

# STATE OF NEW YORK

1694--A

Cal. No. 365

2017-2018 Regular Sessions

## IN SENATE

January 10, 2017

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Paragraphs (a) and (c) of subdivision 9-a of section 4410  
2 of the education law, paragraph (a) as amended by chapter 581 of the  
3 laws of 2011 and paragraph (c) as added by chapter 82 of the laws of  
4 1995, are amended to read as follows:

5 (a) A [~~school district or a~~] group of appropriately licensed and/or  
6 certified professionals associated with a public or private agency may  
7 apply to the commissioner for approval as an evaluator on a form  
8 prescribed by the commissioner. The commissioner shall approve evalu-  
9 ators pursuant to this subdivision consistent with the approval process  
10 for the multi-disciplinary evaluation component of programs approved  
11 pursuant to subdivision nine of this section consistent with regulations  
12 adopted pursuant to such subdivision. All school districts are deemed  
13 approved evaluators of preschool students suspected of having a disabil-  
14 ity without the need to submit an application to the commissioner if  
15 staff who provide such evaluation services shall have appropriate licen-  
16 sure and/or certification.

17 Such application shall include, but not be limited to, a description  
18 of the multi-disciplinary evaluation services proposed to be provided  
19 and a demonstration that all agency employees and staff who provide such  
20 evaluation services shall have appropriate licensure and/or certifi-  
21 cation and that the individual who shall have direct supervision

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

LBD01266-02-7

1 responsibilities over such staff shall have an appropriate level of  
2 experience in providing evaluation or services to preschool or kinder-  
3 garten-aged children with disabilities. To be eligible for approval as  
4 an evaluator under this subdivision on and after July first, two thou-  
5 sand eleven, a group of appropriately licensed or certified profes-  
6 sionals shall be formed as a limited liability company or professional  
7 services corporation established pursuant to article fifteen of the  
8 business corporation law, article twelve or thirteen of the limited  
9 liability company law or article eight-B of the partnership law. The  
10 approval of any groups of licensed or certified professionals that are  
11 in existence on July first, two thousand eleven and would not be eligi-  
12 ble for approval thereafter shall terminate on July first, two thousand  
13 thirteen.

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

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