STATE OF NEW YORK

982--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 10, 2017

Introduced by M. of A. NOLAN, KEARNS -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing that all school districts are approved evaluators of preschool students suspected of having a disability

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs (a) and (c) of subdivision 9-a of section 4410 of the education law, paragraph (a) as amended by chapter 581 of the laws of 2011 and paragraph (c) as added by chapter 82 of the laws of 1995, are amended to read as follows:

(a) A [~~school district or a~~] group of appropriately licensed and/or certified professionals associated with a public or private agency may apply to the commissioner for approval as an evaluator on a form prescribed by the commissioner. The commissioner shall approve evaluators pursuant to this subdivision consistent with the approval process for the multi-disciplinary evaluation component of programs approved pursuant to subdivision nine of this section consistent with regulations adopted pursuant to such subdivision. **All school districts are deemed approved evaluators of preschool students suspected of having a disability without the need to submit an application to the commissioner if staff who provide such evaluation services shall have appropriate licensure and/or certification.**

Such application shall include, but not be limited to, a description of the multi-disciplinary evaluation services proposed to be provided and a demonstration that all agency employees and staff who provide such evaluation services shall have appropriate licensure and/or certification and that the individual who shall have direct supervision responsibilities over such staff shall have an appropriate level of experience in providing evaluation or services to preschool or kinder-

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

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garten-aged children with disabilities. To be eligible for approval as an evaluator under this subdivision on and after July first, two thousand eleven, a group of appropriately licensed or certified professionals shall be formed as a limited liability company or professional services corporation established pursuant to article fifteen of the business corporation law, article twelve or thirteen of the limited liability company law or article eight-B of the partnership law. The approval of any groups of licensed or certified professionals that are in existence on July first, two thousand eleven and would not be eligible for approval thereafter shall terminate on July first, two thousand thirteen.

(c) The commissioner shall establish a billing and reimbursement system for services provided by **school districts and** evaluators approved pursuant to the provisions of this subdivision consistent with billing and reimbursement for evaluation services provided by evaluators approved pursuant to the provisions of subdivision nine of this section.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 9-a of section 4410 of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.