



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

SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo

Subject: New Requirements for Special Education Programs and Services: Amendment of Section 200.5 of the Regulations of the Commissioner of Education Relating to Parental Consent for Initial Provision of a 12-month Special Service and/or Program (Effective July 30, 2014)

This memorandum is to inform you that the Board of Regents has approved for permanent adoption the amendment of section 200.5 of the Regulations of the Commissioner of Education. The amendment conforms State regulations to section 16-a of Part A of Chapter 56 of the Laws of 2014 to eliminate the requirement for parental consent prior to the initial provision of special education services and programs during the months of July and August (i.e., 12-month special service and/or program). However, if a school district provides special education services to a student for the first time during the months of July and August and the student has not previously been identified as having a disability, parental consent must be obtained prior to the initial provision of special education to the student.

The effective date of the amendment is July 30, 2014. However, elimination of the requirement to obtain parental consent for the initial provision of special education services during the months of July and August has been in effect since the Governor signed Chapter 56 into law on March 31, 2014. A copy of the full text of the amended regulations can be found at <http://www.regents.nysed.gov/meetings/2014/July2014/714brca8.pdf>.

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:

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