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Room 2M EB (518) 474-3862

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To: District Superintendents
Superintendents of Public Schools
Superintendents of State-Operated and State-Supported Schools
Superintendents of Special Act School Districts
Principals of Public, Nonpublic and Charter Schools
New York City Department of Education
Impartial Hearing Officers
Special Education Parent Centers
Regional Special Education Technical Assistance Support Centers
Early Childhood Direction Centers
Commissioner's Advisory Panel for Special Education Services
Organizations, Parents and Individuals Concerned with Special Education

From: Ken Slentz 

Subject: Mandate Relief Relating to Special Education Requirements

At the November 2011 meeting of the Board of Regents, several possible mandate relief recommendations relating to special education were discussed. While the Regents voted to support development of legislative and regulatory proposals that are necessary to put any of these proposals into effect, their actions did not result in changes to any State policy for any of the mandates discussed. Therefore, none of the mandate relief proposals that were discussed are in effect and the State's current rules relating to Committee on Special Education and Committee on Preschool Special Education membership, evaluations, and planning and reporting requirements must be followed.

At their December 2011 meeting, the Regents discussed a proposed amendment to State regulations relating to evaluations of preschool and school-age students. A Notice of Proposed Rule Making will be published in the State Register on January 4, 2012. Public comment on the proposed amendment will be accepted for 45 days from the date of publication in the State Register. Following the receipt of public comment, the proposed amendment will be submitted for action at the March 2012 meeting with a proposed effective date of April 11, 2012. A copy of the proposed amendment may be found at <http://www.regents.nysed.gov/meetings/2011Meetings/December2011/1212p12d1.pdf>.

The Department will advance a 2012 legislative proposal relating to the mandate relief recommendations that require changes to State law. Information on the specific areas of special education mandate relief discussed and supported by the Board of Regents, can be found at <http://www.regents.nysed.gov/meetings/2011Meetings/November2011/1111p12a2.pdf>.

Questions regarding this memorandum may be directed to the P-12: Office of Special Education at (518) 473-2878.