



OFFICE OF P-12 EDUCATION: Office of Special Education
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April 2014

SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo

SUBJECT: Changes to the New York State Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21

This memorandum is to inform you of the changes in the New York State (NYS) Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21 to reflect the recent amendment to section 4402 of New York State Education Law by Chapter 56 of the Laws of 2014, relating to parental consent for initial provision of extended school year services. Chapter 56 repeals the requirement for parental consent prior to the initial provision of special education services and programs during the months of July and August. The amendment was effective March 31, 2014.

The procedural safeguards notice must be provided to parents of a student with a disability, at a minimum of one time per year and also upon:

- initial referral or parental request for evaluation;
- request by a parent;
- the first filing of a due process complaint notice to request mediation or an impartial due process hearing;
- a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- receipt of a parent's first State complaint in a school year.

School districts are required to use this revised notice effective immediately. The specific change is highlighted on page 4 of the Notice. Please also note that the contact information for the Special Education Quality Assurance (SEQA) Regional Offices on the final page has been updated. Districts are encouraged to develop their own cover letter to parents to accompany the required notice and may add an addendum of local district policies but may not change the content of the State-mandated procedural safeguards notice. This notice and updated versions will be available through the State Education Department's (SED) web site at <http://www.p12.nysed.gov/specialed/formsnotices/>.

For additional information regarding requirements related to parental consent for the use of public benefits or insurance to pay for services under IDEA, see SED's March and July 2013 field memorandums at <http://www.p12.nysed.gov/specialed/publications/datelist.html>.

Questions relating to the IDEA requirements for parental consent may be directed to the Special Education Policy Unit at 518-473-2878 or speced@mail.nysed.gov or the SEQA Office in your region:

Central Regional Office	(315) 428-4556
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185
Long Island Regional Office	(631) 952-3352
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002
Nondistrict Unit	(518) 473-1185

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, Committee on Special Education and Committee on Preschool Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations.

Attachment

Revised Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21 – April 2014