S T A T E O F N E W Y O R K

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 conditions

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

Section 1. Paragraph c of subdivision 4 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

c. The documentation of the evaluation shall include all assessment reports and a summary report of the findings of the evaluation on a form prescribed by the commissioner including a detailed statement of the preschool child's individual needs. The summary report shall not make reference to any specific provider of special services or programs. In addition, with the consent of the parents, approved evaluators and committees shall be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article twenty-five of the public health law. Nothing shall prohibit an approved evaluator or the committee from reviewing other assessments or evaluations to determine if such assessments or evaluations fulfill the requirements of the regulations of the commissioner. Notwithstanding any inconsistent provisions of this section, the committee [, in its discretion, may obtain] SHALL NOT PLACE A CHILD IN AN APPROVED PROGRAM THAT CONDUCTED AN EVALUATION OF SUCH CHILD UNLESS THE COMMITTEE OBTAINS an evaluation of the child from another approved evaluator AND THE COMMITTEE APPLIES FOR AND RECEIVES APPROVAL FROM THE COMMISSIONER prior to making any recommendation that would place a child in the approved program that conducted the [initial] evaluation of the child.

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

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S 2. Subdivision 9 of section 4410 of the education law is amended by adding a new paragraph g to read as follows:

G. AS PART OF AN APPLICATION SUBMITTED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, A PROVIDER OF SPECIAL SERVICES OR PROGRAMS SHALL CERTIFY PURSUANT TO REGULATIONS OF THE COMMISSIONER THAT ITS EXECUTIVE DIRECTOR: (I) IS A RESIDENT OF THIS STATE; (II) MEETS THE CRITERIA ESTABLISHED BY THE COMMISSIONER TO BE AN EXECUTIVE DIRECTOR; AND (III) IF PAID AS A FULL TIME EXECUTIVE DIRECTOR, HE OR SHE IS EMPLOYED IN A FULL TIME, FULL YEAR POSITION AND DOES NOT HAVE ANY OTHER EMPLOYMENT WHICH MAY IMPAIR SUCH STATUS.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.