



OFFICE OF SPECIAL EDUCATION
ASSISTANT COMMISSIONER

July 2022

TO: BOCES District Superintendents
School District Superintendents
Superintendents, Special Act School Districts
Superintendents, State-Operated Schools
Superintendents, State-Supported Schools
School Principals
School District Business Officers
Charter School Leaders
Special Education Directors
Directors of Pupil Personnel Services
Chairpersons of Committees on Special Education
Chairpersons of Committees on Preschool Special Education
Administrators of Nonpublic Schools with Approved Special Education Programs
Organizations, Parents, and Individuals Concerned with Special Education

FROM: Christopher Suriano, Assistant Commissioner

SUBJECT: Permanent Adoption of the Amendments to Sections 200.1 and 200.4 of the Regulations of the Commissioner of Education Relating to the Disability Classification "Emotional Disturbance"

This is to inform you that the Board of Regents, at their July 2022 meeting, approved for permanent adoption the [amendments to sections 200.1 and 200.4 of the Regulations of the Commissioner of Education](#) to change the term "emotional disturbance" to "emotional disability." These regulations become permanently effective on July 27, 2022. Please note that no change was made to the existing definition of "emotional disturbance."

The Board of Regents made this change as the result of stakeholder engagement discussions, survey responses, and the analysis of public comment. The overwhelming consensus was that the term "disturbance" has a negative connotation and should not be used in New York State. These amendments are not intended to change the coverage, eligibility, or rights of students with disabilities currently identified with the disability classification "emotional disturbance" or the responsibilities of school districts to serve these students.

Committees on special education (CSEs) are not required to amend individualized education programs (IEPs) that have already been developed for the 2022-23 school year that use the term “emotional disturbance.” However, CSEs must begin using the term “emotional disability” in place of “emotional disturbance” for student disability classifications for IEPs developed or amended on or after the July 27, 2022, effective date, as well as on other related documents (e.g., prior written notice, meeting minutes, etc.).

To assist school districts, the New York State Education Department (NYSED) Office of Special Education will be updating the State-mandated *Individualized Education Program Form*, posted on the [Individualized Education Program \(IEP\) and Optional Student Information Summary Form webpage](#), and the [Blueprint for Improved Results for Students with Disabilities](#) to replace the term “emotional disturbance” with “emotional disability.” Other NYSED guidance and publications will be updated in the future as necessary.

Questions regarding this memorandum may be directed to the Special Education Policy Unit at (518) 473-2878 or to speced@nysed.gov.