

STATE OF NEW YORK

5474

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to authorizing occupational therapy services to be provided in school to certain students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 912 of the education law, as amended by chapter 477
2 of the laws of 2004, is amended to read as follows:
3 § 912. Health and welfare services to all children. The voters and/or
4 trustees or board of education of every school district shall, upon
5 request of the authorities of a school other than public, provide resi-
6 dent children who attend such school with any or all of the health and
7 welfare services and facilities which are made available by such voters
8 and/or trustees or board of education to or for children attending the
9 public schools of the district. Such services may include, but are not
10 limited to all services performed by a physician, physician assistant,
11 dentist, dental hygienist, registered professional nurse, nurse practi-
12 tioner, school psychologist, school social worker ~~[or]~~, school speech
13 therapist, or school occupational therapist, and may also include dental
14 prophylaxis, vision and hearing screening examinations, the taking of
15 medical histories and the administration of health screening tests, the
16 maintenance of cumulative health records and the administration of emer-
17 gency care programs for ill or injured students. Any such services or
18 facilities shall be so provided notwithstanding any provision of any
19 charter or other provision of law inconsistent herewith. Where children
20 residing in one school district attend a school other than public
21 located in another school district, the school authorities of the
22 district of residence shall contract with the school authorities of the
23 district where such nonpublic school is located, for the provision of
24 such health and welfare services and facilities to such children by the
25 school district where such nonpublic school is located, for a consider-

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

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1 ation to be agreed upon between the school authorities of such
2 districts, subject to the approval of the qualified voters of the
3 district of residence when required under the provisions of this chap-
4 ter. Every such contract shall be in writing and in the form prescribed
5 by the commissioner, and before such contract is executed the same shall
6 be submitted for approval to the superintendent of schools having juris-
7 diction over such district of residence and such contract shall not
8 become effective until approved by such superintendent.

9 § 2. The education law is amended by adding a new section 912-c to
10 read as follows:

11 § 912-c. Occupational therapy services. 1. For the purposes of this
12 section, "occupational therapy services" means screening, evaluation,
13 consultation, treatment and other interventions delivered by an occupa-
14 tional therapist, or occupational therapy assistant, licensed under
15 article one hundred fifty-six of this chapter.

16 2. The board of education or trustees of each school district and the
17 city school district of the city of New York may provide occupational
18 therapy services to students in grades pre-kindergarten through twelve
19 with occupational impairments of a severity that does not adversely
20 affect the student's educational performance but does present a barrier
21 to functioning at home or in the community. Any student who is deter-
22 mined to be in need of such occupational therapy services shall receive
23 such therapy upon the recommendation of the building administrator.

24 3. A student, whose occupational impairment adversely affects the
25 student's educational performance shall be referred to the committee on
26 special education for further evaluation and recommendation for special
27 education services and programs pursuant to article eighty-nine of this
28 chapter.

29 § 3. Section 305 of the education law is amended by adding a new
30 subdivision 63 to read as follows:

31 63. a. The commissioner shall issue a guidance memorandum to every
32 school district on the provision of occupational therapy services in
33 schools. Such memorandum shall include guidance on early intervening
34 services and mental health related services and shall provide informa-
35 tion regarding the services that occupational therapists may provide
36 within their scope of practice as a school occupational therapist.

37 b. The commissioner is authorized and directed to amend the regu-
38 lations regarding pupil personnel services to account for the addition
39 of licensed occupational therapists and to promulgate additional rules
40 and regulations for such purpose. Such rules and regulations shall
41 establish the education, work experience and required study for quali-
42 fication as a school occupational therapist.

43 § 4. This act shall take effect on the one hundred twentieth day after
44 it shall have become a law.