CHAPTER 429

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

Became a law November 29, 2017, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

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 evalu-
ators 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 disabil-
ity without the need to submit an application to the commissioner if
staff who provide such evaluation services shall have appropriate licen-
sure 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 certifi-
cation 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-
garten-aged children with disabilities. To be eligible for approval as
an evaluator under this subdivision on and after July first, two thou-
sand eleven, a group of appropriately licensed or certified profes-
sionals 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 eligi-
bale 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.

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

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§ 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.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN                                   CARL E. HEASTIE

Temporary President of the Senate                     Speaker of the Assembly