




OFFICE OF SPECIAL EDUCATION  
ASSISTANT COMMISSIONER

October 2018

TO: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Nonpublic School Administrators  
Superintendents of State-Operated and State-Supported Schools  
Municipalities  
Early Childhood Direction Centers  
Executive Directors of Approved Private Schools  
Nonpublic School Administrators  
Directors of Special Education  
Directors of Pupil Personnel Services  
Chairpersons of Committees on Preschool Special Education  
Approved Preschool Providers  
Organizations, Parents, and Individuals Concerned with Special Education

FROM: Christopher Suriano 

SUBJECT: Chapter 429 of the Laws of 2017 establishing that all school districts are deemed approved evaluators of preschool students suspected of having a disability without the need to submit an application to the New York State Education Department

The purpose of this memorandum is to inform you that, at its September 2018 meeting, the Board of Regents proposed regulations to conform section 200.1 of the Commissioner's Regulations to Chapter 429 of the Laws of 2017 (Chapter 429). Chapter 429 amended New York State Education Law section 4410 establishing that all school districts are deemed approved evaluators of preschool students suspected of having a disability without the need to submit an application to the New York State Education Department (NYSED). Although the regulations are currently proposed, these changes have been in effect since the Governor signed Chapter 429 into law on November 29, 2017. A copy of the full text of the proposed regulations developed consistent with the requirements of Chapter 429 can be found at the [Board of Regents website](http://www.regents.nysed.gov/common/regents/files/918p12d1.pdf) <http://www.regents.nysed.gov/common/regents/files/918p12d1.pdf>. For your reference, a copy of the full text of Chapter 429 is attached.

The Department is accepting public comment on the proposed amendment. Written comment may be submitted on or before December 3, 2018 to: Christopher Suriano, Assistant Commissioner, Office of Special Education, 89 Washington Avenue, Room 309 EB, Albany,

NY 12234, Attention: Public Comment - Proposed Amendment Chapter 429. Comments may also be faxed to (518) 473-5387 or e-mailed to [spedpubliccomment@nysed.gov](mailto:spedpubliccomment@nysed.gov).

Questions regarding this memorandum may be directed to the Office of Special Education Preschool Policy Unit at (518) 473-6108 or [SPECED@nysed.gov](mailto:SPECED@nysed.gov).

Attachment - Chapter 429 of the Laws of 2017