

6881--A

2013-2014 Regular Sessions

I N A S S E M B L Y

April 23, 2013

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Education -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

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 ASSEM-
BLY, 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
20 additional parent shall not be a required member [if] UNLESS the
21 parents, OR A MEMBER OF THE COMMITTEE ON PRESCHOOL SPECIAL EDUCATION,
22 request that such additional parent member [not] participate IN ACCORD-
23 ANCE WITH THIS SUBPARAGRAPH; (vi) an individual who can interpret the
24 instructional implications of evaluation results, provided that such

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

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

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