



May 2012

## SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo 

SUBJECT: New York State Laws and Regulations that Differ from Federal Requirements

Pursuant to 20 United States Code § 1407(a)(2) each state is required to identify in writing to the Secretary of the United States Education Department and local educational agencies located in the state any rule, regulation or policy as a state-imposed requirement that is not required by the Individuals with Disabilities Education Act and federal regulations. The New York State Education Department (NYSED) has taken steps to conduct a comprehensive review of its laws and regulations that apply to the education of students with disabilities. The attached summary provides a list of New York State laws and regulations that differ from federal requirements in effect on the date of the analysis.

The analysis was posted for general public review and comment on the NYSED website for 60 days beginning on January 5, 2012. Comments were accepted for at least 30 days until February 17, 2012. Following the comment period, the analysis was revised to reflect the amendment of section 200.4 and 200.16 of the Regulations of the Commissioner of Education relating to preschool and school-age evaluations, which became effective April 11, 2012; and the amendment of sections 4403 and 4410 of the Education Law, as amended by Chapter 56 of the Laws of 2012, relating to the Commissioner of Education's approval of certain early intervention programs, which become effective April 1, 2013.

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. Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office	(315) 476-5081
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