



OFFICE OF P-12 EDUCATION: Office of Special Education  
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July 2013

## 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 of section 200.5 of the Regulations of the Commissioner of Education. The amendment conforms NYS regulations to 34 Code of Federal Regulations section 300.154(d) relating to parental consent requirements for the use of public benefits or insurance to pay for services under the Individuals with Disabilities Education Act (IDEA). The effective date of the amendment is July 3, 2013.

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 changes are highlighted on pages 39 and 40 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 Department's 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 the State Education

Department's (SED) March and July 2013 field memorandums at <http://www.p12.nysed.gov/specialed/publications/datelist.html>.

Please direct questions regarding Medicaid reimbursement to SED's Medicaid Unit at 518-474-7116 or [MedinEd@mail.nysed.gov](mailto:MedinEd@mail.nysed.gov). 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](mailto: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 - July 2013