

S T A T E O F N E W Y O R K

5445--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to certified school psychologists and special education services and programs for preschool children with handicapping conditions; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph d of subdivision 6 of section 4410 of the educa-
2 tion law, as added by chapter 581 of the laws of 2011, is amended to
3 read as follows:
4 d. Notwithstanding any other provision of law to the contrary, the
5 exemption in subdivision one of section seventy-six hundred five of this
6 chapter shall apply to persons employed ON A FULL-TIME OR PART-TIME
7 SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS,
8 by a center-based program approved pursuant to subdivision nine of this
9 section as a school psychologist to provide activities, services and use
10 of the title psychologist to students enrolled in such approved center-
11 based program, AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A
12 FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY,
13 WEEKLY, OR MONTHLY BASIS, BY AN APPROVED PROGRAM, WHICH PROGRAM HAS BEEN
14 APPROVED PURSUANT TO PARAGRAPH B OF SUBDIVISION NINE OF THIS SECTION, OR
15 SUBDIVISION NINE-A OF THIS SECTION, TO CONDUCT A MULTI-DISCIPLINARY
16 EVALUATION OF A PRESCHOOL CHILD HAVING OR SUSPECTED OF HAVING A DISABIL-
17 ITY, AND TO CERTIFIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR
18 PART-TIME SALARY BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY, OR
19 MONTHLY BASIS, BY AN AGENCY APPROVED IN ACCORDANCE WITH TITLE TWO-A OF
20 ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW TO DELIVER EARLY INTER-
21 VENTION PROGRAM MULTIDISCIPLINARY EVALUATIONS, SERVICE COORDINATION

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

LBD07556-04-5

1 SERVICES AND EARLY INTERVENTION PROGRAM SERVICES, WHERE AUTHORIZED BY
2 PARAGRAPH A OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE-B OF
3 THIS CHAPTER, EACH in the course of their employment.

4 S 2. Subdivision 1 of section 7605 of the education law, as added by
5 chapter 987 of the laws of 1971, is amended to read as follows:

6 1. The activities, services, and use of the title of psychologist, or
7 any derivation thereof, on the part of a person in the employ of a
8 federal, state, county or municipal agency, or other political subdivi-
9 sion, or a chartered elementary or secondary school or degree-granting
10 educational institution insofar as such activities and services are a
11 part of the duties of his salaried position OR ON THE PART OF A PERSON
12 IN THE EMPLOY ON A FULL-TIME OR PART-TIME SALARY BASIS, WHICH MAY
13 INCLUDE ON AN HOURLY, WEEKLY, OR MONTHLY BASIS, OF A PRESCHOOL SPECIAL
14 EDUCATION PROGRAM APPROVED PURSUANT TO PARAGRAPH B OF SUBDIVISION NINE
15 OR SUBDIVISION NINE-A OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER
16 TO PROVIDE ACTIVITIES, SERVICES AND TO USE THE TITLE "CERTIFIED SCHOOL
17 PSYCHOLOGIST", SO LONG AS THIS SHALL NOT BE CONSTRUED TO PERMIT THE USE
18 OF THE TITLE "LICENSED PSYCHOLOGIST", TO STUDENTS ENROLLED IN SUCH
19 APPROVED PROGRAM OR TO CONDUCT A MULTIDISCIPLINARY EVALUATION OF A
20 PRESCHOOL CHILD HAVING OR SUSPECTED OF HAVING A DISABILITY, OR TO CERTI-
21 FIED SCHOOL PSYCHOLOGISTS EMPLOYED ON A FULL-TIME OR PART-TIME SALARY
22 BASIS, WHICH MAY INCLUDE ON AN HOURLY, WEEKLY OR MONTHLY BASIS, BY AN
23 AGENCY APPROVED IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF
24 THE PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTIDISCI-
25 PLINARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTER-
26 VENTION PROGRAM SERVICES, WHERE EACH SUCH PRESCHOOL SPECIAL EDUCATION
27 PROGRAM OR EARLY INTERVENTION PROVIDER IS AUTHORIZED BY PARAGRAPH A OR B
28 OF SUBDIVISION SIX OF SECTION SIXTY-FIVE HUNDRED THREE OF THIS TITLE,
29 EACH IN THE COURSE OF THEIR EMPLOYMENT.

30 S 3. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after July 1, 2014, provided,
32 however that the provisions of this act shall expire and be deemed
33 repealed June 30, 2016.