

5568

2013-2014 Regular Sessions

I N   S E N A T E

May 21, 2013

---

Introduced by Sen. FLANAGAN -- (at request of the State Comptroller) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Education

AN ACT to amend the education law, in relation to special education  
services and programs for preschool children with handicapping condi-  
tions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph c of subdivision 4 of section 4410 of the educa-  
2     tion law, as amended by chapter 474 of the laws of 1996, is amended to  
3     read as follows:  
4     c. The documentation of the evaluation shall include all assessment  
5     reports and a summary report of the findings of the evaluation on a form  
6     prescribed by the commissioner including a detailed statement of the  
7     preschool child's individual needs. The summary report shall not make  
8     reference to any specific provider of special services or programs. In  
9     addition, with the consent of the parents, approved evaluators and  
10    committees shall be provided with the most recent evaluation report for  
11    a child in transition from programs and services provided pursuant to  
12    title two-a of article twenty-five of the public health law. Nothing  
13    shall prohibit an approved evaluator or the committee from reviewing  
14    other assessments or evaluations to determine if such assessments or  
15    evaluations fulfill the requirements of the regulations of the commis-  
16    sioner. Notwithstanding any inconsistent provisions of this section, the  
17    committee [, in its discretion, may obtain] SHALL NOT PLACE A CHILD IN  
18    AN APPROVED PROGRAM THAT CONDUCTED AN EVALUATION OF SUCH CHILD UNLESS  
19    THE COMMITTEE OBTAINS an evaluation of the child from another approved  
20    evaluator AND THE COMMITTEE APPLIES FOR AND RECEIVES APPROVAL FROM THE  
21    COMMISSIONER prior to making any recommendation that would place a child  
22    in the approved program that conducted the [initial] evaluation of the  
23    child.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10634-01-3

1 S 2. Subdivision 9 of section 4410 of the education law is amended by  
2 adding a new paragraph g to read as follows:  
3 G. AS PART OF AN APPLICATION SUBMITTED PURSUANT TO PARAGRAPH A OF THIS  
4 SUBDIVISION, A PROVIDER OF SPECIAL SERVICES OR PROGRAMS SHALL CERTIFY  
5 PURSUANT TO REGULATIONS OF THE COMMISSIONER THAT ITS EXECUTIVE DIRECTOR:  
6 (I) IS A RESIDENT OF THIS STATE; (II) MEETS THE CRITERIA ESTABLISHED BY  
7 THE COMMISSIONER TO BE AN EXECUTIVE DIRECTOR; AND (III) IF PAID AS A  
8 FULL TIME EXECUTIVE DIRECTOR, HE OR SHE IS EMPLOYED IN A FULL TIME, FULL  
9 YEAR POSITION AND DOES NOT HAVE ANY OTHER EMPLOYMENT WHICH MAY IMPAIR  
10 SUCH STATUS.  
11 S 3. This act shall take effect on the ninetieth day after it shall  
12 have become a law.