Department of
Education

Joel I. Klein
Chancellor

DECLARATION PURSUANT TO EDUCTION LAW SECTION 2590-g(9)
CONCERNING CHANCELLOR'S REGULATION D-150,
PROCESS FOR THE SELECTION OF MEMBERS OF THE CITYWIDE COUNCIL ON
SPECIAL EDUCATION AND THE CITYWIDE DISTRICT 75 COUNCIL

I, Joel I. Klein, Chancellor of the New York City Department of Education, pursuant to Section 2590-g(9) of the New York State Education Law, do hereby determine that the immediate promulgation of proposed amendments to Chancellor's Regulation D-150 regarding the Process for the Nomination and Selection of Members of the Citywide Council on Special Education and the Citywide District 75 Council is necessary to preserve the health, safety and general welfare of the students and school system as a whole. This emergency declaration shall remain in effect for 60 days or until the panel for Educational Policy (Panel) votes to approve the amendments to the regulation, whichever comes first.

Education Law Section 2590-b(4) was amended to require that the Board of Education of the City of New York create a Citywide Council on Special Education (CCSE). Such CCSE must consist of eleven voting members and one non-voting member. Nine of the voting members must be parents of students with Individualized Education Programs who are selected by parents of students with Individualized Education Programs. Section 2590-b(4) further requires that the CCSE include two voting members appointed by the Public Advocate of the city of New York and one non-voting member who is a high school senior with an Individualized Education Program appointed by the administrator designated by the Chancellor to supervise special education programs.

Chancellor's Regulation D-150 articulates the process for the nomination and selection of members of the CCSE and creates a new District 75 Council. Section 2590-g(8) of the Education Law requires that the Panel approve Chancellor's Regulations. In accordance with Section 2590-g(8), the Panel undertook a public review process for review and comment on the proposed amendments to Chancellor's Regulation D-150. Such review process included notice of the proposed amendments to the Chancellor's Regulation via the Department of Education's internet website and circulation of the notice of proposed regulation to all community superintendents, community district education councils, community boards, and school based management teams. This public review process commenced on December 2, 2009 in anticipation that the Panel would vote on the proposed amendments to the regulation at its meeting of January 26, 2010. At that meeting, the vote on the regulation was moved to the Panel meeting scheduled for February 10, 2010. The February 10, 2010 meeting was cancelled due to inclement weather, and the regulation is currently scheduled for a vote at the Panel meeting of March 23, 2010. Since the regulation has been substantially revised to include a new District 75 Council, it will be reposted for additional public comment through March 22, 2010.

CCSE elections must take place in May 2010 in order to establish the CCSE membership for the following school year and thereby implement Education Law § 2590-b(4). The nomination and selection of CCSE members involves a multi-step process which will require action in advance of the Panel's March 23, 2010 meeting. For these reasons, in accordance with Sections 2590-g and 2590-b(4) of the Education Law, I have determined that it is necessary to immediately adopt the proposed amendments to Chancellor's Regulation D-150 to remain in effect for 60 days or until the Panel votes to approve the amendments, whichever comes first.

For the reasons set forth above, I hereby determine that the amendments to Chancellor's Regulation D-150 must be implemented to preserve the health, safety and general welfare of the students and school system as a whole and to comply with Section 2590-b(4) of the Education Law.

Dated: New York, New York
March 1, 2010

Joel I. Klein