

THE NY STATE EDUCATION DEPARTMENT UPDATES THE PARENT PROCEDURAL SAFEGUARDS NOTICE

Hodgson Russ Special Education Alert
May 21, 2024

The New York State Education Department, Office of Special Education has updated its *Procedural Safeguard Notice*. This is the document that notifies parents of students with disabilities of their rights and obligations during the Committee on Special Education (“CSE”) or Committee on Preschool Special Education (“CPSE”) process.

In addition to formatting and technical edits, the updated Procedural Safeguards Notice contains several substantive changes. The substantive changes include:

1. The addition of a section concerning accelerated relief.
2. Removal of the prohibition of attorney fees for special education mediation.
3. Highlighting special education mediation as a dispute resolution option.
4. The change in hours of alternative instruction at the elementary and secondary level.

The updated Procedural Safeguards Notice may be accessed on the [NYSED website](#).

As a reminder, the Procedural Safeguards Notice must be provided to parents of a student with a disability at a minimum of one time per year and upon:

1. Initial referral or parental request for evaluation.
2. Request by a parent.
3. The first filing of a due process complaint to request a mediation or an impartial due process hearing.
4. A decision to impose a suspension or removal that constitutes a disciplinary change in placement.
5. Receipt of a parent’s first State complaint in a school year.

If you have any questions about this alert, please feel free to contact any member of the [Hodgson Russ Special Education Practice](#).

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