




Office of Special Education
Assistant Commissioner

July 2017

TO: District Superintendents
Superintendents of Schools
Public School Administrators
Charter School Administrators
Nonpublic School Administrators
Directors of Special Education
Directors of Pupil Personnel Services
Chairpersons of Committees on Special Education
Chairpersons of Committees on Preschool Special Education
Organizations, Parents and Individuals Concerned with Special Education

FROM: Christopher Suriano 

SUBJECT: Changes to the New York State Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-12

This memorandum is to inform you of changes in the New York State (NYS) Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21. The changes reflect the amendment of Part 279 of the Regulations of the Commissioner of Education relating to procedures concerning appeals of impartial hearing officer determinations for students with disabilities to a State Review Officer. The specific changes are highlighted on pages 26-27 of the Notice. The amendment, which became effective January 1, 2017, applies to all appeals in which a Request for Review (formally called a "Petition for Review") has been served upon the opposing party on or after January 1, 2017. For your reference, a copy of the full text of the amendment may be found at <http://www.regents.nysed.gov/common/regents/files/916brca11.pdf>. Further information regarding the changes may be found at <http://www.sro.nysed.gov/RevisedPart279.html>.

School districts are required to use this revised notice **effective immediately**, when providing parents with a copy of the Procedural Safeguards Notice. 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.

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 on the New York State Education Department's web site at <http://www.p12.nysed.gov/specialed/formsnotices/>.

Questions relating to the revised Procedural Safeguards Notice may be directed to the Special Education Policy Unit at 518-473-2878 or speced@nysed.gov or the Special Education Quality Assurance 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

Attachment: Revised Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21 (July 2017)