 additional parent shall not be a required member [if] UNLESS the  
2 parents, OR A MEMBER OF THE COMMITTEE ON PRESCHOOL SPECIAL EDUCATION,  
3 request that such additional parent member [not] participate IN ACCORD-  
4 ANCE WITH THIS SUBPARAGRAPH; (vi) an individual who can interpret the  
5 instructional implications of evaluation results, provided that such  
6 individual may be the member appointed pursuant to clause (ii), (iii),  
7 (iv) or (vii) of this subparagraph where such individuals are determined  
8 by the school district to have the knowledge and expertise to do so;  
9 (vii) such other persons having knowledge or expertise regarding the  
10 child as the board or the parents shall designate, to the extent  
11 required under federal law; and for a child in transition from programs  
12 and services provided pursuant to applicable federal laws relating to  
13 early intervention services, at the request of the parent or person in  
14 parental relation to the child, the appropriate professional designated  
15 by the agency that has been charged with the responsibility for the  
16 preschool child pursuant to said applicable federal laws. In addition,  
17 the chief executive officer of the municipality of the preschool child's  
18 residence shall appoint an appropriately certified or licensed profes-  
19 sional to the committee. Attendance of the appointee of the municipality  
20 shall not be required for a quorum. THE ADDITIONAL PARENT NEED NOT BE  
21 IN ATTENDANCE AT ANY MEETING OF THE COMMITTEE ON PRESCHOOL SPECIAL  
22 EDUCATION UNLESS SPECIFICALLY REQUESTED IN WRITING, AT LEAST SEVENTY-TWO  
23 HOURS PRIOR TO SUCH MEETING, BY THE PARENTS OR OTHER PERSON IN PARENTAL  
24 RELATION TO THE STUDENT IN QUESTION OR A MEMBER OF THE COMMITTEE ON  
25 PRESCHOOL SPECIAL EDUCATION. THE PARENTS OR PERSONS IN PARENTAL  
26 RELATION OF THE STUDENT IN QUESTION SHALL RECEIVE PROPER WRITTEN NOTICE  
27 OF THEIR RIGHT TO HAVE AN ADDITIONAL PARENT ATTEND ANY MEETING OF THE  
28 COMMITTEE REGARDING THE STUDENT ALONG WITH A STATEMENT, PREPARED BY THE  
29 DEPARTMENT, EXPLAINING THE ROLE OF HAVING THE ADDITIONAL PARENT ATTEND  
30 THE MEETING.

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