



## **ELIGIBILITY FOR PRESCHOOL SPECIAL EDUCATION PROGRAMS AND/OR SERVICES**

(Source: NYS Regulations of the Commissioner of Education, Part 200, Students with Disabilities)

The Regulations of the Commissioner of the New York State Education Department explain what is required for a preschool student to be found eligible for special education programs and/or services.

The Regulations state that the decision for a preschool child to "... be classified as a *preschool student with a disability* shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team in accordance with all other requirements. . . ."

[Part 200.1(mm)]

"(1) . . . to be identified as having a disability, a preschool student shall either:

- (i) exhibit a significant delay or disability in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:
  - (a) a 12-month delay in one or more functional area(s); or
  - (b) a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or
  - (c) if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or
- (ii) meet the criteria set forth in paragraphs (1), (2), (3), (5), (9), (10), (12), or (13) of subdivision (zz) of this section."

A preschool child (ages 3 to 5 years) can be classified as a "*preschool student with a disability*" if he/she meets the criteria of any one of the following current student with a disability classifications for school-age students [defined in the Regulations, Part 200.1(zz)]:

- |   |  |
|---|--|
| <input type="checkbox"/> autism             | <input type="checkbox"/> orthopedic impairment                 |
| <input type="checkbox"/> deafness           | <input type="checkbox"/> other health-impairment               |
| <input type="checkbox"/> deaf-blindness     | <input type="checkbox"/> traumatic brain injury                |
| <input type="checkbox"/> hearing impairment | <input type="checkbox"/> visual impairment including blindness |