



March 3, 2008

Commissioner Mills and the Board of Regents:
NY State Department of Education
89 Washington Avenue
Albany, NY 12234

To the Board of Regents:

As part of the public comment request, the New York State Parent Teacher Association, Inc. (PTA®) is submitting our comments to the question on the implementation of Chapter 378 of the NYS of 2007, the Individuals with Disabilities Education Act of 2004 (IDEA 2004), and the final federal regulations to implement IDEA 2004. The NYS PTA believes in equity of services for each and every child and youth. The NYS PTA believes that all children and youth should be given equal access to educational opportunities. The NYS PTA believes that it is important that parents, families and guardians be an integral part of the special education process. With regard to the specific proposed regulations, a brief notation to each is provided, followed by our comments.

Charter school and public school provision of special education services:

RESPONSE: The NYS PTA believes in public education. NYS PTA supports the education of children and youth within their local school district. NYS PTA believes that the provision and range within the continuum of special education services must be available to students with disabilities, so that his/her needs are met within the LRE (Least Restrictive Environment). NYS PTA also supports clear and open communication so that consistency occurs in meeting the needs of children and youth who have disabilities.

Excusal of committee members (CPSE/CSE):

RESPONSE: NYS PTA believes that the student's regular classroom and special education teachers and other members of the CSE should attend all committee meetings to develop or review the student's IEP. This is important to ensure a complete discussion of the child's/youth's needs. NYS PTA believes that parents should be making informed decisions and should be an integral part of the team. If any decisions are made outside of formal meeting, it should be with the informed choice and agreement of the parent(s).

Changes to an IEP (CPSE/CSE):

RESPONSE: NYS PTA believes that clear and informed communication between all members of the CSE is important and necessary, along with informed consent of the parent, especially if there are any amendments or changes that may be requested. NYS PTA believes that discussion regarding changes or amendments to the IEP should happen **BEFORE the change occurs. NYS PTA believes that the parent should be an integral part of this process and supports the continuation of discussion, with ALL members participating.**

Agreement to waive re-evaluation:

RESPONSE: NYS PTA believes that clear and informed communication between all members of the CSE is important and necessary. NYS PTA believes that parents and families play an important role in advocating for their children. NYS PTA believes that parents should be fully informed and involved in the process when agreeing to waive a re-evaluation. This process should be in a timely and consistent manner, especially for parents who may need additional translation in their native language. NYS PTA believes that it should also be noted that, at any time, parents can request an updated evaluation or re-evaluation, which should be reflected in the regulations.

Response to Intervention:

RESPONSE: NYS PTA believes that all students should have the opportunity to succeed. NYS PTA believes that instruction should always be of high quality and encourages best practices be used in classrooms. NYS PTA believes that caution should be used by schools and communities before using the Response to Intervention (RTI) approach. Adequate research of best practices and research-based materials/curriculum should occur before implementation. The process of RTI includes coordination, collaboration, assessment and implementation. NYS PTA believes that each step of this process is equally important, and that appropriate training and information

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needs to be provided to all staff and personnel within the school. NYS PTA supports and advocates for full funding in order to implement RTI. NYS PTA also believes that schools should have the necessary materials to implement this model correctly. NYS PTA encourages the identification of RTI criteria, defining the levels of supports and monitoring of progress. NYS PTA believes in accountability for the implementation of RTI.

Thank you for the opportunity to be an active participant in this process.

Sincerely and on behalf of the NYS PTA,



Maria DeWald
NYS PTA President



Tamalin Martin
NYS PTA Education Chair



Max Donatelli
NYS PTA Special Education Chair

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