

## *Amendments to Commissioner's Regulations Part 117: Diagnostic Screening of New Students*

Part 117 of the Regulations of the Commissioner of Education requires school districts to screen every new student to the public schools to determine which students are possibly gifted, may have disabilities, and/or may be limited English proficient. This includes any new student entering the New York State public school system, Pre-Kindergarten through Grade 12. Recent amendments to Part 117 (indicated in italics) will assure consistency in definitions between these and other regulations. These changes are effective October 4, 2007.

The new amendments:

- Change the definition of a “pupil with a possible handicapping condition” to “preschool student with a disability” and “student with a disability”
- Clarify the definition of students who must receive diagnostic screening based on their performance on the statewide assessments in mathematics and English language arts;
- Clarify that pre-kindergarten students are included in the definition of “new entrants” consistent with regulations pertaining to school health services; and
- Incorporate the existing health screening requirements into the Part 117 diagnostic screening regulation.

### **Diagnostic Screening**

- Diagnostic screening usually occurs in the spring of the pre-kindergarten or pre-school program. However, the deadline for the administration of the screening is December 1 of the student's initial year of enrollment.
- If the student enrolls after December 1, the screening must take place within 15 days of entry.
- For students with low test scores, screening must be conducted within 30 days of the availability of the test scores. *Low test scores are defined as scoring below level two on either the third grade English language arts or mathematics assessment.*
- English language learners who have been exempted from the state-wide assessments will be assessed in the student's native language and shall be screened for suspected disabilities, if resulting scores are comparable to levels one or two on either the third grade English language arts or mathematics test.

### **Administration of Diagnostic Screening**

Diagnostic screening will be conducted by persons appropriately trained and qualified and screening for new entrants shall include, but not be limited to:

- A health examination by a health care provider, *defined as a duly licensed physician, physician's assistant, or nurse practitioner;*
- *Certificates of immunization or referral to immunization*
- Vision, hearing, and scoliosis screening;

- *A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and valid screening tools; and*
- *A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by a home language questionnaire and informal interview in English.*

Diagnostic testing for students with low test scores shall include, but not be limited to:

- *Vision and hearing screenings;*
- *A review of the instructional programs in reading and mathematics to ensure that instruction is researched based;*
- *Periodic monitoring through screenings and on-going assessments of the student's reading and mathematic abilities and skills. If it is determined that the student is making sub-standard progress, instruction will be tailored to meet the student's needs with targeted interventions and instruction;*
- *Districts shall give written notice to parents when a student requires an intervention beyond the general education classroom. The notice will include information about the performance data that will be collected and the general education services that will be provided, strategies for increasing the student's rate of learning, and the parents right to request an evaluation by the Committee on Special Education to determine whether the student has a disability.*

### **Reporting Results**

- *A student suspected of having a disability shall be referred to the Committee on Special Education or the Committee on Preschool Special Education no later than 15 calendar days after completion of diagnostic screening.*
- *A student identified as possibly being gifted shall be reported to the superintendent of schools and to the parent or legal guardian of such child no later than 15 calendar days after completion of such screening.*
- *A student identified of possibly being limited English proficient shall be assessed in accordance with Part 154 of Commissioner's Regulations.*

### **Advice to Local Leaders**

- *Work with the local PTA or other parent organization to ensure that the time frame for diagnostic screening of students with low test scores (within 30 days of score reporting) is followed.*
- *Work with the local PTA or other parent organizations to ensure that the reporting time for students suspected of having a disability and students identified as possibly being gifted (with 15 calendar days of diagnostic screening) is followed.*
- *Meet with the school and district administration to ensure that materials used in the general education classroom are researched-based and are aligned with the New York State Learning Standards and assessments.*
- *Ensure that teachers of special education, gifted and talented, English as a second language and general education classrooms are represented on the Committee on Special Education or the Committee on Preschool Special Education as necessary to speak to the needs of individual students.*
- *Work with the school and district administration to ensure that appropriate school personnel are familiar with the district's screening procedures. This may include training for the districts screening team.*