



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

ASSISTANT COMMISSIONER FOR SPECIAL EDUCATION  
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August 2004

**TO:** District Superintendents  
Superintendents of Schools  
Superintendents of State-Operated Schools  
Executive Directors of Approved Private Schools  
Superintendents of Special Act School Districts  
Directors of Special Education  
Organizations, Parents and Individuals Concerned with Special Education  
Impartial Hearing Officers  
New York State Community Dispute Resolution Centers  
Commissioner's Advisory Panel for Special Education Services  
SETRC Project Directors and Professional Development Specialists  
Independent Living Centers  
Other State Agencies

**FROM:** Edward Placke

**SUBJECT:** Legislative Amendment: Parent Member on the Committee on Special Education

On July 20, 2004, the Governor signed A9206 (S7366) as Chapter 194 of the Laws of 2004. The purpose of this law, which amends section 4402 of the Education Law, is to expand the pool of parents eligible to serve as the additional parent member on a Committee on Special Education (CSE) by authorizing persons whose disabled child is no longer eligible to receive special education services to serve on a CSE for a period of five years subsequent to the declassification of their child, or the graduation of the child. This law, which is effective immediately, does not apply to the parent member on the Committee on Preschool Special Education (CPSE).

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, CSE Chairpersons, Guidance Counselors and Directors of Pupil Personnel. A copy of Chapter 194 of the Laws of 2004 is attached. Questions regarding this may be directed to Patricia Geary in the Special Education Policy, Planning and Partnerships Unit at (518) 473-2878.

Attachment



Chapter 194 of the Laws of 2004

STATE OF NEW YORK  
9206--A

2003-2004 Regular Sessions

IN ASSEMBLY

October 31, 2003

AN ACT to amend the education law, in relation to parents serving on committees on special education.

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weisenberg, Barra) -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee.

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subclause (viii) of clause (a) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 311 of the laws of 1999, is amended to read as follows:

(viii) an additional parent {of a student with a disability}, residing in the school district or a neighboring school district, OF A STUDENT WITH A DISABILITY, OF A STUDENT WHO HAS BEEN DECLASSIFIED AND IS NO LONGER ELIGIBLE FOR AN INDIVIDUALIZED EDUCATION PROGRAM (IEP), OR A PARENT OF A DISABLED CHILD WHO HAS GRADUATED, FOR A PERIOD OF FIVE YEARS BEYOND THE STUDENT'S DECLASSIFICATION OR GRADUATION, provided such parent shall not be employed by or under contract with the school district, and provided further that such additional parent shall not be a required member if the parents request that such additional parent member not participate;

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.