STATE OF NEW YORK

7614

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. BENEDETTO, CYMBROWITZ -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to appointing an impartial hearing officer during certain appeal procedures for children with handicapping conditions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 4404 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-a. If the parent or person in parental relation of a student files a due process complaint notice seeking an impartial due process hearing with respect to the evaluation, educational placement, provision of a free appropriate public education to the student or in accordance with section thirty-six hundred two-c of this chapter and an impartial hearing officer is not appointed within one hundred ninety-six days after filing such due process complaint notice with the local school district, in accordance with regulations promulgated pursuant to this section by the commissioner, an impartial hearing officer may then be immediately appointed to issue an order based upon a proposed order of relief submitted by the parent or person in parental relation of the student identifying appropriate and individualized programs and services for the student. School districts subject to this subdivision shall annually report, on a form prescribed by the commissioner, on the number of complaints that seek this relief, the relief sought, and the resolution of such complaints to the governor, the commissioner, the temporary president of the senate, the speaker of the assembly, the chair of the senate education committee, the chair of the senate city of New York education committee and the chair of the assembly education committee.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of education on or before such effective date.

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

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