



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
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To: District Superintendents  
Superintendent of Schools  
Presidents of Boards of Education  
New York City Board of Education  
Superintendents of State-Operated and State-Supported Schools  
Executive Directors of Approved Private Schools  
Organizations, Parents and Individuals Concerned with Special Education  
Commissioner's Advisory Panel for Special Education Services  
SETRC Professional Development Specialists  
Impartial Hearing Officers  
Mediators

From: James P. DeLorenzo

Subject: Conforming State Law to Meet the Requirements of the Individuals with Disabilities Education Act (IDEA)

Over the past two years, to ensure compliance with the Individuals with Disabilities Education Act (IDEA) 2004 and while waiting for the federal government to issue the final regulations to implement IDEA, the New York State Legislature has enacted chapter laws with one year sunset provisions. The most recent is Chapter 430 of the Laws of 2006, which will sunset June 30, 2007. In order to understand the full implication of Chapter 430, you will need to consult the previous chapter bill, Chapter 352 of the Laws of 2005. A field memorandum on the implementation of Chapter 352 and the related amendments was issued in December 2005 (<http://www.vesid.nysed.gov/specialed/idea/requirememo.htm>).

Chapter 430 includes a few clarifying and technical amendments to the provisions of Chapter 352. The amendments are as follows:

- a technical amendment to section 3602-c(2-a) of Education Law relating to students parentally placed in nonpublic schools to clarify that the language requiring referral of a parentally-placed nonpublic student to the committee on special education of the school district of residence applies only to New York residents;
- the repeal of certain data collection and reporting requirements enacted by Chapter 405



of the Laws of 1999. These data collection and reporting requirements are now required by the State Performance Plan (SPP) and were duplicative;

- an amendment to section 4404(1)(a) of Education Law to clarify that a board of education may not commence an impartial hearing to override the refusal of a parent to consent where prohibited by federal law; and
- an amendment to section 4404(3)(a) and (b) of Education Law to clarify that a proceeding to appeal a determination of a State Review Officer (SRO), brought in either federal or State court, must commence within four months of the date the determination becomes final and binding on the parties.

Once the final federal implementing regulations are effective and necessary clarification is obtained on certain provisions of the amended IDEA, the Department will propose permanent legislation making broader changes in New York State law in response to the final federal regulations. VESID will provide additional guidance on the implementation of IDEA after the final federal regulations are analyzed.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with other individuals such as Building Principals, Directors of Special Education, School Psychologists, Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) Chairpersons, Guidance Counselors and Directors of Pupil Personnel. Questions regarding this memorandum may be directed to the Special Education Policy and Partnerships Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office	(315) 428-3287
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(914) 245-0010
Long Island Regional Office	(631) 884-8530
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002

Attachment