

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 3602-c, 4404, and 4410 of the Education Law.

1. Paragraph (1) of subdivision (i) of section 200.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) A parent or school district may file a due process complaint with respect to any matter relating to the identification, evaluation, or educational placement of a student with a disability, a student suspected of having a disability, or the provision of free appropriate public education to such student. This does not include disputes over the implementation of services in an individualized education services plan in the form of payment for services by a school district that were obtained by the parents of a student with a disability. The party presenting the complaint, or the attorney representing such party shall provide a written due process complaint notice to the party, which shall include:

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) ...

2. Paragraph (3) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xvii) to read as follows:

(xviii) Any determination of a student's then-current educational placement by a hearing officer shall be limited to the same general level and type of services that the child was receiving. This determination may not identify a specific school, provider, or rate of reimbursement.